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Crakenhorpe
Constantine

Defence of Constantine







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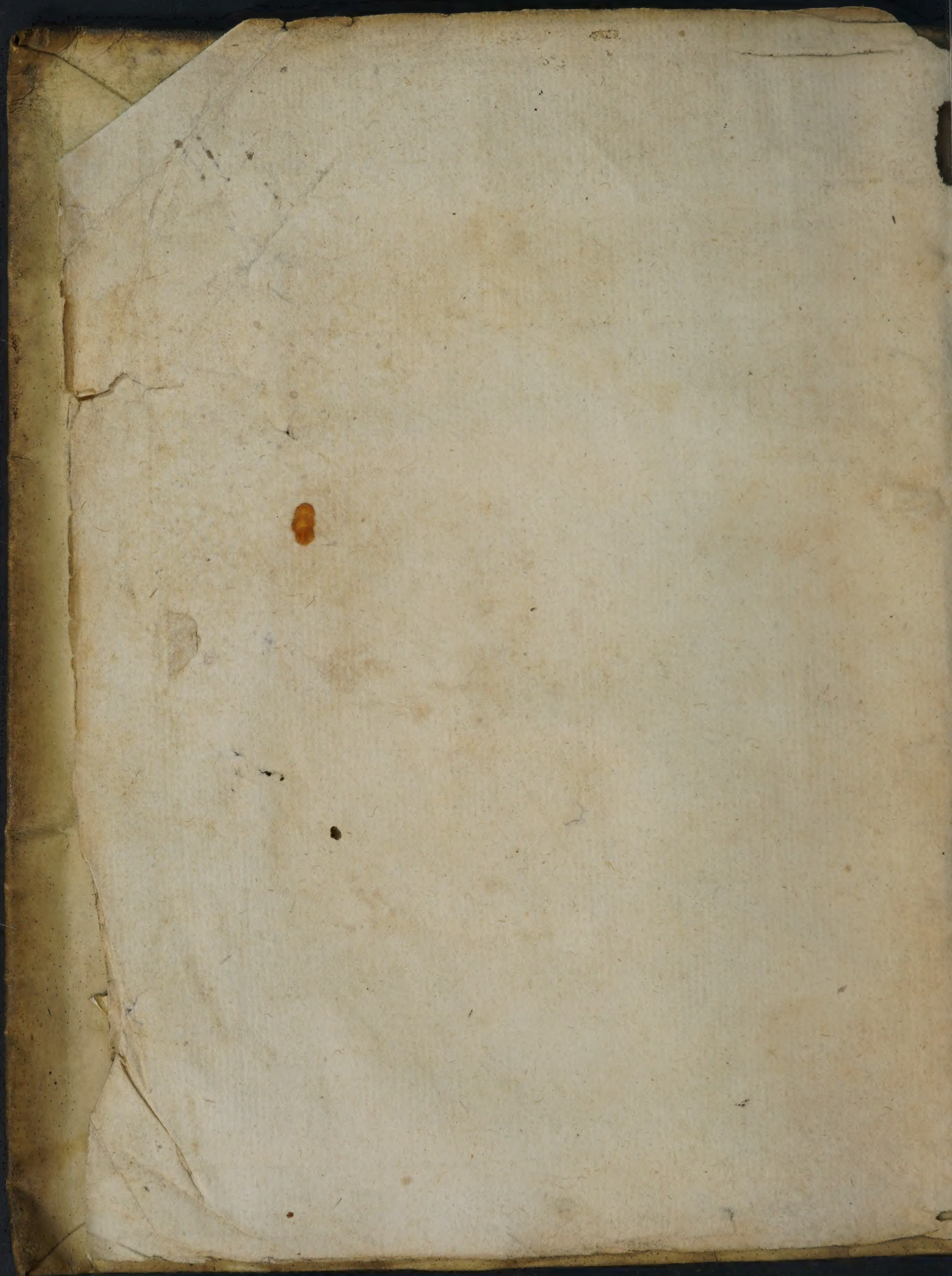
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THE
DEFENCE
OF
CONSTANTINE:

WITH A TREATISE OF
the Popes temporall Monarchie.

Wherein, besides diuers passages, touching
other Counsels, both Generall and Prouinciall,
the second Roman Synod, vnder *Siluester*, is
declared to be a meere Fiction
and Forgery.

By Richard Crakanthorp, Doctor
of DIVINITY.

LONDON,
Printed by *Bernard Alsop*, for *Iohn Teage*, and
are to be sold at his Shop in *Pauls Church-*
yard, at the signe of the *Golden-Ball*.

1621.

THE

DEFENCE

OF

CONSTANTINE

IN A TREATISE

the hopes temporal Monarchs

Wherein, besides divers passages, touching
other things, both General and Particular,
the Second Roman Synod, under Gregory,
declared to be a mere Fiction
and Fugue.

By Robert Cushman, Doctor
of DIVINITY.

LONDON,

Printed by BARNARD ALLEY, for Iohn TAYLOR, and
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gate, at the signe of the Golden Ball.
1641.



TO THE MOST
HIGH, MIGHTIE, AND
Religious Prince, I A M E S by the
Grace of God, King of great Brit-
taine, France and Ireland,
Defender of the
Faith.



I V E mee leaue
Most gracious So-
ueraigne, in all
humble and sub-
missiue manner,
to present vnto
your Princely
view, or but lay
downe at your Royall foot, this *Pledge*
both of my seruice to God and his
Church, and of my dutifull and most
loyall affection to your sacred Maiesty.

THE EPISTLE

Of whom more fitly might I seeke Patronage for this *Defence of Constantine*, then of him who is indeed *the Great Constantine* of these latter Ages? Betwixt whom, and the auncient *Constantine*, there is in all Eminency of Honour and Heroicall vertues so great and so faire a correspondence, that who so looketh on either of both; may in him as in a resplendent Glasse, behold the full and liuely portraiture of the other. Both descended of most Princely Progenitors: Both borne and bred in this most happy Iland: Both Inheritors and Possessors of the Imperiall Crowne of great Brittain: Both by treacheries of malignant enemies to the Gospell, first in *tender* (a) *yeares*, then in *riper* (b) *age*, most dangerously assaulted: Both by Gods only hand, (c) most gratiouly (and your Maiesty euen miraculously) deliuered and preserued for those most happy workes, which by your sacred persons hee would effect: Both richly beautified with *Prudence, Iustice, Clemency, Magnanimity, & all other Ornaments of Regall*

(a) Constantinus iuuenctus detentus in custodia à Galerio Aur. vict. in Constant.

(b) Insidie contra illum comparata semel iterumque Euf. lib. 1. de vit. Colist. ca. 14.

(c) Deus omnem dotum & fallaciam patefecit. Euf. lib. 10. hist. ca. 8.

D E D I C A T O R Y.

Regall Maieſty ; eſpecially with *Piety*, which being the Fountaine and Foundation of all other vertues, ſhineth in euery part of the lines of both. *Conſtantine* his *Loue to God* ſuch, that as himſelfe (d) preferred God before his very ſoule ; ſo he gaue this as his (e) chiefſt Inſtruction to his children , that they alſo ſhould preferre the knowledge of God, and his holy Religion, before all worldly wealth, yea before the Empire. His *Loue to Gods Meſſengers* and holy *Biſhops* ſuch, that he had (f) them at his owne table, had them in his iourneies (as *Guardians* (g) of his ſoule, wherſoeuer he went : and looking on them not as (h) at men, but as at *Chriſt*, whom he conſidered and beheld in them, he moſt honoured thoſe, who had ſuſtained moſt diſhonour for *Chriſt*, as he declared in *B. Paphnutius*, who hauing loſt his right eye, and uſe of his left thigh for the name of *Chriſt*, yet this blind and lame *Paphnutius*: Would (i) be often call into his *Palace*, nor only moſt lovingly embrace him, but beleeuing (k) that he ſhould (as no doubt he did) ſuck a bleſſing from thoſe blemiſhes, hee would with greedy kiſſes

A 3

(d) Euſ. l. 2 de
vit Conſt. ca. 13
(e) Idem lib. 4
cap. 35

(f) Idem lib. 1
ca. 52.

(g) Idem lib. 2
ca. 4

(h) Idem lib. 1
cap. 35.

(i) Ruſſ. lib. 1,
ca. 4.

(k) Theol. lib.
1. ca. 11.

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(l) Euf. lib. 4.

ca. 57.

(m) Quasi sacerdos quidam
sacra faciebat.
lib. eod. ca. 22.

(n) Id. lib. eod.

ca. 33.

kisses cherish the disgraced place of that eye, which was pulled out for the profession of Christ. His Loue to Gods seruice such, that both for Praying, hee bestowed whole (l) nights therein; and himselfe also, as a most (m) holy Priest, did with zeale and feruency, offer vp that Incense of a deuout and religious soule vnto God: and for hearing Gods Word, his attentiuie affection and reuerence thereunto, was far more then ordinary. Eusebius relates, (n) how while himselfe preached before the Emperour, he though being in dutifull manner requested by Eusebius; not onely refused to sit downe, but when Eusebius fearing to be too tedious, intended abruptly to breake off his speech, the Emperour would not permit him so to doe, but exhorted him to proceed to the end of his Sermon: and when Eusebius the second time entreated him to sit downe and take some ease, the Emperour againe refusing, with a sad and seuerer countenance answered, It is not fit, either with negligence or irreuerence, to heare the Word of God. His loue to the Churches and Houses of

DEDICATORY.

of God, that almost *euerywhere* (o) *through-* (o) Euf. lib. 3.
out his Empire, he either builded new, or ca. 47.
repayred and enlarged the decayed
Churches, and that with such beauty
and Munificence, that *bee spared* (p) no (p) Id. lib. 2.
cost in so pious a Worke. His *Loue to* ca. 44.
the peace of Gods Church such: that he not
onely tooke away (q) the occasions of
quarrels among Bishops, but to preuent (q) Ruff. lib. 1.
contentions himselfe, sat (r) in their Sy- ca. 2.
nodall assemblies; yea sat there, *as the* (r) Euf. lib. 3.
Bishop (s) *of them all*, and by his vigi- ca. 10.
lancy and prudence, reduced all both (s) Id. lib. 1. ca.
to vnity in faith, and amity in affection. 37. & lib 4.
As the like sincere Loue vnto God, to his ca. 24.
holy Bishops, and to the *peace and prosperi-*
ty of his Church, is relucnt in your
Maiesty, and by innumerable demon-
strations made euident vnto all: So in
the manner and meanes of *propugning*
and *propagating* the faith, it may be truly
said, to the immortall honour of your
sacred Person, that neither *Constantine*,
nor any other Prince or Emperour is a
match therein. *Constatine* like *David*, a
King of Warre, by the sword of battell
sub-

THE EPISTLE

subdued the pride and rage of persecuting Tyrants, and so with the borders of his Empire, enlarged the profession of Christ: your Maiesty like *Salomon*, a King of Peace, by that depth of diuine and vnexpressable knowledge and wisdom, wherewith the God of Heauen hath filled your sacred brest, with the Sword of Gods Spirit, subduing the Pride, Idolatries, and Impieties of that *Man of Sinne*, hath made glorious the true faith of Christ, not onely in, and beyond the bounds of your owne, and the Romane Empire, but from Great Brittain, euen to the vtmost borders of the Earth. *Constantine* for his great learning and loue vnto it, is most highly and most iustly renowned. His vacant

(t) Id. lib. 4. ca. 29.

times (t) he bestowed in writing of most vsefull Treatises, which custome he continued

(u) Id. ca. 29.

(u) euen to his last age. The excellency of whose writings may bee easily discerned, partly by that one *Oration, ad cœrum Sanctorum*, which demonstrates an heart, fraught with all humane and diuine knowledge: partly by that auidi-

ty,

DEDICATORY.

ty which whole (x) *multitudes had*, who
flocked to heare his Princely and di-
uine discourses. But in truth, what are
these, to those so many *Βασιλικα δάμα?* to those
exact and neuer sufficiently admired *A-*
pologeticals of the Faith? to those diuine
and inimitable *meditations*, to those innu-
merable and mellifluous *Orations*, which
haue, and still doe flow from the vn-
emptied Fountaine of your Maiesties
sacred tongue and pen? which euen en-
force all iudicious and religious Hea-
rers and Readers of them, to breake
forth into those patheticall admirations
of the *Queene of Sheba*. It (y) *was a true*
word which I heard of thy sayings and of thy
wisedome: but behold the one halfe thereof was
not told vnto me. Happy are thy men, and
happy are thy seruants, which stand before
thee alway, and heare thy wisdom. Bles-
sed be the Lord thy God, which loued thee, to
set thee on his Throne, as King instead of the
Lord thy God. Because thy God loued Israel, to
establishe it for euer, therefore hath he made thee
King ouer them, to execute Iudgement & Iu-
stice. This Eminency of Piety, Knowledge
a and

(x) lb. ca. 29.

(y) 2. Chron.
9. 5. &c.

THE EPISTLE

and Wisedom, as in all true Christian & Religious hearts it hath, and will euer most deseruedly purchase both *Honour* and *Admiracion*: So from the *sonnes of Belial*, & enemies to the faith of Christ, What else could bee expected, but the bitter scoffes and scurrill Calumnies of of their most virulent and venomous tongues? In which kind of base and reuiling Oratory, the *Iulians*, *Zosimi*, and other heathen Maligners of *Constantine*, doe by many degrees, come short of the moderne *Pacentij Parsonij*, and *Scioppij* of this age: all whose names shall rot and become as dung on the Earth, when the vnblemished *Honor* and the most blessed *names* of the two *Constantines*, shall as an ointment of most precious Spickrard bee powred throughout the whole Church of God: For God himselſe hath foretold (2) of both. *Them that honour me will I honour: but they that despise me shall be despised.* What in this Treatise I haue now said, either for the Honor & Defence of the former *Constantine*, or in discouery of that forged *Romane Synod*, which

1. Sam. 2. 30.

DEDICATORY.

which abetting the calumnies devised against him, was the first occasion of the whole discourse, or of the *Popes temporall Monarchy*, which vtterly subuerts the Imperial Dignity and Rights both of *Constantine* and all other Princes; I do heere, *most Gracious Soueraigne*, with al humility both of mind and body, lay downe before your sacred Maiesty; in few, but frequent words, beseeching the God of glory that after a *long* and *most happy* Reigne here vpon earth, your Maiesty not leauing but exchanging this earthly, with an heauenly Diadem, may both reigne here in your *Princely* and *Most blessed Issue* so long as the World endureth, and being crowned with *Immortality*, may shine as the Sunne in the brightnesse of celestiall glory for euermore.

*Your Maiesties most humble
and dutifull subiect,*

Ri: Crakanthorp.

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CHAP. I.

The first reason proving the second Romane Synod under Silvester, to bee a forgery taken from the persons supposed to haue beene assembled therein.



ALL the calumnies objected to *Constantine* haue such dependance on the second Romane Synod held in *Sylvesters* time, that the due examining of this one Synod will bee a full clearing of all the chief calumnies which

they haue most maliciously deuised against him.

Now this Romane Synode might iustly and with much ease be reiected, and that by the warrant of that true and memorable testimony of *Hincmarus* a Bishop of *Rhemes*, who speaking of some of the Decrees thereof, saith, *Catholica Ecclesia inter Synodalia decreta non computat*. The Catholicke Church doth not esteeme the Decrees made in this Romane Councell to bee Synodall. But because it is cited both by Pope *Nicholas* the first, and by *Bellarmino*,^c as a worthy Synod strengthening the Popes supremacie, magnified by

^a *Hinc. Epist.*
7. *Caz.*

^b *Nic. 7. Epist.*
8. §. *Consonat.*
& §. *Hinc etiam.*
^c *Bell. lib. 2. de Conc. ca. 17.*
& *lib. 2. de Ro. pontif. cap. 26.*

B

Baronius

d Cum hæc
Rom. Syno-
dus vt legiti-
ma in complu-
ribus antiquis
codicibus
scripta habea-
tur, non est
quod quis sus-
picari possit
humanum esse
commentum.
Bar. an. 324.
nu. 29.

e Quam & sa-
cri Romani
Concilij actis
intelligimus
confirmari.
an eod. nu. 30.
f Bin. tom. 1.
Conc. pa. 299.
& seq.

g Breu. Rom:
in fest. S. Sil-
uest. Decemb.
31.

h Ptol. Ta-
bul. 3. Africa.

Baronius ^d for an ancient monument of the Church, and for a sacred^e Councell. published for such an one, by *Binnius* ^f and commended in their *Roman Breuiaries*, to the publicke vse of the Church, let vs more at large, and seriously consider the worth and dignitie thereof: examining first, the persons therein assembled. Secondly, the Acts and Canons thereof. Thirdly, the time and some circumstances which concerne the time, when it is supposed to haue beene held: by euery one of which I doubt not but the basenesse and forgery of this Synod will bee made manifest.

For the first, had there been any such true Councell, the Church should not haue accounted that at *Nice*, but this at *Rome* for the first generall Councell: for this could not be thought a prouinciall Synod, seeing vnto it were called, and present in it, as the Acts do shew, of the Western Bishopps 139. of the Greeke Bishopps 132. out of *Rinocerura* (which *Pto- lomee* ^h placeth in the very vtmost part of Egypt, farre beyond *Alexandria*) 57. Bishopps. When out of so many seuerall Prouinces, subiect to seuerall Patriarkes, so many Bishopps as 328. were called and present: what reason can bee imagined why this should not be a generall Councell as well as that at *Nice*, wherein were present not so many Bishopps, nor in likelihood out of so many distinct Prouinces? And because it was held before the *Nicene* Councell, it must needes (had there beene such an one) haue beene reckoned the first of all generall Synods. Seeing then the Church neuer so accounted it, but euer held that at *Nice* (which was celebra-
ted

ted after this) for the first, it is manifest by the Churches iudgement that they knew not of any such Romane Councell as this vnder *Silvester*.

Baronius to heale this sore, tellethⁱ vs, that in the edition of *Cresconius* the Greeke Bishops are omitted, and he gives a reason why they could not bee present at this Councell, because there was not time enough to call Bishops out of so remote countries: adding further, that *Sylvester* called onely the Italian Bishops to this Synod. *Baronius* might as well in plaine tearmes haue professed the Acts of this Councell, wherein all these are layd to haue bin assembled, to be false and forged, (which is the point we endeauour to proue:) but the Cardinall was loth to speake so plainly, and after the *Macedonian* fashion, to call a Spade a Spade. Let vs passe by this his modestie: See but how vncertaine and incoherent these coniectures of *Baronius* are. It is very vncertaine how long or short the time was after the Synod was first summoned till the Session thereof: and why out of *Greece* they might not as easily come to *Rome* vpon a short summons, as out of *Egypt* and the vrmost part thereof (where *Rinocorura* is) I thinke it would trouble *Baronius* to declare. Againe, whereas *Baronius* would out of the *Cresconian* edition haue the number of Bishops in that Synod to be 230. he might haue obserued that his fellow *Bellarmino*^k, yea and their owne *Breniarie*^l directly checketh that number, and telleth him, that there were 280. or 284. Bishops present: and yet neither of those numbers doe accord with the Acts^m of that Councell: for if the Greeke Bishops

ⁱ Bar. an. 324.
num. 124:

^k Bell. lib. 2.
de pont. ca. 26
^l Breu. loc.
citat.

^m Nam recē-
sentur ex vrbe
Roma & non
longe ab ea
(puta ex Ita-
lia). 139. ex
Gracia 132.
ex Rinocoru-
ra, 57. Act.
conc. Rom.

and they of *Rinocorura* be both omitted, there are but 139. which wants 90. of *Baronius* number, and of *Bellarmines* 140. If they of *Greece* onely bee left out, and the other of *Rinocorura* admitted, then were present 196. which wants of *Baronius* number 34. and of *Bellarmines* 84. So incoherent and confused is their account in seeking to defend the truth of this Synod. Further, whom can *Baronius* perswade that in *Italie*ⁿ alone there were at that time 230. Bishops, as by this account^o there must, which onely number of *Italians* (farre more *P* then was at *Trent*) might haue ouerswayed in any ancient Councell whatsoever the Pope had pleased.

ⁿ Tantum Italiae Episcopos à Syluestro conuocatos fuisse Romanam credimus, Bar. an. 324. nu. 124.

^o Nam ex Cresconiana editione quam sequitur & probat, numerat Episcopos, 230. ibid.

^p Itali praelati Tridenti 87.

ⁱⁿ Appen post finem Conc. Trid.

^q Act. Conc. Rom. cap. 1.

But leauing them thus intangled in their defence of this Synod, I wish any indifferent man to thinke with himselfe, what credit is to bee giuen to that Councell, wherein the forgerer was not ashamed to set downe the names and *Chyrographos* ^q the hand-writings of 132. Bishops as consenting to that Synod: not one of which (as the Cardinall assures you) were so much as present in the Synod: or whether hee might not as easily forge a few Canons out of his owne braine, as counterfeit the names and hand-writings of so many Bishops wherein his fraud might more easily bee perceiued and controuled. This briefly for the persons.

CHAP. II.

The second reason, prouing this Romane Synode to be a forgerie, taken from the Aets and Canons thereof.



THE second consideration is of the Aets and Decrees supposed to be made in this *Romane* Council, wherein there are diuerse euident demonstrations of forgerie. In it was condemned Photinus as their *Breuiarie* ^a testifieth, and the like is affirmed by the *Epilogue*, ^b or rather Preface to that Council. An vntiuth voide of all probabilitie, seeing the heresie of Photinus sprung vp as *Socrates* truly sheweth, diuers yeares after the death both of *Constantine* and *Syluester*: for after the Council at *Antioch* in *Encanijs*, he ^c saith; that at *Sirmium* noua heresis exoritur, a new heresie did arise, and that was the heresie of Photinus. And againe, ^d when Photinus Bishop of *Sirmium* endeouored to diuulge that doctrine which he had deuised, and tumult began to arise about it, the Emperour *Constantius* commaunded a Synod to be called to *Syrmiu*, wherein they deposed him from his Bishopricke. Thus *Socrates*, and the like doth *Sozomen* ^e affirme. Had Photinus bene condemned in the great *Nicene*, and againe in this *Romane* Synod by *Siluester*, (as their *Breuiarie* saith he was) how did he continue Bishop of *Syrmiu* more then thirtie yeares ^f after that sentence? or

B 3

what

^a Breu. loc. citat vbi iterum Arius, Photinus Sabellius damnati sunt.

^b Epil. breuis sequētis Rom. concilij quod Aetis præfigitur.

^c Socrat. lib. 2. cap. 14.

^d Socrat. lib. 2. cap. 24.

^e Sozomen. lib. 4. cap. 5.

^f Sirmienſe concilium habitum eſt, an. 357. Bin. in Not. ad id. conc. hoc autem Rom. habitum 324.

what needed the Councell at *Syrmiu*m to examine, or condemne either him or his heresie, which both by Pope *Siluester* had so long before bene condemned, and also by the great *Nicene* Councell? or how could either *Siluester* in the *Romane* Synod, or the *Nicene* Councell condemne that heresie in *Photinus*, who began first to broach his heresie neare hand twenty yeares after the end of these two Synods? *Binius* saw and confessed this, and therefore saith; § That which is spoken of the *Photinians* to be condemned in this *Romane* Synod, *Planè falsum est*, It is vtterly false.

§ *Bin.* notis in
hoc Concil.
§. Epilogus.

In the third Chapter of that Councell is decreed, That a *Presbyter* may not accuse a *Bishop*, nor a *Deacon* a *Presbyter*, nor a *sub-Deacon*, a *Deacon*. Concerning which Canon, let the iudgement of *Hincmarus* be obserued. He ^h at large proueth both by Scripture and auncient Canons, the contrarie to this: he calls this *vanam opinionem*, a vaine opinion, and whereas some doe produce, saith he, Saint *Siluester* to haue decreed these things: he tels vs, that the *Catholike Church* doth not account them as *Synodall decrees*. And after he hath recited the words of this *Romane* Synod, and of this third Chapter thereof, he saith ⁱ of it; *Quæ dicta quam aduersa sibi, & quam diuersa à Sanctis Canonibus & sacris legibus sint nem est qui dubitet*: Which sayings, how contrarie they are in themselves, how repugnant to the holy Canons and sacred Lawes, there is none that doubt. And after he hath professedly refuted that Decree by sundry reasons, he in the end concludes, ^k *Quapropter credendum non est*, where-

^h *Hinc. Epist.*
7. cap. 21. &
seq.

ⁱ *Ibid.* cap. 24.

^k *Ibid.*

wherefore it is not to be beleueed that *Saint Syluester* did make such Decrees. Thus their famous Arch-bishop of *Rhemes*.

In the third Chapter is set downe, That a Bishop shall not be condemned vnder seuentie two witnesses against him, nor a Presbyter vnder fortie foure, nor a Deacon vnder thirtie sixe, nor a Sub-deacon, A coluth, exorcist or Reader, vnder seauen: and those witnesses must be such as haue wife and children. So the Synodall Canon. It were worthy the learning, (seeing the Canon presupposeth, that a Bishop and Presbyter may be accused and condemned) who they are that can possibly beare any witness against them, not one Bishop or Presbyter against another, for they are not such witnesses as may haue wiues and children, if you will beleue their *Romane* doctrines^m and decrees. Not any inferior vnto them, for that the same Canonⁿ forbids; not any lay person, for a Canon of a more ancient Pope,^o and of as great authoritie as this of *Siluester* decreeth, *Laico non licet quenquam Clericum accusare*. A lay man may not accuse any Cleargie man. It was not without good cause that *Hincmarus* said; The Canon was repugnant to it selfe. And of the last clause touching married witnesses, *Hincmarus* censure is most iust, *quam p absurdum sit ratio aperta demonstrat*. Manifest reason doth demonstrate that to be verie absurd, that the testimonies of such as haue wiues and children, should be more esteemed then such as are continent, or married and haue no children.

In this Synod^q is mention diuers times of the *Cardinall Deacons* of *Rome*, which Title of Cardinals

^l Testes autem & Accusatores sine aliqua sint infamia, vxores ac filios habentes. Italegit & citat verba Canonis huius terrij Hincm. Epist. 7. ca. 22. In edit. Biniana textus multo obscuratior est.

^m Celibatus iure Apostolico annexus est sacris ordinibus. Bellib. 1. de Cler. ca. 19. a Can. 3. conc. Rom. ^o Marcel. 1. epist. 2. & citatur caul. 2. q. 7. ca. Laico. ^p Hinc. Epist. 7. cap. 23.

^q Can. 6. & alibi.

not

* Hoc discret-
men ponit Bel.
Apol. pro Tor-
to ca. 4. §. At
inquit, & §.
Quod addit.

f. Concilia Ro-
mana particu-
laria exoleue-
runt & in eorū
loca Consisto-
ria Cardinaliū
successisse vi-
dentur. Bell.
cap. eod. §.
Quod addit.
t. Con. Rom. 1.
sub Sim.
u. Conc. illud
Rom. sub Sim-
macho habi-
tum est an.
499. Bin. in
Not. ad id con.
hoc sub. Silue-
stro an. 324.
Bin. Not. in
hoc conc.
x Hoc solum
interest inter
antiqua tem-
pora & recen-
tia, &c. Bell.
Apol. pro
Tort. ca. 4. §.
At inquit.

not to haue beene giuen to Deacons in *Siluesters* daies, is more then probable. For the name Car-
dinall being added to Bishop, Presbyter, or Dea-
con, betokens a difference betwixt such and others,
the one ^r *hauing the dignitie and right to elect the Pope,*
and bee of his Councell in gouerning the Church: the
other wanting both these. So to say that in *Siluesters*
time there were some Cardinal Deacons, or
Presbyters of *Rome*, implies that some others of
the Presbyters and Deacons of *Rome* were not
Cardinals, or else it were friuolous and idle to vse
that addition. Now in *Siluesters* time, and long af-
ter all the Presbyters, and all the Deacons of *Rome*
ioyned in the election of the Pope, and assisted
him in gouernment. Of the later (which is assisting
the Pope) those frequent *Romane* Synods vsed in the
times of auncient Popes, are witnesses, *which since*
the erection of the Colledge of Cardinals is growne out
of vse, as Bellarmine ^r saith, and in their stead the
Consistories of the Cardinals haue succeeded. Of the
former, which is the election of the Pope, besides
innumerable examples, the fourth Canon of their
first Councell vnder *Symmachus* is a witnesse, where
the election of the Pope is signified ^r to be made by the
consent totius Ecclesiastici ordinis, of the whole order
of the Romane Cleargie, or of the maior part of them:
And this was aboue 170. yeares ^u after this *Romane*
Synod. Bellarmine who hath laboured this point,
acknowledgeth this truth with vs. This, saith he,
x is the onely difference betwixt the ancient and the lat-
ter times, because of old, by reason of the paucitie of per-
sons, omnes in communi hoc officio fungebantur, All
the

the Presbyters and Deacons of Rome did in common performe that dutie (of electing and assisting the Pope) and so y the *Romane* Presbyters and Deacons that were Cardinals, were not distinguished from those that were not Cardinals, but afterwards when the number of Presbyters and Deacons did increase, it was needfull to select some few that should performe this office, and those were called *Cardinall Presbyters*, and *Cardinall Deacons* of the holy Church of Rome. Thus Bellarmine, who tels vs withall, that this reducing the Popes election to a few selected Bishops, Presbyters, and Deacons, is not late or new, seeing it is five or sixe hundreth yeares old. Which antiquitie wee enuy not to *Cardinall Deacons*, seeing the *Cardinall* confesseth that for the first times (vntil 1000. yeares after Christ) all the *Romane* Presbyters and Deacons were Cardinals alike, no difference being among them, for which some were to be called Cardinals, and not others. Wherefore seeing this *Romane* Synod giues the Title of Cardinals to *Romane* Deacons, of which name at that time there neither was nor could be any vse, it may thence be perceived that the deuiser of these Synodal Acts, bewrayed both his malice in forging, and ignorance in doing it so very vnskilfully, it being as ridiculous to call those old *Romane* Deacons, *Diaconi Cardinales*, (so the Synod saith) as to say *Diaconi homines*, or *Diaconi Clerici*.

Yea, but in Siluesters time all the *Romane* Deacons were not Cardinals, (saith Bellarmine ²) but seauen onely who were cheefe among the rest. Bellarmine herein contradictech his owne saying. For in

Non distinguantur Presbyteri & Diaconi Romani Cardinales à non Cardinalibus. ibid

2 Bell. ibid.
§. Non miror.

a Bell. lib. 1.
de Cler. cap.
16. §. Hæc.
b Conc. Neo-
cea. can. 14.

c Habitum est,
an. 315. vt col-
ligit Bin. Not.
in id Concil.
d Distinc. 20.
ca. de libellis.
e Diaconi
Cardinales
urbis Romæ
septem. Can. 6
Conc. Rom.
f Tempore
Siluestri 7.
tantum erant
Romæ Dia-
coni (Cardi-
nales abunda-
re videtur) &
illi omnes 7.
erant Cardi-
nales, Bell.
lib. 1. de Cler.
ca. 16.

g Can. 5.

his Controuersies he teacheth, *That there were but seuen^a Deacons in Rome in Siluesters time: And that he proues by the Councell of Neocesarea, by which decreed, that in one cittie, though it bee great and ample, septem tantum debere esse Diaconos*, there ought to be onely seauen Deacons: Which Councell was then verie fresh in memorie, (as held ^c in the time of Pope *Silvester*) and was withall appro- ued ^d by the Romane Church: Now *all those seau- en to haue beene Cardinals*, both this Romane ^e Sy- nod auoucheth, and *Bellarmino* ^f *expresly confesseth*. By what other Arithmeticke then he can finde any Romane Deacons in *Siluesters* time, that were not Cardinals, but by the rule of falshood, it is not ea- sie to coniecture. And although among seauen, it were no incongruitie to call two or three of them Cardinall Deacons, as chiefe among the rest, yet to call them all Cardinals, as the Councel doth, it is as absurd as to call all the thirtie two points, Cardinall winds; which none but such as the vn- skilfull forgerer of this Romane Synod will affirme. For if all be Cardinals, then are none Collaterall; if all chiefe, then none inferior.

In another Canon, *g* *Silvester* is said to haue appointed with a loude voyce, that no Presbyter should make Chrisme, and the reason thereof the Pope there giues, because *Christ hath his Name of Chrisme*. By which reason it is as forceably con- sequent, that no Bishop, nor the Pope himselfe may make Chrisme. The deriuation of Christs name will inforce the one both as Logically and Theologically as the other. And why may not a
Presby-

Presbyter make Chrisme, aswell as make Christ himselfe? Or why shall not this reason exclude a Presbyter from consecrating or transubstantiating the Bread, as well as from consecrating Oyle or Chrisme? Sure this and the former reason concerning married Witnesses, were both framed in one forge of simplicitie and folly.

There are other like worthy reasons set downe in another Canon, ^h *which forbids any Cleargie man to enter into the Court, quoniam omnis curia à cruore dicitur*, Because euery Court hath his name of crueltie. *Siluester*, it seemes, was desirous to shew his Papall authoritie in decreeing Lawes for Grammarians as well as for Diuines, and making a new *Etymologicum*. *Pomp. Festus* knew not this Papall Etymon, when he said; *Curia est locus ubi publicas Curas gerunt*, It is called the Court of those publique cares, and vigilancie of the chiefe Magistrate and his Ministers, for the publique good and happinesse of the Common-wealth, who like *Epaminundas*, watch and wake for the Cittie, while the rest by meanes of their care, sleepe securely. *Cicero* knew not of this Etymon, when he described ^k *the Court to be, templum sanctitatis, the Temple of sanctitie, of honour, of wisdom, of publicke Counsell, and the like*. If euery Court hath his name of crueltie, what shall be thought of the *Romana Curia*, of which it is said; *Non vult quem sine velle?* Nay it were well if they would onely fleerce, but alas, they slay and worrie the sheepe of Christ. It is that Court

^h Can. 16.

ⁱ Fest. in voce Curia.

^k Cic. orat. pro Milon.

1 Claud. Espenc. Com. in Epist ad Tit. ca. 1. digress. 2.

2. Nemo clericus propter causam suam quamlibet introet in Curiam, Can. 16. Conc. Rom. 2. Ita explicatur in vita Siluestri. Hic constituit, ut nullus clericus propter quamlibet causam in curiam introet, nec ante iudicem civilem (id est secularem) causam dicere, nisi in Ecclesia.

3. Act. 25. 10. 11. 4. Nos adito principe, Eusebianorum scelera patefecimus, Athanas. Apol. 2. pag. 219.

of which *Espenceus* 1 their learned Bishop speaketh, wishing *Pius* the fifth would heare what an Italian Poet and Divine saith of it, *There remaines in the sheepfold the Boare, the Tyger, the Lyon, the Liberd, the Griffin, the Panther and Beare.* And vnto *Leo* the tenth he feared not in plaine tearmes to say; *Romana graui maculata veneno Curia*, The Romane Court is defiled with poyson, the contagion whereof hath infected all Countries. Thus and much more *Espenceus*, explaining how truly *Siluesters* Etymon agrees to the Court of Rome.

The Canon it selfe whereof thats a reason, is not vnworthy obseruing; the Pope and Synod most straightly forbid either *Deacon or Priest, or any Clergie man for their owne, or for any cause at all, to come, or so much as enter into any (secular) Court, for that is Idolatry; and if any doe it, Anathema suscipiat, nunquam rediens ad matrem Ecclesiam*. Let him bee accursed, and neuer restored to the Church againe. Thus decrees the Synod. Was *S. Paul* the an Idolater and *Anathema* for appealing to *Cæsars Court*? Or is *Constantines* tribunall more accursed then *Neroes*? Was *Athanasius* an Idolater, an *Anathema*, when fleeing from the Councell at *Tyre*, he went to *Constantinople* 2; made complaint to *Constantine* of his wrong: entreated and obtained audience at his Court? Were all those holy ancient Bishops Idolaters and accursed, who as subordinate officers to the Emperour, and by commission from him, not onely came into the Courts, but sat as Iudges therein, hearing and determining not onely Ecclesiasticall

call but ciuill Causes, and that with such a priuiledge, that if any man would reiect the ciuill Iudge, and appeale to the Bishops iudgements, the Bishops sentence should stand firme, without any appeale: *tanquam ab ipso Imperatore prolata*: as if it had beene giuen by the Emperour in his owne person. This *Sozomen* ⁹ witnesseth, but more effectually the Emperours owne Edicts, that of *Arcadius* ^r, *Honorius*, and *Theodosius*; wherein that which I cited is exprest, & another more ancient the theirs, made euen by *Constantine* himself, who ^f thus writ to *Albanus*. *Omnes causæ quæ vel prætorio iure, vel ciuili tractantur*: All causes which are handled by the Prætorian or ciuill law, if they be ended by the sentence of Bishops, are ratified for perpetuall stabilitie, neither shall it be lawfull to examine that cause which the sentence of Bishops hath decided. This we did once decree by an holesome edict, and this perpetua lege firmamus, wee ratifie by a law to abide for euer. Thus decreed *Constantine*. Let now any of iudgement consider, whether it be credible that so wise and religious an Emperour as *Constantine*, could so crosse his owne Acts and Decrees, as in this Roman Synod, to subscribe (as the Synodall Acts of this Councell say ^r he did) to that Canon which accuseth all Clergie men that come into any Court, and yet establish the Episcopall courts and iudgement in all causes, and that with such ample priuiledges as he did in his edict now remembred: or whether this edict of *Constantine* allowing with many honors and immunities the presence of Clergie men in ciuill & imperiall Courts, doe not conuince this Romane Synod of forgery, which maketh *Constantine* sub-

⁹ *Sozom. lib. 1. cap. 9.*

^r *De Episc. audientia. l. 8. Cod. Iustin.*

^f *L. 1. de Episcopali iudicio Cod. Theod.*

^r *Subscribe- runt Episcopi 234 & Augustus Constantinus. Act. Synodi Rom. 2. ca. 20. & ca. 10.*

scribe to the condemning and anathematizing of all Clergie men that enter into any such Court.

* Can. 14. Testimonium clericum aduersus laicum nemo recipiat.

* Hinc. loco citato, ca. 23.

y L. 1. de Episc. Iudicio: Cod. Theod.

z Nemo di-
indicabit pri-
mam sedem.
can. 20.

Another Canon^u of this Synod is, that *none ought to receive the testimony of a clergie man against a lay mā.* What? were Clergie men in Pope *Siluesters* time of so little credit, that their testimony might not be accepted? But of this *Hincmarus*^x iudgement is very good, *who affirmes and proves this canon to be repugnant both to the sacred rule, to the determinations of the Apostolick Sea, and to the lawes of Christian Emperours.* And because the Synod saith that *Constantine* subscribed to this Canon, and so ratified it, it will suffice both against the Canon it selfe, and the forgers vntruth touching *Constantine*, to oppose *Constantines* owne expresse words in that Edict to *Ablauis* before mentioned: who thus saith, *y Testimonium etiam ab uno licet Episcopo perhibitum, omnes iudices indubitanter accipiant*: The wirtues though it be but of one Bishop, let al Iudges embrace as vndoubted, neither let any other bee heard when the testimonie of a Bishop in any part is deliuered. So *Constantine*.

Now these so many and euident proofes of vntruth in the Decrees and forgerie in the *Synod*, may iustly perswade that there is no account to be made, or credit to bee giuen to that Canon which *Bellarmino* and others alledge out of it for the Popes authoritie, which is the last Canon of all, that *None*^z *ought to iudge the first Sea.* And though this also to be a counterfeit and false Canon, not only the iudgement and deposing of Pope *Liberius* (of which I haue elsewhere entreated) but the testimony of Pope *Hadrian*

Hadrian, and a Roman Synod with him declare; for therein^a was decreed, that *In case of heresie the Pope may bee iudged*: whereas by this Synod they would absolutely exempt him from all iudgement; yet at this time I will onely obserue that this Canon (admitting the truth thereof) is not so helpfull to their cause as they suppose and vainly boast. Had the Synod sayd, *prima sedes Romana*, the first Sea of Rome, is to be iudged of none, their pretence had bene more colourable. But when it said no more then *prima sedes*, why should this be restrained to Rome more then to *Alexandria*, or to *Antioch*? Is not the name of *prima sedes* common to all Patriarkes and such Primates as had though not the name, yet the authoritie of Patriarkes? Their owne *Anacletus* and *Stephanus* will testifie this, *In those citties*, saith *Anacletus*,^b which were the chiefe of the Prouinces, and where the beathens had secular Primates for iudgement, both diuine and Ecclesiasticall lawes commanded that there should be placed Patriarkes or Primates, (which^c haue one forme though they haue diuers names) and these and no other should be called Primates: And Pope Stephen^d addes of these, *Let no Metropolitans or other Bishops bee called Primates, nisi hi qui primas sedes tenent*: but those that haue the first Seas. Seeing then in the Easterne Empire there were seuen Diocesses, and euery Diocesse had a Patriarke or Primate, as *Berterius*^e at large prooues; seeing also fixe Patriarchall Primates were in the Westerne Empire, for it contained^f fixe Diocesses euery one of which had seuerall Prouinces, as by the *Noitia Prouinciarum* and *Berterius* is manifest,

^a Adrian. cum Synodo Rom. cuius acta extant, Act. 7. conc. 8.

^b Anac. Epi. 2

^c Qui vnā formam tenent licet diuersa sint nomina.

^d Step. Epist. 2

^e Septem sunt in Oriente Dioceses, &c. Berter. Diatr. 2. c. 1. 2. pa. 155

^f Occidens omnis sex habet Dioceses. Berter. Diatr. 1. ca. 3.

g Con. Carth
3. tempore Si-
rienj, ca. 26.

h Vt liquet ex
ci. 2 eiusdem
Conc vbi dici-
tur, ad quod
Concilium
omnes Pro-
uinciae quæ
primas sedes
habent, ternos
legatos mit-
tant.

i Non tamen
hæc (Londini)
fuit antiqua
huius Diocæ-
sis Metropolis
sed potius E-
boracum, illic
siquidem fuit
Imperatoris
Palatium, &
Britanniarum
Prætorium.
Bert. Diatr. 1.
ca. 3. p. 36.

k Guil. Malm.
in Prolog. ad
libr. de Gestis
pontif. Anglo-
rum.

l Glossa in cap
Cleros Distin.
21.

m Bert. Diatr.
2 ca. 4. pa. 199
n Malm lib. 1
de gest. pontif.
Angl. pa. 127.

manifest: and euerie primate by Pope *Stephens* testi-
monie had a first Sea; this Canon of the Romane
Council, as rightly belongs to any of those thirteen
Primates and first Seas, as to the Romane Sea or
Pope. The same appeares by the third Council at
Carthage, wherein Saint *Austen* was present, and
to which he subscribed: they decree *g*, that *the Bishop*
of the first Sea should not be called either the Prince of
Bishops, or the supreme Bishop, sed tantum prima sedis
Episcopus, that is Primate or Bishop of the first Sea:
wherein they did certainly intend such *h* as were
Patriarchs, or Patriarchall Primates, of which kinde
in the Diocesse of *Africke* was the Bishop of *Car-*
thage, in the Diocesse of *Italie* the Bishop of *Rome*,
in the Diocesse of *Gallia* the Bishops of *Artes*, in the
Diocesse of *Brittaine* (as anciently it seemes) the Bi-
shop of *Yorke* (that being *i* before and in *Constan-*
tines time the Imperiall cittie;) but since the com-
ming of *Augustine*, the Bishop of *Canterburie*, which
in the Heptarchy of the *Saxons* was the chiefe cittie,
for which cause the Bishop of this Sea is expressly
called by *William Malsbury* *k* *Totius Angliæ Primas*
& Patriarcha, the Primate and Patriarch of all *Eng-*
land: and the Gloss *l* on the Canon Law, saith that
the name of Primates comprehends other Patriarchs, as
by name he mentions the Bishop of *Canterbury*: yea and
Pope *Vrbane* the second in the Synod at *Barre*, cal-
led *Anselme* Bishop of this Sea, *Alterius orbis Pa-*
triarcham, (so *Berterius* *m* cites it, and not *Papam*,
as *William Malsbury* doth) but the sence was
one and the same, for he did not intend him to haue
a supreme and vniuersall authoritie, that neither
would

would *Anselme* accept, nor would the Pope euer giue vnto him; but he so called him in regard of the like Patriarchall authoritie which *Anselme* had in *England* as the Pope had in *Italie* or in his *Romane* Diocesse. The like might be shewed also in the other nine Patriarchall Diocesses, whereinto the Empire was diuided. But I wil not enter into that argument. Seeing it is euident by that third Councell of *Carthage* ⁿ that there were other Bishopricks called by the name of first Seas as well as the *Romane*, why should they restraine this priuiledge which *Siluester* & the *Roman* Synod giues to the first Sea, only to the Pope? or why shall not euery Patriarch or patriarchall Pimate chalenge the like exemption frō al humane iudgment, because the first Sea is to be iudged of none? Nay it is euident by another Canon of this very *Roman* Synod, that it entended this as a cōmon priuiledge vnto all Patriarches and Patriarchall Primates, to all which the name of *summus Præsul* (in speciall signification) is common. A Presbyter shall not be condemned, saith the third Canon, vnder 44. witnesses, a Bishop not vnder 72. *Neque præsul summus à quoquam iudicabitur*, nor shall the highest Bishop be iudged of any. Now seeing in the same Canon is meant the Subdeacons, Deacons, Presbyters and Bishops of euery Diocesse, it is euident that by *summus Præsul* the Patriarch or highest Bishop in any Patriarchall Diocesse ought to bee meant as well as the *Italian* or *Romane* Patriarch. And then it is easie to perceiue both how vntruly this forged Synode sayth, that the first Sea can bee iudged of none, seeing *Paulus Samosatenus* o Bishop of

ⁿ Conc. Carth.
3. tempore Si-
ricij cap. 2.

o *Paulus Samosatenus*
condemnatus
est in Conc.
Antioch. v. li-
quet ex Euf. b.
lib 7 ca. 23. &
24. id Conc.
habitu est
an. 272. Bin.
Net. in id con.

D

the

the first Sea at *Antioch*, not long before *Siluesters* time, had bene iudged, condemned, and deposed: as also how little they gaine by this Canon, seeing as the Pope by it is exempted from the iudgement of other Patriarches; so also is euery Patriarch, & Patriarchall Pimate exempted from his and other humane Tribunals, which will be no small preiudice to the Popes supremacie. But this out of the Synodall Decrees themselues, is sufficient to demonstrate the falshood and forgerie of this Synod.

CHAP. III.

The third Reason, proouing the second Romane Synod vnder Siluester to be a forgerie, taken from the time when this Councell is said to haue bene held.



THE third consideration concerneth the time of this Romane Councell. It was held as the Acts doe witnesse, *on the thirtieth of May, when Constantine the Emperour was the third time Consul, and with him Priscus*: wherein the forgerer many waies bewraies himselfe, and his owne audacious ignorance, in counterfeiting these Acts. Let vs winke at his eloquence and rare Dialect, who calls the Emperour *Domnus Augustus*, and not after the vulgar fashion in those times, *Dominus*. In the *Fasti* neither Greeke nor Latine is any *Priscus* a colleague with *Constantine*. It is *Crispus* who was *Consull*, whom the

the vnskilfull fellow calleth *Priscus*, that is one error, and the least of all. A second is, that he makes *Crispus* Consull with *Constantine* the Emperour the third time. For when *Constantine* the Emperour was the third time Consull, his colleague was neither *Priscus* nor *Crispus*, but *Licinius*, as the *Greek*,^a *Fasti* and *Latine*^b also doe witnesse, and besides them *Eusebius*^c in his Greeke Chronicle, *Cassiodore*^d, *Onuphrius*^e, *Cuspinian*^f, and which is of more authenticke truth then all these, the Imperiall Edicts dated that yeare, as namely; that *g* to *Euagrius*, which beares date in March, *Constantino Aug. 3. & Licinio 3. Coss.* and another to *h* *Aemilius* dated also in March, *Constantine the Emperour being the third time, and with him Licinius, Coss.* beside diuers the like. Wherefore seeing the Acts do witnesse, that this Synod was held when *Constantine* the Emperour was third time Coss. and with him *Crispus*; and this was neuer: euen by the Acts and date thereof it is cleare, there was neuer any such Councell, or if it was, it was held in no yeare.

It is true indeed, that the Colleague of *Crispus* was *Constantine* the third time Consull, but that was not the Emperour *Constantine*, as the forgerer expressly^k affirmes, but his eldest sonne *Constantinus Caesar*, as the *Fasti* declare: and because it may be, the forgerer intended that yeare when they were Consuls, let vs further see, if yet the time and circumstances will accord vpon that supposall.

This Consulship of theirs was the next^l yeare before *Paulinus* and *Iulianus*, in whose time the Councell of *Nice* was held; yea, and beganne also,

^a Pa. 283.^b Pa. 281.^c Ann. Christ.^d 313. pa. 211.^e In suo chro.^f pa. 47.^g In Fastis.^h pa. 281.ⁱ In Notis suis ad Fast,^j pa. 401.^k Cod. Iust.^l lib. 10. tit. 31.^m l. 14.ⁿ b Cod. eod.^o lib. 10. tit. 10.^p l. 2.^q i Crispus 3. &^r Constantinus^s Caesar 3. vt in^t Fastis tam^u Græcis quam^v Latinis, sed in^w græco B. men-^x dose scribitur^y pro 7.^z k Constantino^{aa} Augusto 3. &^{ab} Prisc. in Conc.^{ac} Rom.^{ad} i Vt ex Fastis^{ae} liquet, tam^{af} Græcis quam^{ag} Latinis.

^a Bin. Not. in
conc. Nic. S.
Paulino.

^b Bar. an. 325.
nu 3.

^c Bin. not. in
conc. Rom. 2.
sub Sil. Bar. an.
324, nu. 127.
^d Lib. 1 de
conc. c. 5.

as *Binnius*^a and *Baronius*^b very truly doe teach, whereupon they both^c doe of a certaintie collect that this *Romane* Councell was held a whole year before the *Nicen* began, or was either appointed or summoned. Now I would here intreate Cardinall *Bellarmino* to reconcile his contradiction vnto this: for hee clearely affirms that the *Nicen* Councell was begun the year before *Constantinus Caesar*, and *Crispus* were Consuls. It continued, saith he^d, three years & ended when *Paulinus* and *Iulianus* were Consuls. Certainly either *Bellarmino* must confesse this Synod to be forged, or else acknowledge his owne grosse error in making the *Nicen* Councell to begin a year before this: to say nothing that it seems some incongruitie also for *Constantine* or *Siluester* to call first a generall Synod to *Nice*, and during that Councell, to call another as generall also to *Rome*, wherein shall be more Bishops then at *Nice*; which yet vpon *Bellarmines* assertion is evidently consequent. But it is certaine that *Bellarmino* in his Chronologic both in this and many other places is exceedingly defectiue, and in making two Councils to be held at one time, the one at *Nice* of 318. the other at *Rome* of 328. (or 280. Bishops, as hee accounts) he was not so well aduised as hee might and should haue beene. So for *Bellarmino*, this Councell and note of time in it, is a cleare conuiction of his error.

The occasion
of this second
Roman Synod

For the thing it selfe, that this Councell was not held in that year of their Consulship, as *Baronius* & *Binnius* for a certaintie affirme, there is one thing specially to be obserued, which containes the whole discoue-

discouery of this fiction and the falsly supposed occasions of this Councell, together with a clearing of the most religious Emperour *Constantine* from those slanderous calumnies and vntruths which *Zosimus* and other heathen writers, & after them some deceiued by their narrations did follow, but *Baronius* and *Binnius* wittingly (that I say not maliciously) against the euidence of truth, do not onely embrace but earnestly defend.

The narration out of their owne writings is this: The end of this Synod was, that *Constantine* might celebrate ^a a solemn *thankesgiuing* vnto God for the benefite lately receiued in his Baptisme: that benefit was the clensing of his leprosie, as the very Synod ^b it selfe expresseth. And how he fell into this leprosie *Baronius* out of *Zosimus* and some other, as also out of the Acts of *Siluester* doth at large declare. The first originall and cause thereof, as the Cardinall ^c sheweth, was the tyranny and vnnaturall crueltie which *Constantine* had lately (to wit in the ^d beginning of this very year) shewed, in murdering his owne sonne *Crispus*, the Consull this year, a most noble ^e and religious Prince, of whom *Baronius* saith, that hee was killed, *furore tyrannico patrie potestatis*, by the madnesse and tyranny of his father. To this was added the like murders of his owne wife *Fausta* ^f, his nephew & *Licinius*, and very many ^h other of his friends. After these, *tot tamq; immania scelera perpetrata*, so many and so immane cruelties committed, *Baronius* shews ^k out of

^a Fuerunt hæc celebrata, vt publica quædam pro accepto munere gratiarum actio. Bar. an. 324. nu. 124.

^b Synod. Rom 2. sub Sil. ca. 1.

^c Bar. an. 324. nu. 10 & 17.

^d Initio anni huius 324.

^e Crispus a patre occisus fuit. Bin. Not. in hoc conc. §. Constantino.

^f Crispum nobilissimum Cæsare, Christiana religione imbutum, &c. Bar. an. eod. nu. 16.

^g Constantinus malum, maiori malo sanauit: nam cum Faustam balneo inclusisset, mortuam inde extraxit. Bar. ex Zosimo vt certum narrat. an. eod. nu.

10. & approbat ibid. nu. 8. ^g Licinius iunior crudelissime interficitur, ex Euf. Chr. citat. Bar. an. 324. nu. 1. & ipse probat hoc. nu. 8. & 9. & nu. 12. propinquis adeo intimis non pepercit. ^h Bar. an. eod. nu. 17. ⁱ Ibid. ^k Ibid.

D. 3

Zosimus, that

m Zosim. lib.
2. pa. 31.

n Egiptius,
magum notat.
ideo in eam
planè sententi-
am imus, vt
hunc magum
Hispanum nul-
lum alium exi-
stimemus quā
Hosium Cor-
dubentem. Bar.
an. cit. nu. 27.

o Anno cod.
324. nu. 27.

p Act. Siluestri
apud Bar. an.
324. nu. 33.

q Hadr. i.
Epist. i.

that *Constantine* being sore perplexed in his conscience, went to his heathenish Priests (for as yet, saith *Sozimus*, ^m *patritis sacris utebatur*, he vsed the heathen rites, sacrifices, and religion) to be expiated from these crimes by them. But the Heathen Priests denying, that they had any meanes to lustrate or purge so great and foule offences, *Hee* understood by a certaine Spaniard, whose name was *Aegiptius* (*Baronius* ⁿ thinks him to haue beene the renowned *Hosius* Bishop of Corduba in Spaine) *Sententiam doctrinae Christianorum*, That by the doctrine of Christians, any sinnes might be abolished and pardoned; whereupon *Constantine* forsooke his ancient Religion, and followed the Egyptians aduice. Thus *Zosimus*, touching the murder of *Crispus* and the rest, to whom *Baronius* ^o in this manner applaudes, *Vides haec omnia*, You see all these things set downe by *Zosimus* and other Heathens, *Esse in omnibus consentanea veritati*, to be in all points consonant to truth, and worthy to be entirely receiued of all such as exactly follow the truth. This was the first supposed cause of the leprosie of *Constantine*.

The other was a crime farre greater then this, and that was his *Persecution of the Church of God*, of which the Acts of *Siluester* make expresse mention. When *P* *Constantine* persecuted the Christians, *Siluester* with his cleargie fled into the mountaine *Soracte*. Pope *Adrian* mentions the same in his Epistle sent to *Constantine*, and *Irene*, which was read and approued in the second *Nicene* Councell, where he saith ^q; That when *Constantine* ad fidem conuerteretur was conuerted to Christianity, the Apostles *Peter* and *Paul*

Paul appearing to him in a vision, said unto him; Syluester Bishop of Rome with his clergie. *Persecutiones tuas fugiens*, fleeing thy persecution, is hid in the mountaine Soracte, among the cliffes and dens of the Rockes. And againe, when Constantine had sent a troupe of souldiers to bring Siluester unto him, the Pope credidit se ad Martyrij coronam euocari, Thought that they had beene come to put them to death, and to martyre them. Of the same persecution Baronius intreating out of the Acts of Siluester, affirmes^r, *Constantinum adhuc patrita sectantem, persecutionem aduersus Ecclesiam Dei concitasse*; That Constantine as yet following his heathen superstition, raised persecution against the Church of God, which Syluester to auoyd, fled into the mountaine Soracte. The very same doth Binius^f affirme, and then they both adde, *Constantinum ob admissa flagitia fuisse à Deo lepra percussum*: That Constantine was smitten with a leprosie by the hand of God for these crimes, to wit, for those vnnaturall murders, and persecution of Christians.

Thus we haue the disease and leprosie of Constantine, and the two causes thereof: Now the cure of it, as they^u declare, was in this manner. Constantine to get helpe of his leprosie, first consulted with the Priests, who told him that he must make a pond with the blood of Infants, and therein wash himselfe, and so hee should be cleansed: but the Emperour mooued with the outcries and lamentations of the mothers, refused such a cure; and then in the night in a vision, did Peter and Paul appeare unto him, and willed him to send for Siluester, who would shew him another pond, wherein after thrise

^r Bar. an. 324. nu. 33.

^f Bin. Not. in vitam Silu. §. Hic in, Constantinus adhuc a vita secularis, persecutionem concitauit, &c.

^r Bar. loc. cit. & Bin. Not. in vitam Silu. §. Quem curauit.

^u Bar. an. 324. nu. 33. Legend in S. Siluest. & Edict. Cont. de Donat. to. 1 Conc. pa. 296. & Hadr. Epist. 1. quæ etiam citatur in conc. Nic. 2. Act. 2. & Breuiar. Rom. in Festo S. Silu.

v Tu autem
relictis omni
idolorum su-
perstitione de-
um vnum ado-
res, &c. Hadr.
Epist. 1.

f Hadr. loc. cit.

z Confestim
sanitati resti-
tutus est. Had.
Epist. in conc.
Nic. 2. Baptis-
mo sanatur.
Breu. in Festo
Siluestri.

u De his vid.
Bar. an. 324.
nu. 63. & seq.
Bin. Notis in
Donat. Const.
& Breu. loco
cit.

x Bar. an. 324.
nu. 117.

y Anno citato
nu. 82.

z Loco citato.

a Imperator
iam recens
baptizatus, hoc
Concilium
(Rom. 2.)

promouit eo
fine, vt publi-
cam quandam
gratiarum ac-
tionem pro ac-
cepto beneficio

de ageret. Bin.

Not. in hoc
Conc. & Bar.

an. 324. nu.
324.

thrice washing he should be cleansed and cured: withall
admonishing^r him, to leaue his superstitious worship of
Idols, and to serue the onely true God. Constantine be-
ing thus admonished from heauen, sent for Syluester,
and among other conferences, percunctabatur^r qui es-
sent dñj Petrus & Paulus: what Gods Peter and Paul
were? and when Siluester had told him that they were
two of the Apostles of Christ, and shewed their Images
vnto him, he was baptized by Siluester, and presently^r
restored to his health.

Here is the benefit which Constantine receiued of
Siluester by baptisme; the consequents whereof were
diuers. One, his erecting^u of many Churches, a-
dorning them with Images and great gifts, par-
ticularly with That Donation so famously^x men-
tioned, wherein the cittie of Rome, all the Prouinces in
Italy, and other parts of the west were conferred vnto
the Pope, and his successors for euer. A second, his
Edicts^y for imbracing Christianitie euery where:
and specially a libertie granted to Christians to
build Churches, Quod ante negatum erat, which be-
fore this time, or vntill then, was not permitted
vnto them, as their Breuiarie^z saith. And to omit
others, the holding of this Romane^a Synod, which
was to be a publike testimonie of his thanksgiuine for
such great benefits. This is the summe of that Nar-
ration, by which Baronius and others, do maintaine
the truth of this Synod, whereof we now entreat.

It were euen an Herculean labour to purge out
the vntruths of this their narration, which is as
foule, as euer was Angias stable. Leauing the rest,
I will principally obserue such points therein, as
tend

tend most of all to declare the falshood and forge-
ry of this Romane Synod: and those are foure, all
of them depending on this circumstance of the
time when this Councell was held.

CHAP. IIII.

*The fourth reason prouing this second Romane Synod
to be a forgery, taken from the supposed mur-
ther of Crispus by his father
Constantine.*



HE first circumstance discovering
the forgerie of this Romane Synod,
is the *murther of Crispus*. This Synod
did follow that murther, as *Baroni-
us*^a expresly teacheth, and proues
also out of *Zosimus*, seeing that murther and the
guiltinesse thereof was one occasion why *Constan-
tine* sought for remedie both of this sinne, and of
his leprosie: the cure of both which he obtained
by baptisme at *Siluesters* hands. Seeing then this
Synod followed his baptisme, as the *Synodall Acts*^b
doe expresly witnesse: and *Baronius*^c with *Binius*^d
confesseth, it must of necessitie follow that murther
of *Crispus* also.

Now that *Crispus* was neither murdered nor
dead, at or before the time of this Synod, will be
cleare, if we carefully obserue the time of both these.
The Synod ended on the 30. of May, in the yeare
when *Crispus* and *Constantine* the younger were the
third time Consuls. For so the corrected Acts doe
testifie, *Actum in Traianas thermas 3. Calen. Iunij*.
These things were done on the 30. of May, in that

E

yeare.

^a Ex his ex-
plorata pro-
fus habentur
admissa dira
ac parricidalia
Constantini
delicta, ab eo-
demque ad ea
abluenda qua-
sita remedia.
Bar. an. 324.
nu. 28.

^b Cap. 1. con.
Rom. 2.

^c Bar an. 324.
nu. 123.

^d Postquam
Imperator iam
recens bapti-
zatus, &c. Bin.
Notis in hoc
Conc.

e 8. K. l. end.
August. suc-
cessit Con-
stantino Con-
stantinus. Bar.
an 306. nu. 3.
& Socr. lib. 1.
cap. 1.

yeare. That 30. of May, in the third Consulship of *Crispus*, falls out to be in the end of the 18. yeare of *Constantines* Empire, wanting onely two months of the end thereof. For *Constantine* began^e his Empire at *Yorke in Brittain* on the 25. of Iuly, when *Constantinus Clorus*, and *Galerius*, were the sixt time Consuls, which was an. Ch. 306. From that Consulship exclusive, vnto the third Consulship of *Crispus*, (which was an. 324.) there being 18. Consulships, and so 18. yeares, it is certain, that from the 25. day of Iuly, in the sixt Consulship of *Constantinus Clorus*, to the 25. of Iuly, in the third Consulship of *Crispus*, there are exactly 18. complete yeares, and no more: whence it certainly followeth, that if *Crispus* was murdered before the 30. of May, in the 3. Consulship of *Crispus*, then must he be dead in the end of the 18. yeare of *Constantine* the Emperor, seeing his 19. yeare began not till the 25. day of Iuly next following in that same third Consulship of *Crispus*.

f Sozom. lib. 1.
ca. 5.

g Bar. an. 324.
nu. 7.

Let vs now examine the time of the death of *Crispus*, and you shall see that he neither died in the 18. nor yet in the 19. yeare of *Constantines* Empire, but in the 20. Of it *Sozomen* thus writeth^f; *Crispus* for whose murder *Constantine* is said to haue sought expiation, *vigesimo anno imperij paterni mortuus est*, died in the 20. yeare of his fathers Empire. *Baronius* strives here against the streame, and sets this Glosse vpon the words of *Sozomen*, that he meant *Crispus* to haue liued *ad vigesimum vsque Imperij patris annum*, vnto the twentieth yeare of *Constantine*: now saith he, *Crispus peruenit ad 20. Constantini annum*, sed exclusive, attained or liued vnto the 20. yeare of *Constantine* exclusiue, that is, he liued not in it, but

but died in the next yeare before it; namely, in the nineteenth of *Constantine*. Truly the Cardinals Glosses is directly contrarie, both to the words and meaning of *Sozomen*. For *Sozomen* saith not, as the Cardinall with great fraud and falshood alledgeth him, That *Crispus* came vnto the twentieth yeare of *Constantine*, (which words may admit the Cardinals Interpretation) but *Crispus* τῷ εἰκοτῷ ἔτει ἐτελεύτησε, died and ended his life in the 20. yeare of *Constantine*, and so liued in some part thereof. Vnto *Sozomen* herein accord the greek *Fasti*, where in the 20. yeare of *Constantine*, in the Consulship of *Paulinus* and *Iulianus*, and after the *Nicen* Councel was begunne, the time of *Crispus* death is expressly set downe to haue beene περὶ τῆς καλαυδῶν οκτοβρίων, on the eighteenth day of September, in that twentieth yeare; that is more then fisteene moneths, after that thirtieth of May, on which the Roman Synod was ended, in the third Consulship of *Crispus*. *Cassiodore* in his *Tripertite* History, affirmeth ^h the same with *Sozomen*, and so doth *Nicephorus* ⁱ and others; yea, *Onuphrius* ^k affirmes, he died not vntill the 7. Consulship of *Constantine*, which was the yeare after the *Nicene* Councell was ended.

That which misled *Baronius*, or rather whereby he labours to mislead others in this cause, is a sentence in the Latine Chronicle ^l of *Eusebius*, where it is said, That *Crispus* was most cruelly murdered by his father *Constantine*, anno imperij sui nono, in the ninth yeare of *Crispus* being *Cæsar*. Now that ninth yeare of *Crispus* being *Cæsar*, is the nineteenth yeare of *Constantines* Empire, as *Baronius* ^m had proued. So the murder of *Crispus* will fall out in the nineteenth yeare of *Constantine*.

E 2

Doubt-

^h Crispus vigesimo anno Imperij patris defunctus est. Hist. Trip. lib. 1. cap. 6.

ⁱ Crispus vigesimo Imperij eius (Constantini) anno decessit. Nic. lib. 7. ca. 35.

^k Onuph. Com. in Fast.

^l Euseb. chron. Lat.

^m Bar. ann. 315. nu. 1. & seq.

ⁿ Hic planè annus perspicuè demonstratur esse eorundem Cæsarum nonus quo dicuntur esse necati. Bar. an. 324. nu. 1. & 7.

n Quintum
decimum an-
num Imperij
princeps degit.
Quinquenna-
lia beatissimo-
rum Cæsarum
occupatos in
gaudijs habet.
Nazar. Rhet.
in paneg. 3.

o Euf. in chro.
an. 8. Constan-
tini, iuxta vnā
editionem: an.
11, iuxta aliam

p Euseb. lib. 4.
de vita Const.
cap. 40.

Doubtlesse, the Cardinall was in some exstasie or passion, when he could not, or would not see how directly this testimony doth ouerthrow his whole purpose touching this Romane Councel, which he strives to defend. For it is certaine, that the 9. yere of *Crispus* being *Cæsar*, is the 19. yere of *Constantine*. seeing *Nazarius* in his *Panigyricke* made in honour of the *Cæsars*, saith n, That the 15. yere of *Constantine*, was the 5. yere of the *Cæsars*; which is also euident by *Eusebius*: for in one place he expressly saith o, That *Crispus* and *Constantine* the younger, were made *Cæsars* at once, and in one yere. And in another p he expressly affirms, *Constantine* the yonger to haue beene made *Cæsar* *decimo paterni Imperij anno*, in the tenth yere of his Fathers Empire. So the 9. yere of *Crispus* being *Cæsar*, falling out in the 19. yere of *Constantines* Empire, could not begin till the 25. of Iuly, in that yere when *Crispus* was third time Consul; seeing on that day, in that yere, began the 19. yere of his fathers Empire. Wherefore seeing both that Latine Chronicle of *Eusebius* testifieth, and *Baronius* confesseth that *Crispus* was murdered in that ninth yere, it ineuitably ensueth; that he was alieue two months after the *Romane Synod* was ended, which was on the 30. of May in that same yere. So inconsiderate was the Cardinall in producing this testimony as his chiefest prooffe, that by it he hath demonstrated the murder of *Crispus*; neither to haue bene any occasion of *Constantines* baptisme, or of his holding this *Romane Synod*; neither so much as to haue hapned before, but two monerhs after the Synod was ended.

Besides, that Latine Chronicle of *Eusebius* is
many

many waies vntrue, and such as the Cardinall euen in these times of *Crispus* reiecteth. In that *Eusebius*, it is said that *Crispus* was made *Cesar* in the eighth yeare of *Constantine*: *Erroris arguitur* ^q, saith ^q Bar. an. 315. the Cardinall, *Eusebius* is in this point erroneous: ^{nu. 3.} why may not another giue the like censure of the last yeare of *Crispus*, and say, *Erroris arguitur*, *Eusebius* erred, in saying *Crispus* died in the 9. yeare of his being *Cesar*? Againe, the ninth yeare of *Crispus* being *Cesar*, and his murder, are both set downe in *Eusebius* to be in the twentieth yeare of *Constantine*: of this the Cardinall sayth, ^a *Perperam positus est*, This ^a Bar. 324. nu. 1. yeare is placed amisse in *Eusebius*. May not another say as iustly, the ninth yeere of *Crispus* is *perperam positus*, set downe amisse in *Eusebius*, to bee the yeare when he was murdered? Hath *Baronius* a priuiledge aboue others to play the Criticke with *Eusebius*?

Last of al, there is more then a vehement & strong suspicion, that all this that *Baronius* citerh out of the Latine Chronicle of *Eusebius* (that *Crispus* was murdered in his ninth yeare) is but some addition that hath crept into the text, for (as after you shall see) neither did *Euagrius* nor *Sozomen* know of any such thing in *Eusebius*: and to this day, in the Greeke *Eusebius* there is nothing at all, either touching the murder of *Crispus*, or touching the time of his death. And the like corruption of *Eusebius* his chronicle in other places, may easily be obserued; as to go no further, in the verie next yeare before this, that is, in the 18. or, as *Scaligers* edition accounteth it, the seuenteenth yeare of *Constantine*, in the Latine *Eusebius* there is this set downe, that *Constantine* a

b Zosim, lib. 2.
pa. 31. neque
multo post vi-
olata iurifiu-
randi religione
laqueo vitam
ei ademit.

c Licinius a-
micitiam si-
mulate cum eo
iungere, se a-
stringere iura-
mento, nunquā
quicquam se
moliturum in
quo aliqua ty-
rannidis signi-
ficatio existe-
ret. Atque certe
non iuravit so-
lum sed etiam
peieravit. &c.
Constantinus
vbi id intellexit
eum occidi
iussit. Socrat.
lib. 1. ca. 2.

d Euslib. 2. de
vita Con. c. 18.

gainst right and contrary to his oath put Licinius to death at Thessalonica. This is out of doubt an addition thrust in by some, who finding that calumny against Constantine, set down in Zosimus (as it is ^bmost maliciously) thought good to insert it also into the Latine Chronicle of Eusebius; whereas neither it is in the Greeke, neither is it true that Constantine brake his oath or promise therein with Licinius, for his promise of life was conditionall, as Socrates ^c expressly sheweth, and Licinius quickly violated the condition by attempting a new rebellion. And Eusebius in his other bookes is so farre from imputing any blame or blemish to Constantine touching that action, that he expressly saith ^d of Licinius, That he suffered, meritas iustasque pœnas, iust and deserved punishment, which had it bene effected by the perjurie of Constantine had certainly bene vniust.

But enough of this testimony out of Eusebius Latine Chronicle, which besides this suspicion, so many waies doth contradict the Cardinalls owne assertion. So that still it remaines sure, that supposing Crispus to haue beene murdered, yet his murder must fall out after the nineteenth yeere of Constantine begun, as we haue proued, and then the Romane Councell which was ended before that time, is certainly conuicted to be a counterfeit.

But what shall be said (to adde this in the last place touching Crispus) if Crispus was not at all murdered by Constantine? what then will become of the seeking for expiation, or of baptisme to wash away that sinne: of this Romane Councell, of the donation of Constantine? all the other must needs be accounted

counted fables if that which is the supposed occasion and foundation of them all be fabulous. For the triall of this doubt, heare first what *Sozomen* sayth, *I am not ignorant*, saith he ^a, *that Constantine is reported by heathen writers to haue murdered diuers neere of blood vnto him, and by name his owne sonne Crispus: for which fact afterwards being sorry, hee sought expiation of the heathens; but not obtayning it, he began to be in loue with christian religion, and so became a christian. Truly this seemes to me to be fained by those who slander christian religion: So Sozomen. And the very same doth Cassiodore^b in his tripartite historie set downe.*

^a Sozom. lib. I
ca. 5.

^b Trip. hist.
Cassiod. lib. I,
ca. 6.

Heare againe what *Euagrius* saith professedly against *Zosimus* the narrator of this murther and cruelty. *Zosimus*, saith he ^c, *is one of those who are addicted to the nefarious and execrable religion of the heathen, & therefore he is inflamed with spite against Constantine because he was the first Emperor who forsaking that detestable superstition, embraced Christianity. Againe, Infinitis maledictis piis & magnificum Constantinum lacerat; he doth with infinite calumnies disgrace the holy Emperor Constantine. For he reporteth that hee murdered his own son Crispus, and his wife Fausta; and when he could not by his own heathen priests be expiated from these crimes, then forsaking his ancient religion he turned Christian. Quod autem ista omnino falsa sunt, mox ostendam.* But that these things are vterly false I shall straight declare. And a little ^d after he refutes that slander of *Zosimus* concerning *Crispus*, not only by other authours and reasons, but euen by *Eusebius* who liued & was couersant both with *Const.* & *Crispus* Which

^c Euag. lib. 3.
ca. 40.

^d Ca. 41.

Which I therefore mention not onely to reprocue that calumnie of *Zosimus*, but to declare how iustly the Latine Chronicle of *Eusebius* is to be suspected in this matter, seeing in it this cruell murther is expressly imputed to *Constantine*: whereas *Euagrius* by the vndoubted testimonies of *Eusebius*, proues the falshood of that narration. Again, seeing both *Euagrius* & *Sozomen* reprocue this as a calumny deuised by the heathen, and set out by *Zosimus*; who can thinke that they would not much rather haue reproued it in *Eusebius*, had he expressed the same, as in that Latine Chronicle it is? Or why should *Euagrius* reprocue *Zosimus* because he reported that which he heard, liuing long after, in the time of *Honorius*: if *Eusebius* who liued and conuersed with *Crispus* had so expressly deliuered the same?

^a Niceph. lib.
7. ca. 35.

Heare *Nicephorus*: I know, saith he ^a, what crimes the Grecians do impute to *Constantine*, per sycophantiam & calumnias, by slanders and calumnies; and then reciting this heathenish narration of the murther of *Crispus*, and after it embracing the Christian religion, he addes: *Hæc manifesta figmenta*, these are manifest fictions, by which they doe traduce the faith and pietie of Christians, veluti per comediam, making as it were a play or poeticall comedie thereof: *Crispus enim vigesimo imperii eius anno decessit*, for *Crispus* (for the murdering of whom they say *Constantine* sought expiation in his nineteenth yeare) died in the twentieth yeare of *Constantine*. So *Nicephorus*.

^b steuch. lib.
2. de donat.
Constan. cont.
Lau. Val p. 156

Heare lastly their owne *Augustinus Steuchus* ^b, who with great scorne reiects the authority of *Ierome*, and saith, he speakes vnruefully of *Constantine*, and be-
gines

gives this as one reason, because he writes that Crispus was cruelly murdered by him.

It is true indeed that many writers doe mention this murder as committed by *Constantine*; but the first and most ancient in whom I finde it set downe, is *Zosimus*, who liued about the yeare 400. after Christ, who extremely hating the christian religion, in all places where hee can picke any occasion, is desirous to publish any calumny against the professors thereof, especially against *Constantine*, as *E-uagrius* truly obserued: from him it is like that *Orosius*, *Sidonius* and others liuing in that age or neere hand, first tooke it, and from them afterward many receiued it, *clausis oculis*, not examining the truth or circumstances of the narration. But seeing both *E-uagrius* and *Sozomen* diligently sifted and examined the truth of that matter, and found it to bee but an heathnish calumny (which the circumstance also of time doth manifest) to disgrace the honour of that most famous Emperour: there is more credit and trust herein to bee giuen to them, then to many other, who without tryall relate the same as they found it repeated out of *Zosimus*, or such as tooke it from *Zosimus*. And thus much of this circumstance of time when this Councell was held, to wit after *Constantines* murdering of *Crispus* in the yere when *Crispus* was third time Consull, and with him *Constantinus Augustus*, and this was in truh neuer.

CHAP. V.

*The fifth reason proving that the second Roman
Synod is a forgerie, taken from the leprosie
of Constantine.*



Nother circumstance discovering this counterfeit Councell, is, that it was held for a congratulation after Constantine was purged from his leprosie, as the Acts^a doe expresse. And this also was neuer. For that

^a Eodem tempore cum multi nobiles gauderent, quod Constantinus baptizatus à Siluestro, & mundatus fuisset à lepra, pro beneficio quod accepit, &c. Conc. Ro. 2. ca. 1. & Bin. Notis in illud Conc.

^b Bar: an. 324. nu. 33. 36. 42. & alibi.

^c Bin. notis in Constant. do-

nat. §. Ipse enim. ^d Aquin. p. 3. q. 69. art. 8. ^e Act. Siluest. apud Baron. lococitato. nu. 33. ^f Donat. Constat. apud Bin. pa. 296. ^g Hadrian. 1. Epistola prima quæ citatur in Conc. Nic. 2. Act. secunda, ibique probatur. pa. 313. ^h Breu. Rom. in fest. Siluest. ⁱ Lepre Constantinianæ testis grauis & probatus ex veteribus nemo est. Canu. Loc. Theol. lib. 11. cap. 5. §. Quod deinde & scriptores omnes veteres (de hac lepra Constantini) tacuerunt, non omissuri si sciissent, scitari omnino rem si fuisset. ibidem.

whole narration touching the leprosie of Constantine, though it be approued not onely by Baronius^b, by Binius^c, by their Angelicall^d Doctor, by the Acts^e of Siluester, and by the Charter^f of Constantines donation, but euen by Pope Adrian^g, by the second Nicene Councell, and appointed in their reformed Breuiarie^h for a parcell of a publicke lesson to bee read in the Church, yet is it a very Legendary fable and euen an incredible vntruth.

Of it their owne Canus saythⁱ, There is no ancient writer who is a graue and allowed witnesse that mentioneth this leprosie of Constantine. And againe, that

Constan-

Constantine was sicke of a leprosie, apud idoneos aucthores nusquam legi, I no where reade it in any author who is a graue, worthy or fit witnesse thereof. So *Canus*. And yet hee read it in the Romane Councell, in Pope *Hadrian*, among the Acts of the second Nicen Councell, in the Acts of *Siluester*, in the Romane Breuiarie, in the donation of *Constantine*, in Saint *Thomas*, in all these it is read, and most of them *Canus* mentioneth. So by *Canus* owne confession none of all these is either a graue, and allowed, or a fit witnesse of this matter; that is to say, none of them all, neither they all together are such as may bee credited: Which is a very hard censure, specially of this Romane Synod, of Pope *Adrian*, of the second Nicen Councell, and of the Breuiarie.

Of the same writes *Platina*^a in this manner: That *Constantine* fell into a leprosie, as is vulgarly reported, that he was censed thereof by Baptisme; that he should haue beene washed in infants blood as the fable is, *Nulla modo credo*, I beleue none of these in any sort; and he giues this reason, for that, *hac de re à nullo scriptorum fit mentio*, there is no mention hereof in any (faithfull) writers, neither heathen nor Christian. *Orosius* would not haue passed over this, nor *Eutropius*, nor those who most diligently haue written the Acts of *Constantine*. Thus *Platina*: and the very same sayth *Naclerus*^b. Now if in no ancient or faithfull writer there be mention thereof, then out of question this Roman Synod is neither ancient nor faithfull: the donation of *Const.* is neither ancient nor faithfull:

^a Plat. in vita Marci. 1.

^b Nau in an-
num Chr. 314.

^a Caiet. Annot.
in p. 3. Aqu. q.
69, art. 8.

the second Nicene Synod neither ancient nor faithfull: the acts of *Silvester* are neither ancient nor faithfull: the Epistle of Pope *Hadrian* neither ancient nor faithfull: for in all these this fable is expressly set downe and related. To the very like effect saith *Caietan*^a, *Nullius auctoritate constat*: it appeares by the authoritie of none (to wit, who are worthy of credite) that *Constantine* fell into a leprosie and was purged thereof by baptisme. And he addes three reasons of his saying; First, because the Acts of *Silvester*, (those are they which *Baronius* magnifieth) are uncertain. Secondly, because no good writer either heathen or christian reports this. Thirdly, because it is repugnant to the authority of *Saint Ambrose*. Thus *Caietane*.

^b Habent Acta
Silvestri (quæ
ipse approbat
& sequitur illo
an. nu. 31.)
Constantinum
ob admissa fla-
gitia, leprâ per-
cussum, &c.
Bar. an. 242
nu. 33. Inter ea
flagitia censet
Crispi aliorumq;
occisionem an.
eqd. nu. 28. &c.
Sæpe alibi,

This might be sufficient for such as are not addicted to their wilfull errors: but because *Baronius* and *Binius*, & their applauders are men of another temper, let vs now consider whether there bee either likelihood or possibilitie in this narration. There are two causes alledged why God thus smit *Constantine* with a leprosie: the one his cruelty^b and unnatural tyrannie in murdering *Crispus*, *Fausta*, *Licinius*, and others. But that this possibly could be no cause thereof (especially in that nineteenth yeere of *Constantine* wherein he is supposed to have beene a leaper) is euident by that which before was declared; seeing *Crispus* was living in the twentieth yeare of *Constantine*, and seeing this was but a malicious calumnies and sycophancy of *Zosimus* and other heathens: so for that cause he could not be a leaper.

The other supposed cause (which now wee are to examine) was *Constantines* persecuting of the Church,
and

and his following of Heathenish Idolatries, and superstition, untill this time of his leprosie, and murther of Crispus, from which by baptisme he was cured. Of this Baronius thus writeth ^m, The Acts of Sylvester ^m Bar. an. 324. (for the truth and credite whereof he earnestly ⁿ labours) declare *Constantinum adhuc patrita sectantem, persecutionem aduersus Ecclesiam excitasse*, That Constantine untill this time following the Heathenish Religion of his fathers, did raise persecution against the Church; for which crimes he was smitten with a leprosie. Thus Baronius; affirming Constantine even *adhuc*, till that time of his leprosie, and till he had killed Crispus, to haue beene an Idolater and embracer of Heathen superstition. Of it their *Romane Breviarie* thus ^o saith; Constantine being cured of his leprosie by baptisme, was inflamed, *ad tuendam & propagandam*, both to maintaine and propagate the Christian Religion, giuing licence and power to Christians to build publike Churches, *Quod ante negatum est*, which till then, was not permitted vnto them. The Heathen Writers do relate this at large. Sozomen ^p reports how they write, That Constantine when he could not obtaine of his Heathenish Southsayers purification from his crimes, by chance happened to meete with some Bishops, and they promising to him expiation for his sinnes, *cepisse illum, illorum religionem in admiratione habere & fieri Christianum*: That he then began to be in loue with Christian religion, and to be a Christian himselfe, and draw his subiects to Christianitie. Zosimus ^q most cleerely relates this, ^q Zosim lib. 2. p. 2. 31. laying; That Constantine untill hee fell into those crimes of murder of Crispus, Fausta, and others, Patri-

^m Bar. an. 324.
nu. 33.
ⁿ An. cod. nu.
31. & seq.

^o Breu. Rom.
in Fello S. Sil-
uest.

^p Zozom. lib.
1. cap. 5.

^q Zosim lib.
2. p. 2. 31.

tis adhuc sacris utebatur, embraced and followed his heathenish religion. And that when the Egyptian (*Hosius*) being first admitted to his conference, perswaded him to be a Christian, *Tum patri a missa facere*. Then he forsooke or left his Heathenish Religion, *Ad eaque abolenda se conuertit*; And turned himselfe to abolish it. So *Zosimus*. *Baronius* having related this and some other like passages out of *Zosimus*, approueth them for true, and saith ^r; These things being confirmed, specially by the testimony of Heathen writers, *atque exacta insuper adhibita examinatione probata, certa veraque cognita, &c.* Are knowne to be approued, certaine and true by exact examination. So he; teaching it with *Zosimus*, and other Heathens, to be not onely true, but certaine, that *Constantine* till hee fell into these crimes, and into this leprosie caused by them, had beene not onely an embracer of Paganisme and Heathenish Idolatries, but a persecuter also of the Church: and that *Interea fuisse ob admissa flagitia lepra percussum*, That while he was in this state, for those crimes of murder and persecution, hee was smitten with leprosie.

^r Bar. an. cod. nu. 33.

Truly, they could not haue deuised a more false and palpable slander to dishonour the religious Emperour: and though the heathen writers may be winked at, yet *Baronius* approuing their malicious vntruths for knowne and certaine truths, is unpardonable. Neither was *Constantine* a persecuter, neither did he at that time follow heathenish Idolatries and superstitions; neither was he then, but many yeares before conuerted and become, and so continued

continued a zealous professor and defender also of the true Christian faith. Of all which there are eue-ry where so many and so euident demonstrations, that I may truly say, *Inopem me copia fecit.*

Among many millions of testimonies, let vs consider a few about that time, when he made wars and ouercame *Licinius*. Those wars began about his 11. yeare, and there was a full conquest of *Licinius*, and end of the wars against him, in the 12. yeare of *Constantine*, as appeareth euidently by *Constantines* Edict^u, (mentioning both his victory^x at *Thrace*, obtained the yeare before, and his dismissal of his souldiers after the end of those wars at *Nicomedia*) bearing date the 10. of April, when *Licinius* was fift time Consul, and *Crispus* his Colleague; which was for the first part of their Consulship in the 12. and after the 24. of Iuly, in the 13. yeare of *Constantine*.

That *Constantine* at this time had vterly forsaken Paganisme, and was now an earnest protector of the Church of Christ, against the cruell persecution of *Licinius*: besides other, that one memorable speech of *Licinius* is a most euident witnesse, which he made to his souldiers in a groue, where they had many Images of their Gods erected, to which they set vp burning tapers, and wax candles, and offered sacrifice. Thus said y *Licinius*, *Dij isti sunt patrij*, These are the Gods of our Fathers, which fro antiquity we haue receiued of our ancestors to be worshipped, and which we do religiously honour. But this *Constantine* who is to fight against vs, *patrij institutis violatis*, hauing violated the ordinances of his fathers, & being blinded with error, worshippeth a strange God, *et turpi istius insigni*, and with

ⁿ Cuius est mentio, l. 1. De veteranis, Cod. Theod.

^x Ex die 5. Nonar. Iuliarum prima per Thraciam victoria vniuerso orbi illuxit. Ibid.

^y Euseb. lib. 2. de vita Const. ca. 5.

with that shamefull signe of his God (he meant the Crosse) he greatly disgraceth his army : and in confidence of this God he comes into the field, not onely against vs, but much more, *contra ipsos Deos, quorum cultum ut proditor deseruit*, against the Gods themselues, whose worship he as a Traytor hath forsaken. Thus and much more to this purpose said *Licinius*. Was *Constantine* thinke you a persecutor of Christians at this time, who fought against *Licinius* for y^e persecuting them? Was he an Idolater or worshipper of heathen Gods, of whom *Licinius* complains, that hee came to fight against those their ancient Gods?

y *Licinius* persecutionem contra Christianos iam pridem exintam de integro exuscitauit. Euseb. lib. 2. de vit. Const. cap. 1.

z Precibus si vnquam alias, iam sibi opus intelligens, dei sollicitare sacerdotes, &c. Euf. lib. eod. ca. 4.
a Ibid cap. 12. 13. 14.

See againe how *Constantine* prepared himselfe to the battaile, He then especially (saith *Eusebius* ^z) gaue himselfe vnto prayers, he called the Bishops, and solicited them not to depart from him, but to bee euer at hand: whom he kept about him, *tanquam animae custodes*, as the watchmen and guardians of his soule; hee consecrated all ^a the vacant time he had to poure out his prayers to Christ his Saniour: he made more account of God, then of his life, *Illius consilij omnia transigere*, he did nothing but with the direction of Gods counsaile: are these tokens of one as yet not conuerted? of a persecutor of Christians?

b Epit. Chro. gra. an. 14. Constantini.

After the victory, as soone as he had now obtained the sole gouernment of the Empire, with what care, pietie, and zeale, he aduanced the Christian faith, all Histories are records, his imperiall Edicts, the whole Empire, the whole world is a witnesse. In his foureteenth yeare, the Greek *Fasti* say ^b, The heauenly light of our Saniour Christ shined through the

the whole world unto the Churches, Tyrants euery where being dead, and their houses rooted out. The very like doth Eusebius^b witnesse. The wicked men (to wit, persecutors) being now destroyed and rooted out, the world was illustrated as with cleare beames of the Sunne, and the Emperour, *Deum omnibus predicare cepit*, began to publish the true God to all in his Empire. In his 14. yeare, saith Cedrenus^c, when the whole Empire was now come to Constantine alone, *Omnes suas cogitationes ad sacras res conuertit*, He conuerted all his thoughts to holy matters, he builded Churches, and magnificently enriched the same: he made diuers lawes also, one that such Temples as had beene consecrated to Idols, should be dedicated to Christ and his seruice. Another, that only Christians should go to the wars, that they onely should beare rule both in time of peace and warre. A third, that he who continued in the worship of the false Gods, *capite plectatur*, should be put to death. So Cedrenus. The like saith Sozomen^d, when Constantine had now got the sole^e Empire, by a publike Edict hee commaunded his subiects, *vti religionem Christianam colerent*, That they should imbrace the Christian religion. And when he had by his Edict commaunded this and much more, whereby he was perswaded that his Subiects, *ad veram religionem impelli*, might be compelled to the true Religion, he abrogated all the Acts and Decrees of persecutors made against Christians; he appointed throughout his Empire such Gouvernours as were Christians, *interdicerentque omnibus*, and they forbad all, either to erect Statues, to offer to Idols, or *Festa gentilitia celebrare*, To obserue their Heathenish celebrities; he commanded that on the Lords day they

G should

^b Euf lib. 2.
ca. 19. & 23.

^c Ced. in hist.

^d Sozom. lib.
1. ca. 8.

^e Id vero obtinuit de victo Licinio, quod ante 14 annu factum fuisse ex l. 1. De veteranis ante citata, liquet.

should abstaine from iudgement or doing any worke, but should consecrate that day to call upon God. So Sozomen.

The very Imperial Edicts are *verbatim* recorded in Eusebius^m, wherein the severall branches of those Lawes are set downe; two or three of them were these. One, wherebyⁿ he forbade those detestable and heathenish Idolatries, which were anciently used in every cittie or countrey; the other, *Qua iussit templa exedificari*, whereby he commanded that Churches should be builded, and that they should spare for no cost therein, but that they should receive monies out of the Emperors treasury. A third, was touching restitution^o to be made to the Church, of whatsoever in time of persecution had bene taken from it. If the publique treasury possesse any such goods, it shall not bee free to retaine them, yea, let no man dare to speake ought, *Contra sanctas Dei Ecclesias*, against the holy Churches; and what he hath by iniury for a time possessed, *ea Ecclesis suis iure restituat*, Let him restore that to the Church, as in right he ought. The like Edict (besides many other) for Immunity^p of the Cleargie, and that no burthens should bee imposed upon them, is extant in the Code, and was published in November, in his fifth Consulship, and that was in the beginning of his fourteenth yeare.

^m Euf. in vita
Const. lib 2.
ca. 24. ad 44.
& a ca. 47. ad
60.
ⁿ Lib. cod. ca.
44. 45.

^o Ibid. ca. 35.
& 39.

^p L. 1. de Epis-
copis, Ecclesijs
& Clericis
cod. Theod.
Qui diuino
cultui ministe-
ria impendunt,
ab omnibus
onibus mu-
neribus ex-
citantur, ne fa-
muloque luore
quorundam in
diuina ordi-
nata munera
q. Ibid. l. 1.

Nor do I mention these decrees about his 13. or 14. yeare, as if Constantine had then first of all forsaken and reiected the heathenish superstitions; and imbraced the profession of the Chrillian faith, for he had done that long before. His law^q is yet extant, wherein he mentions, *Privilegia indulta*, his pri-
vileges which he had before granted to the Cleargie;

contrarie

contrarie to which, some hereticks did molest them, but the Emperour cōmands that his officers should see such iniuries redressed and hindered. This Edict was set forth in October, when himselfe was the 3. time, and with him *Licinius* Consull, which was in the beginning of his eight yeare: and yet before that, he had granted priuiledges vnto them. So cleare it is, that long before his 13. much more before his 19. yeare, he was a Defender of the Catho- like faith. Euen from his^r infancy he euer bare a lo- uing affection to Christian religion, which both *Constantine Clarius* his father, and *Helena* his mother, had before professed: but after he had once beene confirmed in the same, by those two visions, which in the sixt or seauenth yeare^r of his Empire, (when he made war against *Alexandus*, & overcame him) was manifested vnto him, the one of Christs name: and; appearing in the ayre, in the day time, some- what like a Crosse (for which cause it is vually so called:) the other of *Christ himselfe in the night, ma- nifesting himselfe vnto him*; after that (as *Eusebius*^x shewes) he set downe with himselfe, That he would worship no God, but the God of Christians: he called the Bishops vnto him, and was instructed by them; *quia* Yet obseruātia honorifice amplecti, he entertained them with all loue, reuerence and honour, and set^r them at his ordi- nable, whither soeuer he went, he had them with him, hee decreed^a, to bend his whole minde to the reading of the Scriptures: in token of his publique professi- on of Christ, hee carryed the first letters^b of Christs

^x *Helena* Con-
stantinum dicit
ad patrem a
patre iussu,
an. 32. an. 34.
m. 12. p. 100.
Constanti-
num copulans
est. Nicophylus
7. ca. 18.

^y *Maxentius* &
Constantino
superioribus oc-
cidit an. 30.
Constantino
ferro. Euseb. in
Chron. ad an. 7.
Constant. &
in alio eadem
editionibus
Lactius ad an.
num 6. Const.
comodo & in
Graeca Eusebi-
an. Chron. e-
dit. ponitur.

^z De quo men-
tio est Cruris
nomine in P. A.
Graecis ad an.
6. Const. & in
Euseb. lib. 1. de
vita Const. ca.
22. & 23. Vbi
signum illud.
non Crucem
fuisse, sed duo
perma nomines
Christi elem.
et liquido de-
monstrat.

^a Ibid. ca. 23.

^b Ibid. ca. 26.

^x Ibid. ca. 26. ^y Ibid. ca. 34. ^z Illos sex mensis participes efficit. ^a Ibid. ca. 26.
^b Ibid. ca. 25. in corona salutis appellationis ierusalem nota insit. p. 100. duobus le-
banis expressa elementis, & 7. quae totum Christi nomen perspicue significarunt.

^a Ad pectus
vsque continuè
descriptum
continuit.

^b Ibid an. 33.

^c Euseb. Hist.
lib. 10. ca. 6.

^d Ibid. ca. 5.

^e Ibid.

^g Euseb. lib.
10. ca. 5.

^h Euf. lib. 1.
de vit. Const.
ca. 37.

ⁱ Patrits ad-
huc sacris re-
batur, & hoc
consilio (Ho-
lij) impulsus
ad eiusmodi
abolenda se
conuertit. Zo-
sim. lib. 2. pa.
31.

name (visually, but not fitly nor rightly called the Crosse) in his helmet, in his ensignes, in his Diadem, and at his ^a breast; he erected ^b a monument therof in the citie. After his victory ouer Maxentius, in the beginning of his seauenth yeare, hee writ letters to Cecilianus ^c then Bishop of Carthage, signifying his Bountifull gifts to the Ministers legitima et sanctissima catholica religionis, of the true and most holy Catholike religion: to Anulinus ^d about The liberties and immunities which he granted to the Cleargie: after that to Pope Meltiades ^e, and Crescus B. of Syracuse, wherein he calls the Christian Profession, the most holy religion: he calls ^g them to a Councell, himselfe was present among them at Arles, yea, (as Eusebius ^h saith) he was, *tanquam communis Episcopus à Deo constitutus*: as a common or generall Bishop to the Church; and time would faile to recount the thousand part of thole euidences, whereby is demonstrated, that long before his 19. yeare he had both in his owne practise, & by publike lawes quite abandoned the Heathen worship of the Gods, and had shewed himselfe not onely a professor of Christianitie, but a protector of Christians, and a nursing father vnto the Church.

By these doe most clearely appeare the manifold vntruths of that legendarie tale touching the leprosie of Constantine, and what trust is to be giuen to the approuers & abettors therof. First, that Constantine til that 19. yeare of his reigne, wherein he is said to haue murdered Crispus, did follow the heathenish worship of the gods, & their superstition, is a most manifest vntruth. This doth Zosimus ⁱ teach.

teach, Pope Adrian^a the 1. the 2. Nicen^b Synod, the Author^c of the donation of Constantine approoue, and Binius^d seales vp this and the rest that follow, with this note, *Hanc totam historiam Hadrianus*, the Pope recites this whole story, and by the authority of this edict doth confirme it.

2 That till then, when *Silvester* came vnto *Constantine* to baptize him, he knew not whether *Peter* and *Paul* were Gods or Apostles of Christ, is a most palpable vntruth: yet this doth Pope Adrian^e, the second *Nicene Councell*, the Author of *Constantines donation* approoue, and Binius seales it with his former note: *This story is confirmed by the authority of Pope Hadrian.*

3 That *Constantine* was not conuerted to Christianity till this time, and this occasion of his murder and leprosie, and in that nineteenth yeare, is an vnexcusable vntruth. This doth the narration of *Zosimus*^f and all the former imply; and Pope Adrian more plainly expresseth it, saying g: *that this fell out touching the leprosie of Constantine, and cure thereof, Cum ad fidē conuerteretur pius Imperator*, when the conuersion of the holy Emperour *Constantine* was wrought: and the like doth their *Breuiarie*^h, where *Peter* and *Paul* commanded him, that if he would be deliuered from his leprosie, after that hee was baptized by *Silvester*, hee should command throughout his Empire, temples to be built after the Christian manner, which till then had not bene permitted; and taking away the images of vaine gods, he should worship the onely true God. And *Baronius*ⁱ approoues the narration of *Zosimus* for true and certaine.

^a Tu autem in hac parte purificatione ut relicta omni superstitione idolorum &c. Had. 1. Epist. 1.

^b Act. 2. vbi Hadriani Epistola recitatur & approbatur, p. 309. & 313. ^c Donat. Con. vbi idem recitatur quod ab Hadriano.

^d Bin. Notis in Donat. Constant. §. Ipse enim, & in Nota marginali ad Epist. Had. in Conc. Nicen. 2. Act. 2. p. 309

^e Quæ sunt Imperator, qualesnam arbitretur Deos esse Petrum & Paulum. Hadr. & Conc. Nic. & Donat. Con. & Bin. locis citatis.

^f Locis citatis. ^g Had. Epist. cit.

^h Breu. in festo S. Siluest.

ⁱ Hæc exacta, adhibita examinatione probata, certa veraq; cognita. Bar. an. 324.

nr. 28.

^a Siluester persequutiones tuas fugiens. Donat. Con. ^b Had. & Con: Nic. locis citatis.

^c Cuius persequutionem fugiens. Anast. in vita Siluest.

^d Plane animo exhorrescit, qui audit ipsum Constantinum esse persequutum Ecclesiam. Bar. an. 324. nu. 34. & tempora plane] Neroniana erant. ibid. nu. 35.

^e Bin. loco cit. & Siluestri & Constantini historia confirmata etiam literis & auctoritate Adriani Papæ. Bin. No. marg. ad Epitt. 1. Hadr. loco citato.

^f Anast. in vita Siluest.

^g Locis citatis apud omnes.

^h Quena curauit dominus à lepra Anast. in vita Siluest.

ⁱ Locis citatis, ab omnibus illis approbatur.

^k Ne quid de hoc reliquum sit quod fidem lectoris retardare possit. Bar. an. 324. nu. 36. ^l Locis citatis.

4 That Constantine was at that time a persecutor of Christians, is a most malicious vnt ruth, yet this doth the writera of Constantines donation affirme: Hadrian the Pope approues ^b and confirms the same: the second Nicen fathers applaude it, Anastasius ^c recordes it, Baronius ^d strines to maintaine it, and Binius seales it vp with his former saying ^e, This whole history is recited and confirmed by Pope Adrians authority.

5 That Pope Siluester fled from the citie, and hid himselfe with his Clergy in dennes and caues, or mountaines, by reason of Constantines persecuting of Christians, is another vnt ruth. How could they flee that which was not? yet is this recorded by Anastasius ^f, approued by the authour of the Donations, by Pope Hadrian, by the second Nicen fathers, by Baronius, and sealed vp by Binius as a truth confirmed by the Popes authoritie.

6 That Constantine by occasion of this persecution was smitten of God with a leprosie, is a meere fiction, *sublata causa tollitur effectus*. Seeing the causes of this leprosie are fained, the effect flowing from them, can haue no better realitie: yet is this leprosie recorded by Anastasius ^h, approued ⁱ as a truth by the author of the Donation: by Pope Hadrian, the 2. Nicen fathers, by their Breuiarie, defended by Baronius, who saith ^k, Hee would haue nothing remaine which should stay the Reader from beleeuing it, and it is sealed vp as a confirmed truth by Binius ^l.

7 Constantines seeking to the heathenish Priests, his preparation of a bath of infants blood, the information of the Spanish Egyptian (that is, of Hosius) instru-

eling

eting him then first of all touching the efficacy of Christian religion, his vision of Peter and Paul, his sending for Siluerster to be baptized by him, his enquiring for the Images of Peter and Paul, and Siluesters shewing them vnto him; his baptizme vpon this occasion his deliuerance from his leprosie immediatly vpon that baptizme, his Donation after that deliuerance: these are so many appendices and latches hanging vpon the maine lie of his leprosie: one great or mother vnto truth, begetteth an 100. Yet are these by the former authours ^a approued, applauded, and as *Binius* tels vs, sealed with the Popes confirmation.

8 By this may be perceiued what regard of truth the second Nicen Councell had, and what worthy and authentick reasons they alledged for their adoration of Images. This letter of Pope *Adrian* was read and applauded ^b therein as a speciall testimony, seeing the Images of Peter and Paul had bene so carefully kept ^c, and were then so evidently demonstrated to Constantine when he was in his leprosie: and *Baronius* ^d tels vs, that the verie same table or picture which was shewed then to Constantine, is yet in Saint Peters Church in the Vaticane at Rome to bee seene. Now seeing this is a verie Chimerical fiction; when the Pope himselfe was glad to vrge such base forged and indeede incredible legendary tales, for the worshipping of images, the rest of the Synod you may bee sure, would take heart to tread in his steps, and so they did very mannerly; for that whole Councell is fraught with such tales, and out of the credit of them, was decreed an Anethema to all that deny adoration of images. Of the like writings

^a Locis citatis

^b Dicat nobis
beatiss. patri-
archa Thara-
sus, contentit-
ne literis san-
ctiss. Papæ ve-
teris Romæ,
an minus. Tho-
rasius respōdit,
vim literarum
lectarum con-
firmamus, &c.
Sancta Syno-
dus dixit, vni-
uersa sancta
Synodus sic
credit, sic docet
& iterum, san-
cta Synodus
dixit, sequimur
recipimus &
probamus lite-
ras sanctiss. pa-
pæ. Conc. Nic.
². Act. 2. p. 213
^c Had. Epist. 1.
to. 3. pa. 255. b
^d Bar. an. 324.
nu. 40.

writings alledged in that Councell, I shall perhaps haue occasion elsewhere to entreate : by the way let me here obserue touching this of *Constantine* and *Siluester*, that whereas that *Nicen* assembly esteemed it a principall reason for the honouring of Images, it is, if it be truely weighed, a most manifest demonstration, that in the primitiue ages, Images were neither adored, nor yet set vp in Christian Churches. *Constantine* as before I shewed, had bene not onely a professor of the Christian faith, but a publicke defender and protector of it, and of Catholickes against Heretickes, for more then ten whole yeares before he fell into his supposed leprosie, as his law before mentioned dated in his eight yeare is an irrefragable witnesse. About his thirteenth, at most fourteenth yeare, he set out those other lawes for redifying and repairing of Churches and Oratories, for the speedy effecting whereof he was so religiously carefull, that he writ to *Eusebius* ^a (and the same in effect to other Bishops.) *Quibuscunque Ecclesiis, what churches soeuer either you are set ouer, or other Bishops, Presbyters and Deacons, ubicunque terrarum any where, you are all to see that those buildings be diligently looked vnto, so that either those churches which remaine may be repaired and enlarged, or where neede is new may be builded: and what is needfull for that work call for of the Gouvernours of Prouinces, to whom I haue giuen in charge, ut omni studio & propensione animi subministrans, that they giue those things to you with all readinesse and alacritie: and that this was accordingly performed* *Eusebius* ^b witnesseth. Now when there were so many magnificent Churches and Oratories
 buil-

^a Euf. de vita
 Const. l. 2, c. 45

^b Euseb. lib. 10
 hist. c. 2. 3. 4.

yea the *Breviary* addes one vntruth, which neither in *Hadrian*, nor in the Donation of *Constantine*, nor *Baronius*, nor *Binius* is oblerued; and that is, That *Constantine* being thus cured, gaue libertie vnto *Christians* publikely to build Churches, quod ante negatum erat, which before this time was not permitted: an vntruth easie to be refuted, by many other testimonies, but those which I euen now cited out of the Emperours letters, commanding the Bishops euery where to haue care diligently to buildⁿ and repaire their Churches, and furnishing them with all needfull things for that worke: the many *Panegyrickes* which the Bishops vsed at the dedication of their Churches and Oratories (some of which *Eusebius* reciteth) is so abundant to refute the lying *Breviary*, that I shall not need to adde more thereunto. This only, I say, that they had need (and good reason) to haue their Liturgy in an vnknowne tongue, least the people vnderstanding what legendary fables and vntruthes they reade instead of Gods word, should abhorre, as iustly they ought, that seruice of God, which is stuffed with so many vntruths.

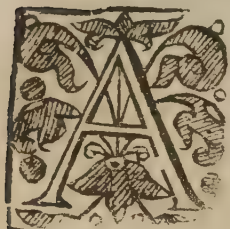
Lastly, wee see by this, that the *Romane Synod* vnder *Siluester*, whereof wee doe intreate, is nothing else but a base, euen a sottish forgery, the author whereof could deuise no other occasion, then a *thankesgiuing* after *Constantine* was deliuered from his leprosie, who neuer was touched or affected with that leprosie. I say no more, but seeing the Councell it selfe is witnesse (and *Baronius* and *Binius* defend it therein) that it was held after *Constantine* was purged of that leprosie: and seeing hee
neuer

⁂ Sic ergo cum Maximinus è medio sublatus esset, ecclesiæ per gratiam omnipotentis dei ex ipsis fundamentis renouabantur & erigebantur. Euseb. l. 9. hist. c. 11. & l. 10. ca. 3. Iam Maximinus (post cuius obitum hæc facta sūt) obiit an. cōstantini 6. vt ait Euseb. in chron. sed anno 9. vt ait Bar. an. 314. nu. 8. • Euseb. lib. 10. hist. ca. 4.

neuer was purged, nor needed any purging or cleansing thereof, it inevitably followes by the testimony of the Councell it selfe, that there neuer was any such Romane Councell, as this is described to haue beene. So much of the second circumstance, whereby this Councell is discovered, namely the leprosie of Constantine.

CHAP. VI.

The sixth reason proouing the second Romane Synod, to bee a forgerie, taken from the Baptisme of Constantine by Pope Siluester.



Third circumstance to discover the same, is, that it was held after Constantine was baptized by Siluester, as the actes^a doe expressely affirme; and this was also neuer. For the occasion of that baptizing by Syluester, was the leprosie of Constantine, which seeing wee haue before declared to be a meere fiction, the baptisme of leprous Constantine must needs bee like it, a legendary fable also. And euen this alone were sufficient to be spoken of that Baptisme, specially seeing Baronius tells vs, that Constantines baptisme was to expiate^b those former crimes, and as hee calles them, immane murthers, and purge^c away, as Pope Hadrian saith, his leprosie. But seeing this baptisme by Syuester, is a matter so certainly reported^d by them, set downe in their Breniary^e, approued by Pope Hadrian^f, by the 2. Nicene Councell^g, for defending wherof Baronius^h hath taken such paines, that hee peremptorily tells vs,

^a Eodem tempore cū multi nobiles gaudent quod Cōstantinus baptizatus à Siluestro esset, &c. Conc.

Rom. 2, ca 1.

^b Per baptismū patris facinoribus ablui & expiari iussus est. Bar. an. 324. nu. 41. dira & parricidalia delicta. an. eod. nu. 28.

^c Omnis te mala lepræ valetudo deferet. Bar. ex. Hadriani Epi. 1. citat. an. 324. nu. 37.

^d Siluester ab exilio rediens baptizauit cōstantinum. A-

naft. in vita Siluestri, & Sander in sua visib. Monar. ad an. 314. Genebr. in Chron. in Siluestro. Bini. Notis in vitam Silu. g. baptizauit. e. Breu. Ro. in fest. Silu. f. Had. 1. epist. 1. g. In quo Epistola Adriani probata est Act. 2, p. 313. b. h. Baro. an. 324. nu. 41. ad nu. 72.

H 2

how

^a Bar. an. 324.
nu. 41. coronā
deposuit & ve-
stī imperialem
septem diebus.

^b Hisce cate-
chismi die-
bus cum ip-
sum ad fidem
instrueretur
Pontifex
& catechista
Silvester. ibid.

^c Voluit fieri
intra palatium
Lateranēse, in
eodem. nu. 42.

^d Ibid. nu. 57.
^e Ibid. nu. 42.

^f Euseb. li. 4.
de vit. Const.
c. 61. 62.

how Constantine prepared ^a himselfe unto it, laying a-
side his crowne and Imperiall robes, how many dayes
of Catechizing he had, to wit seuen: who was his Cate-
chizer, to wit, ^b Silvester: where he was baptized, to wit,
at Rome neere the Lateran pallace: what māner of Font
he had, to wit, such an one ^d as was decked with a Lambe
of most pure gold; on the right hand of which Lambe
was our Saviour of pure siluer (note by the way the
dignitie of the Lambe aboue Christ:) & on the left
hand Iohn Baptist holding this title, Ecce agnus Dei.
what number was present: it was not ^e done publickely
by reason Constantine was so deformed with his lepro-
sie: but paucis duntaxat arbitris, a very few being wit-
nesses thereof: though of all these, and the rest which
are of this stampe, there can be no fitter sentence
pronounced, then *Vanitas vanitatum & omnia vani-
tas*: yet I will adde somewhat to shew how these
men take paines to make and maintaine vntruthes,
euen such also as being admitted, they gaine no-
thing at all to their cause thereby, vnlesse it be that
this Roman Synod might get, which it is neuer like
to do, some small credit by such fictions.

That Constantine was not baptized, either in his
19. yeare, or at Rome, or by Silvester, as these Le-
gendars affirme, but in his one and thirtieth yeare
at Nicomedia, and that after the death of Silvester,
is by the ancient Ecclesiasticall writers with one
consent testified. Eusebius who liued at that time,
expresly witnesseth it. When Constantine, sayth he ^f,
being very sicke, came to the suburbes of Nicomedia, he
called the Bishops together, and then signified his desire
of Baptizme, saying, It is time now, that at last we should
receiue

receiue that signe of immortalitie; telling them that hee had so long deferred it because hee purposed to haue beene baptized in Iordan, after the example of our Sauiour: And then, saith Eusebius, his baptism being consummated, *Incredibiliter animo gestiebat*, By the abundance of his faith hee did incredibly reioyce, and a little after ⁿ that dyed. The like witnesseth Socrates, ⁿ Ibid. ca. 64. ^o Socr. lib. 1. ca. 26. When Constantine being sixtie and fve yeeres olde, was greatly afflicted with sicknesse, hee came to Nicomedia, *Et illic in suburbio, lacuacro baptismatis tingitur*, Hee was there baptized; wherewith being exceedingly comforted, he made his testament, and after a few dayes dyed. Theodoret ^p in like manner saith, that a yeere ^p Theod. lib. 1. ca. 31. and some moneths after that Achanasius was sent to Triers (which was in the thirtieth yeere of Constantine) when hee was sicke at Nicomedia, *ibi donum suscepit sacri baptismatis*, hee there receiued the sacrament of Baptisme, for vnto that time hee had deferred it, *Quia in Iordane se consecuturum sperauerat*, because he hoped to haue beene baptized in Iordane. Sozomen ^q accordes hereunto, when Constantine ^q Sozom. lib. 2 ca. 32. was sicke and languishing, he was carried to Nicomedia, *Ibi sacrosancto baptismatis mysterio initiatus est*, there did he receiue the holy sacrament of baptisme, wherein exceedingly reioycing and giuing thanks to God, after that hee had made his testament, within a few dayes he dyed, being sixtie fve yeeres old. The same doth Saint Ambrose ^r witness, who saith of Constantine, *Baptismatis gratia in ultimis constituto omnia peccata dimisit*, The grace of baptisme did free him from all sinnes, being then ready to dye. The same affirms Saint Hierome ^s, who in the 31. yeere ^s Hier. in contin. Chron. Eusebiani. ad annum 340.

Epitome
chron. ab A-
dem &c. an. 1.
Olimp. 279.

u Nā Eusebi-
us à Nicome-
dia con-
stantinopolin
translatuſ est,
vt docet Socr.
lib. 2. ca. 5;

x Pom. Lat.
in compend.
Rom. hiftoriae.
in cōſtantino.

y Bin. Notis in
Epist. de muni-
ficentia cōſt.
10. 1. p. 295.

z constantinus
à Syluestro
baptizatus est:
Rurſus etiam,
ſicut in multis
ac diuerſis
chronicis le-
gimus, ab Eu-
ſebio Nicome-
dienſi epiſcopo
rebaptizatus
fuiſſe narratur.
Goroſ. Viterb.
in ſuo chron.
part 16. p. 383
ſed falſo hoc
aſcribit hifto-
riae Tripartitae
Hiſt. Trip. lib.
3. cap. 12.

of *Constantine* ſaith, *Hee was baptized by Eusebius, Bishop of Nicomedia, In extremo vita ſua tempore, even in the very laſt time of his life.* The ſame doth the Greeke Faſſi^t witneſſe, *Constantine gloriously and religiously changed his life, hauing beene Emperour 31. yeeres, being firſt made partaker of ſauing baptiſme, by Eusebius Bishop of Conſtantinople, who had been formerly u of Nicomedia.* The ſame doth *Pomponius Latuſ* affirme, *It is a maruaile, ſaith x he, that Constantine being deditiſſimus, moſt addicted to the Chriſtian faith, did deferre his baptiſme, in extremum vita tempus, to the laſt part of his age; and then anſwering this doubt, he did it, ſaith he, as I thinke, volens id in Iordane efficere, deſirous to be baptized in Iordane, and hee was baptized of the Bishop of Nicomedia.* Such an harmony and conſent there is in ancient Writers, all teſtifying that to bee vntrue which their *Breuiary*, *Pope Hadrian*, and this counterſait Synod doe affirme; and which *Baronius*, *Binius*, *Sanders*, *Genebrard*, and others doe maintaine, that *Constantine* was baptized at *Rome* in the 19. yeere of his Empire: of which *Binius* y addes one moſt vaiſt and vnexcusable vntruth, that the *Nicene Councell*, *conſenſu omnium*, by the conſent of all writers, was held after that *Constantine* was baptized: whereas all thoſe ancient writers before named, doe with one conſenting voyce proclaime the contrary.

The ſame alſo ſheweth another fooliſh errour of thoſe who ſuppoſe, z that *Constantine* being firſt baptized by *Sylueſter* at *Rome*, was rebaptized by *Eusebius* at *Nicomedia*; for they euidently witneſſe, that *Constantine* vntill this laſt time had deferred his baptiſme,

baptisme, & vpon what occasion he did so defer it.

Now against this consent of ancient Writers, to all which *Baronius*^a giues the lie, if you consider what *Baronius* and *Binius* doe oppose, that will much more confirme one in this truth touching the baptisme of *Constantine*. They could not name one ancient Writer, who affirms *Constantine* to haue beene baptized by *Syluester*; their chiefe witnesses are the Actes^b of *Syluester*, the Actes of *Liberius*, a booke published by *Anastasius*, out of the *Vaticane*, touching the munificence of *Constantine*. But who are the authors of those Tracts, and what authority they are of, *Baronius* and *Binius* were loth to speake. They are all such, as to which belongs that censure

noted out of *Gelasius* by their owne *Canus*. *Gelasius* and a Councell, saith he^c, commands, *ut eas historias nullo modo amplectamur, quæ sine authoris nomine proferuntur*, that wee should in no sort allow of such histories, as are set out without the certaine name of the authour, for such bookes doe smell either of imposture or heresie. So *Canus*. Or if you rather desire to heare *Gelasius*, and the *Romane Synod*^d it selfe, they professe indeede that they knew some Catholikes in *Rome*, and so in other Churches, to reade the Actes of *Syluester*, though it wanted the authours name; but their censure of namelesse writings is this: Therefore by ancient custome and singular care, such writings of the Saints are not read in the holy *Roman Church*, because the names of the writers are utterly vnkowne, & ab infidelibus aut idiotis superflua aut minus apta scripta esse putantur, and relating things superfluous or lesse fit, they are thought.

^a Necessario affirmandum est, Eusebium esse mentitum.

Bar. an. 324.

nu. 48. & 54.

& figmentum

vocat Binius,

quod ab Euse-

bio alijsque ei

cōsentientibus

hic asseritur.

Bin. Not. in vi-

tam Silu. §.

Baptizauit.

^b Bar. an. 324.

nu. 42.

^c Canus. lib.

11. loc. Theol.

c. 6. §. Quod si.

^d Concil.

Rom. primum

sub Gelasio.

thought to bee written either of infidels or idiots. So *Gelasius* with the Councell: which censure alone is sufficient for reiecting those namelesse & worthlesse actes, which are the verie best authors that *Baronius* and *Binius* had in this cause.

There is another testimony cited by *Baronius*, which carryeth great shew of antiquity, and that is of *Dalmatianus Bishop of Cyzicum*, who collecting some Actes of the *Nicene Councell*, setteth downe the Oration of *Constantine* vsed there before the Bishops, wherein he often confesseth himselfe, *Sacro baptisinate initiatus*, to haue beene baptized at that time. Thus writes *Baronius*, and hence would collect, that *Constantine* was the yeere before the *Nicene Synode* baptized by *Siluester*.

^d Dalmatium-
que Cyziceni
episcopū Cy-
zici ordinant.
Soer. l. 7: c. 28.
quem Dalma-
tium scriptorē
fuisse illorum
actorum putat
Alph. Pisanus
præfat. sua in
Act. Cōc. Nic.
apud Bin. pa.
321.

^e Gelasius
Cyzicenus cū
Acta Synodi
Niceni ex an-

tiquissimo libro (qui quidē fuit Dalmatij Cyzicenorum Archiepiscopi) descripsisset, rededit ex illo multa, &c. Possēu. in Appar. verbo, Nicæum Concil. Photius, Gelasii hunc, authorem horum Actorum ait, & eundem vocat cæsareæ Palestinæ episcopū, & cyzicū fuisse ipsi patriam ait in sua Biblioth. c. 88. f vt conijcit, Baro. an. 476. nu. 67

OUS

ous and witleffe speech g, as neither is true, nor yet befitting the Emperour. In that Oration the Emperour saith; *Quid ergo in mea mediocritatis iustificatione dicere oportebat*, What was to be said in the iustification of my mediocritie, but that which the diuine truth doth demonstrate? And againe, *I truly in this small furniture of my Oration, dare say no more then animam meam iustificatam, that my soule being iustified ought to conuerse in sinceritie*: and lastly, *I will briefly assay to declare this, quatenus fides & animi iustificatio facultatem dicendi dederit*; so farre as faith, and iustification of minde shall grant abilitie of speech. Thus doth the Cardinalls forged *Dalmatianus*, make the Emperour to speake, and out of these three sayings^h, wherein the Emperour is made to name his iustification, they collect that sure the Emperour was baptized.

I will not heere stay to shew how witleffe and impertinent these sayings are, which the forger hath made *Constantine* to vtter, I will onely now demand of *Baronius* and *Binius*: if iustification doth inferre baptisme, was not *Valentinian* the Emperour iustified, though hee died without baptisme? Saint *Ambrose*ⁱ saith of him, *that seeing hee purposed when hee should come into Italy to bee baptized, certè quia poposcit, accepit, surely in that hee had a purpose and desire of baptisme, hee receiued the fruit of baptisme, that is, grace and iustification*. So may it be said of *Constantine*, euen before hee was baptized, seeing hee had a resolution and earnest desire to bee baptized

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where

g Oratio exstat, li. 2. Act. Conc. Nic. in initio apud Bin. pa. 328.

h Imperator sæpius profetur se plane Christianum esse, sacroque baptismo initiatū. Bar. an. 324. nu. 49. Nota (inquit Bin. in illa Dalmatij verba) iustificationem iam tertio repetitam, contra Eusebium, qui Constantinū in fine vitæ baptizatum scribit. & vox iustificationis baptismi iam fuisse, Constantinum significat. Bin in marg. pa. 329. a. b. i Amb. Orat. de obitu Valentiniani.

where Christ was, in *Jordan*, *Certe quia poposcit accepit*, vndoubtedly he had by this desire the fruit of baptism, though it was but then in *voto*, not in *actu*. Or if one who beleueth, but is not baptized, hath not grace or iustification, then that Scripture shal not be true, *with the^k heart we beleue vnto iustification*: and he that beleueth in me, hath euerlasting life: And, *credidit^l Abraham Deo*, Abraham beleued God, and that was imputed to him for righteousness, euen before he was circumcised. It is an excellent saying of *Ambrose^m* to this purpose: *Qui habuit spiritum tuum quomodo non accepit gratiam tuam*; He that had thy Spirit, O God, how shall not he haue also thy grace, thy Iustification? Or, *If because baptism is not solemnly administred, this doth mooue you* (saith Saint *Ambrose*) then let not *Martyrs* bee crowned if they bee but *Catechumens*: for (by your saying) they are not crowned (nay, not iustified) if they be not baptized: but if they be baptized in their owne blood, *et hunc sua pietas abluit & voluntas*: Truly this beleuer, though a *Catechumen* is baptized by his owne piety and desire of baptism. So *Ambrose*. This may suffice to shew how very friuolous a collection they make from iustification or faith to prooue baptism, of which I haue in another place shewed my opinion, without prejudice to others, that baptism is not giuen to any, (but without all doubt, not to *adulti*) that they may haue grace or iustification, but because they are supposed by the Church to haue the first grace and to bee iustified, therefore are they baptized, and receiue the seale of their former,

^k Rom. 10. v.
10.

^l Rom. 4. 3.

^m Amb. loc.
c. 1.

former, and an holy instrument of a second grace, and further assurance of their iustification; But of this else-where.

And this I haue answered, supposing *Constantine* to haue spoken as the Imposter makes him, and so often to make boast of his iustification. But that the Emperour said in truth no such thing at all, it is witnessed by *Eusebius*, who was present in the Councell, and heard the Emperours Oration, and hath wholly set downe ^c the same. In which both wise, eloquent, and religious speech of *Constantine*, there is no such thing either saide or signified: the same is in like manner related by *Sozomen* ^d, of that which the Cardinall cites out of his forged *Dalmatianus* not one syllable. And this by the way may bee one strong presumption, that the Authour of those Acts meant not truth and good dealing, in the rest of the disputations and Narrations he sets downe, when at the entrance he was so bold as to deuise a false and witleffe Oration for the Emperour. But if it please God that I mayauer finish my other Treatise concerning the eight generall Councils, I purpose, and nothing doubt, to demonstrate by vndeniable euidentcs, that there is no truth nor credit at all to bee giuen to that forged Authour, whom *Baronius* heere calleth *Dalmatianus Cizicus*, and some other call *Gelasius*.

^c Euseb. lib. 2.
de vita Const.
ca. 12.

^d Sozom. lib.
1. cap. 18.

Lastly, what will you say if this *Dalmatianus* doe evidently contradict the Cardinals owne position, and teach that *Constantine* was baptized before his 19. yeare? In this *Dalmatianus* it is expressely affirmed,

e. Decimo quidem sexto ann & sex mensibus regni sui, sanctum Concilium congregavit, anno 20. concilium dissoluit. Dalm vel Gelas. lib. 4 & apud Bin. pa 365. quod ex Græco Vaticano etiam citatur iterum. lib. 1 in fine. pag. 328.

f. Nam anno 19. Constantini, Consul erat Crispus. 3. ut Græci Fasti testantur & agnoscit Baronius. 324. nu. 1.

g. Canus lib. 11. cap. 5. §. De baptismo. h. Sand. Visib. monarch. ad tempus Siluestri, pa. 282. i. Nicep. Callist. lib. 7. cap. 35. & lib. 8. ca. 54.

firmed e, That the Nicene Councell beganne in the sixteenth yeare of Constantine, and in the sixth moneth thereof. Now by Baronius and Binius collection and interpretation of Constantines laying, that he was iustified, it vnauoydably followes, not onely that Constantine was conuerted, and was no persecutour in his nineteech yeare, but that he was baptized also two whole yeares^f before the beginning of Crispus his third Consulship, before he fell into his leprosie, or sent for Siluester. And then by Dalmatianus the Cardinals owne witnesse, the whole narration of his murdering of Crispus, Fausta, and others; of his leprosie, of his cure, of his baptisme by Siluester, of his holding the Romane Synod for thanksgiving of his cure after his baptisme, are all clearely proued to be (as in truth they are) meere fables; all which they teach to follow the third Consulship and murther of Crispus: whereas by Dalmatianus, Constantine was baptized & held the Nicene Councell two whole yeres before that Consulship of Crispus began. So very vnprovident was the Cardinall in alledging Dalmatianus in this cause. But enough of him, and so of the witnesses which Baronius could finde to speake for this baptisme of Constantine: which as you see, are both few, and withall vncertaine and worthlesse writings, vnfit to be opposed to that consent of ancient Historians, which for the contrary we produced.

Melchior Canus^g, and Nich. Sanders^h, adde the testimony of Nicephorus to the same purpose, who resolutely indeed, and too confidently, affirmesⁱ, Constantine to haue bene baptized at Rome: but Baronius

ronius was vnwilling to vse this testimony, which he knew many waies to ouerthrow the maine point at which he aymeth. For *Nicephorus* saith, That with *Constantine*^k was *Crispus* his sonne also at the same time baptized; and then the fable of *Constantines* murdering of *Crispus*, and falling into a leprosie after that murder, all before his baptisme, is quite spoiled. Againe, *Nicephorus*^l placeth the baptisme of *Constantine* before his victorie ouer *Licinius*, which as wee haue shewed, fell out in his twelfth yeare; and then how the Romane Councell which puts his baptisme in the Consulship of *Crispus* the third time, that is, in *Constantines* nineteene yeare: how this can be salued, is not easie to declare. *Baronius* had reason to omit and neglect this testimony of *Nicephorus*. It is not the Baptisme of *Constantine*, but the credit of the Romane Synod for which the Cardinall striueth: and seeing that is so contradicted and proued by *Nicephorus* to be a counterfeite, *Baronius* thought it more fit to ouerpasse this witnessse, then cite him, who in the maine point is so repugnant, both to the truth, and to the Cardinalls maine position.

Binius^m vnto these adioynes a testimony of *Anastasi*, who in his briele Chronicle, by authoritie of this Romane Synod vnder *Siluester*, teacheth, that *Constantine* was baptized in his eighteenth yeare, and the same by *Zosimus* and other writers is, as he saith, confirmed. Suppose it were true, *Binius* could not haue alledged any thing more effectually against him selfe. For we haue before proued that *Crispus* died not till the twentieth yeare of *Constantine*; and *Baro-*

^k Vñd cum ipso autem *Crispus* etiam filius eius diuinum participauit lauacrum. Nic. lib. 7. ca.

33.

^l Lib. 7. ca. 44. & seq.

^m Bin. Notis in vitam *Siluestri*. S. Baptizauit, Authoritate eius (Romani) Concilij *Anastasi* recenset *Constantini* baptismum Romae habitum, anno Imperij illius 18. &c.

^a Bar. an. 324.
nu. 1. & 7.

nius^a confidently affirms and proves out of *Eusebius*, that he was not slaine till the nineteenth yeare current of *Constantine*. Wherefore if he was baptized as *Anastasius* witnesseth, in the eighteenth yeare, then was he baptized before the murther of *Crispus*, before he fell into his leprosie, and so not onely *Baronius* and *Binius* himselfe; but Pope *Hadrian*, their Breuiarie, and this very Roman Synod vnder *Silvester*, are clearly proved to be fablers, who all teach his baptizme to follow the murther of *Crispus*, and the leprosie of *Constantine*.

Some may perhaps wonder that *Baronius* did not alledge the Pontifical of *Damasus* in this cause, for therein it is expresly sayd, That *Silvester* comming from exile in the mountaine *Sora*, whither he had fled for the persecution of *Constantine*, baptized *Constantine*, and cured him of his leprosie. Now *Damasus* is an ancient father and Pope, living neere to that time also. His name might haue gained great countenance and credite to this baptizme by *Silvester*. But the reason of the Cardinalls silence of *Damasus* name, is euident. The Pontificall is vulgarly called in deed and inscribed by the name of *Damasus*: but *Baronius*^b himselfe confesseth that *Damasus* is not the author of it: and *Binius* expresly sayth^c, *Huius libri Pontificalis Damasus author non est*, *Damasus* is not the authour of this Pontificall. Againe, whosoeuer was authour of it, in that verie life of *Silvester*, he directly contradicts *Baronius* and *Binius*, and demonstrates this Romane Synod to be a counterfeite: for he placeth this synod^d after the *Nicen Councell*, and so the whole fable of *Crispus* murther,

of

^b Bar. an. 384.
nu. 15.

^c Bin. in Notis
ante vitam B.
Petri. pa. 19.

^d Huius temporibus factū
est Concilium
in Nicea, &c.
Et in vrbe Roma
congregauit Episcopos
277. & damasus
uit iterum Arianum,
& Photinum. Vita
Siluestri, apud Bin.

of Constantines leprosie, cure, and baptizme, before that Nicen Councell, is quite spoyled. To say nothing how the Pontificall placeth the death^a of Silvester in the Consulship of Volusianus, which talles ^b in the ninth yeare of Constantine (for Volusianus was Consul in no other yeare during the raigne of Constantine) and so by the Pontificall, Silvester dying in the ninth yeare of Constantine, some ten yeares after that should rise out of his graue to baptize and cure Constantine, and hold this Roman Synod after the cure thereof: or else because the same Pontificall sayth that Silvester liued vntill the yeare when Constantine and Volusianus were Consuls, which neuer was yet, by the authoritie of that Pontificall, Silvester is yet aliue, and Pope also. For these and such like reasons I thinke Baronius did wisely not to produce the Pontificall of Damasus.

Besides these testimonies wherein you see is little helpe for their cause, Baronius and others alledge diuers reasons and collections, to perswade that Constantine was baptized at Rome by Silvester. One is the monument of Constantines Font, that wherein he was baptized, which (as they say) is yet to be seene at Rome. This doth Melchior Canus ^c thinke a very pregnant & certaine prooffe. Baronius ^d doth also mention the same, and tels vs, that *hactenus visitur hoc baptiserium*, the Font wherein he was baptized is as yet to be seene in the Laterane, but withall he tels vs that which exceedingly doth discredit this ancient monument of their Font. There remaines some prints (saith hee) of that noble antiquitie, *quam vix in chartis, modo nobis antiquitas representat*, which in writing

^a Fuit temporibus Constantini & Volusiani ex die Kalend. Feb. vsque in diem Januarij Constantino & Volusiano Consulibus. Damas. vt vocatur, in vita Siluest.

^b Bar. an. 314. nu. 1.

^c Canu. loco cit. in testimonio certissimum Romæ asseruatur.

^d Bar. an. 324. nu. 42.

^e Bar. an. 324. nu. 55. 56.

writing or in Bookes Antiquitie doth represent vnto vs, but yet *those Printes remaine by the industry of Anastasius, Qui tam memorabile monumentum ab iniuria temporis vindicatum, memoria prodidit*: who hath left vnto posteritie this memorable monument, freed from the iniurie of time, and these they are, *qua nimia vetustate obsita, prout licuit ex mendoso codice, which wee haue set downe as well as we could out of a faulty, torne and too old a booke, very rude, and not set out with Anastasius stile.* Thus Baronius touching this monument of Constantines Font. When the memory of it must bee gathered out of a torne, rude, and faultie booke; when the first whom the Cardinall could produce for it, was *Anastasius* the keeper of their Vaticane, one who liued more then 500. yeares ^a after Constantines death, and who was (as I haue elsewhere declared) an arch-corrupter of true monuments, and one principall mint-master of their fabulous narrations; when the credit of this monument must rely on him, it may iustly be thought that there are neither ancient, true, nor certaine proofes for this Font of Constantine.

^a Claruit Anastasius, an. 860. Triterim. lib. de Eccles. script. & Bel-lar. lib. de Eccles. script.

^b Baptisterium adhuc extat, & à Marcellino eius ætatis scriptore. lib. 27. appellatur Constantinianū Lauacrum. Bin. Not in Donat. Const. p. 298.

Binius ^b cites a farre more ancient author then *Anastasius*, to wit, *Ammianus Marcellinus* the heathen writer, who, as *Binius* sayth, calleth this Font *Lauacrum Constantinianum*, and this he sayth is a testimony not to be contemned. Truly had *Marcellinus* mentioned the font of Constantine, or called it by that name it had beene a very cleare testimony: *Binius* should not haue needed so to haue qualified or impaired the same by saying it is *non contemnendum testimonium*. But I feare *Binius* was conscious to himselfe that

that the *Lauacrum Constantinianum* in *Marcellinus*, is not any Font wherein *Constantine* or any other was baptized, but the *Therma* or *Balneum*, the bath which *Constantine* made, as many other Emperours had done the like before: as the bath which *Maximianus* surnamed *Herculeus*, had a little before made at *Milane*, is called by *Ausonius* ^a *Herculeum Lauacrum*: of which *Sigonius* saith ^b, that it was called *Herculeæ Therma* siue *Lauacrum Herculeum*: And in *Olympiodorus* ^c are mentioned, *Lauacra publica ingenti magnitudine*, very spacious and large bathes, of which sort of *Lauacra*, *Ammianus* himselfe speaking, saith ^d, *Lauacra in morem prouinciarum extructa*, there were bathes at *Rome* as great as a Prouince: One of which, namely *Antonianæ Therma*, had sixe hundred seates in it for such as would be bathed there, as *Olympiodorus* ^e testifieth. Such a bath was that *Lauacrum Constantinianum*, which *Ammianus* mentions: which *Binius* might easily haue knowne, partly by the description of *Rome* prefixed to the *Notitia Prouinciarum*, and set foorth also by *Onuphrius* ^f (where besides the generall summe of bathes in *Rome* which exceeded the number of 900. there is expresse mention of eleven principall, one of which ^g was *Therma Constantinianæ*; the same no doubt with that which *Ammianus* ^h, and after him *Sigonius* ⁱ calles *Lauacrum Constantinianum*,) and specially by the very Text and words of *Ammianus*; for there it is sayd, that the people would haue set on fire the house of *Lampadius*, prope *Constantini Lauacrum*, neere the bath of *Constantine*: not neere his Font, of which *Ammianus* knew nothing. And if the Font had beene meant by that

^a Et regio Herculei celebris sub honore lavacri, Auson. De nobil. vrb. Ep. 4. de Mediol.

^b Sig. de occid Imper. lib. 1. an. 301.

^c Olymp. citatur à Lips. lib. 2. de magnit. Rom. c. 8.

^d Am. Marc. li. 16. §. Proinde.

^e Olymp. apud Lips. loc. cit.

^f Onuph. lib. de descr. vrb. Rom.

^g Vt liquet ex desc. Rom. tam ante Notit. pro vi. quam apud Onuph.

^h Am. Marc. lib. 27. prope initium.

ⁱ Sig. lib. 7. de occid. Imp.

Lascrum, hee would rather haue sayd, neere the Church or Temple of *Constantine*, and not neere the Font, which was in the Temple. So childish was this collection out of *Ammianus*, that it may most iustly be esteemed, *testimonium contemnendum*.

^a Anast. libell.
de munificen-
tia Constanti-
ni, apud Bin.
pa. 259.

Suppose some Font in the *Laterane* were called *Constantines*: what if it was that *Constantine* which was the sonne of *Irene*, and in whose time the second *Nicen* Councell was held? Those gay and glorious Images of the *Agnus Dei*, of *Christ*, of *Iohn Baptist*, of the *Angell*, and such other *Pictures*, wherewith the Font is bedecked, doe perswade that it was rather his Font, then *Constantines* the Great. Or say it was the great *Constantines* font, what if it was so called because he bestowed it, & erected it, not because he was baptized in it? as the very *Laterane* Church (wherein that Font as they say yet remaines) is called by the same *Anastasius*^a, *Constantiniana Basilica*, the Church of *Constantine*, not because *Constantine* was baptized in it, (for it was builded after his baptizme, as themselves also confesse,) but because hee builded it. Howsoever, till there appeare more certaine prooffe then is this of *Anastasius*, there are few I thinke that will giue credite to such a late and fabulous writer, and so vncertaine a monument, against so many ancient records and testimonies, some of those who liued at the same time with *Constantine*, who with one consent do testifie, that he was baptized not at *Rome*, but at *Nicomedia*.

A second reason they take, and vrge it very earnestly from *Constantines* presence in the *Nicen* councell: whereupon they inferre, that certainly there-
fore

fore hee was baptized before that Councell. *who can beleene (saith Canusa^a) that the Nicene Bishops would suffer Constantine to bee present in that Synod and at their disputations, unlesse he had beene first baptized? Eunne sanctos patres passuros (saith Steuchus^b) would the holy Nicene fathers haue suffered him to sit among the in the Councell if he had bin vn baptized? How could he (saith Baronius^c) haue bin present and sit among the Bishops in the holy Synod, if he had beene but a Catechume? Laturine essent beatiss. illi Antitistes, would those most holy Bishops haue suffered or endured this? This is forbidden (saith Binius^d) to all Catechumes and sinners: and will you thinke that it was granted to Constantine, guiltie of such crimes, and as yet a Catechume? Thus reason they.*

For answer whereunto, I omit what insolency they shew in their speech, as if Constantine who was the chiefe and commander of all in the Synod, might not sit there, but by the leaue, courtesie, permission and sufferance of the Bishops? I entreate them first to know what Bellarmine or the Cardinalls Dalmatianus would say to this Obiection. For both ^e they make the Nicene Councell to begin before the eighteenth yeare of Constantine. And seeing Constantine was not baptized before the murder of Crispus, before hee fell into his leprosie, which was, as they account, in his nineteenth yeare: what a foule ouer-sight was it in Dalmatianus and Cardinall Bellarmine, to thinke that Constantine beeing then but a Catechume and not baptized, did sit in the Nicene Synod, did heare their quarrels, take their bills of cōplaints,

K 2

and

^a Can. loco
citat. lib. 11. c. 5

^b Steuch. lib.
de Donat.
pa. 156.

^c Baron. an.
324. nu. 49.

^d Bin. Not. in
vitam Siluest.
§. Baptizauit.

^e Durauit tri-
bus annis, &
finitum est an-
no 20. Constan-
tini. Pell. lib. 1.
de Conc. ca. 5.
§. Sed & §. Itē.
Dalmat. siue
Gelas. Cyzice-
nus. lib. 4. Act.
Nic. p. 365.

and was present at their disputations & determinations? Certainly this new round learning was not knowne in the dayes of *Dalmatius*.

Next, I wish them to consider of the Councell at *Arles*, vnto which *Constantine* called very many Bishops, no fewer then two hundred, *ex locis diuersis ac propè infinitis*, almost out of infinite places (as the Emperours owne letters ^a doe witnesse) among which were presidents also in the Councell, foure Legates for *Siluester*, as *Baronius* ^b obserueth, and after him ^c *Binius*. That *Constantine* was present in this great and holy Councell, *Eusebius* clearly testifieth, saying^d, *Constantine* as a common Bishop appointed by God, called a Councell. (he meanes this at *Arles*) and in *media istorum frequentia ac congressu adesse*, and hee was present in the midst of the Bishops, he did not disdain to sit among them, (this is another manner of speech then to say, they ^e permitted or suffered him) he was made partaker of their deliberations, &c. Now this Councell was held, when by all mens confession, *Constantine* was a Catechume, for it was assembled ^f in *August*, when *Valusianus* and *Anianus* were Consuls, which was in the beginning of *Constantines* 9. yeare. None of all those holy and worthy Bishops, once vpbraid the Emperor, that he was not baptized, or that they might not suffer him being but a Catechume to sit in the Councell. Seeing *Baronius* & *Binius* both of thē confesse, that he was present in this holy councel at *Arles*, though he were but a Catechume, what peruerse dealing is it in them to say the Bishops at *Nice* would not haue suffered him to sit in the Synod had he bene but a Catechume?

And

^a Apud Euf. lib. 10. hist. c. 5.

^b Bar. an. 314. nu. 51.

^c Bin. Not in Conc. Arel. 5. Ad petitionem.

^d Euseb. l. 1. de vita Con. c. 37

^e Quod Constantinus adhuc Catechumenus interfuerit. patres concessisse videntur. Bin. Not in Conc. Arel. 5. Ad.

^f Vt Acta Concilij illius declarant.

And it is but meere dallying, which they adde of this Councell at Arles, that the Emperour was not to be excluded, (so Baronius^a speakes) or that the Bishops granted or gaue leaue vnto him to bee present, (so speakes^b Binius) because in this Councell was handled no matters of faith: For both was there a question of faith, inuolued in that cause betweene Cecilianus and the Donatists, (as I haue else-where made euident,) and where I pray you, doe they finde, that a Catechume Emperour is to bee excluded, more from hearing a cause of faith debated in a Councel, then a cause of the facts and scandalous actions of Bishops? For it is a manifest vnruth which Binius^c affirmes, to be witnessed by Sulp. Seuerus, lib. 2. That Constantius the Emperour was not suffered to be present in the Councell at Millane, because he was a Catechume. That he was a Catechume at that time, Seuerus indeed affirmes: but that he was either for that cause, or at all excluded, or not permitted to come to the Synod, Seuerus hath not one syllable. Nay, to see the vanitie of these men, Binius^d plainly professeth, that the Hereticall Emperour Constantius, was president in that Councel at Millane: and so either by himselfe or by his Deputies, was present therein. Besides, of the two, it is lesse to be regarded, that the errors, then the crimes and scandals of Bishops be knowne to Catechumes, or to any others, as Constantine wisely considered, when at the Nicene Councell he burnt all the bills^e of their particular quarrels and accusations, giuing this as a reason, *Nec vlli hominum innotesceret simultas sacerdotum*, adding (as Theodor^f saith) That if himselfe should see

^a Bar. an. 314 nu. 53.

^b Bin. loc. citato.

^c Bin. Notis in vitam Siluest. §. Baptizauit. Constantio adhuc Catechumeno Mediolanensi Concilio interesse non fuisse permissum testatur Sulp. Seuerus: & familia fere habet Bar. ann. 355. nu. 10. 11

^d Cum huic Conuentui praesideret haereticus Imperator, quis legitimum Concilium vocet? Bin. Not. in Concil. Mediol. §. Reprobaturum.

^e Ruff. hist. lib. 1. ca. 2. & Soc. lib. 1. ca. 5

^f Theod. lib. 1. ca. 11.

g Bar. an. 224
nu. 49. & Bin.
Not. in vitam
Siluest. S. Bap-
tizauit.

h Vique ad sa-
cratissimæ ob-
lationis finem
perseuerasse,
Bar. loc. cit.

i Euseb. lib. 4.
ca. 22. & 57.

k Nocturnam
in hoc festo
peruigilatio-
nem tam clarâ
reddidit, quam
diurnam lucē
accensis tota
vrbe quam cel-
sissimis cereis
candelis, &
lampadibus,
igneis, &c. lib.

4. ca. 22.

l Seruatoris
benignitatem
imitatus om-
nibus beneficia
& prolixam
manum porri-
gebat, collatis
in omnes
maximis be-
neficijs, ibid.
m Imperator
cum cæteris
pernoctans
vota precesque
Deo suo per-
soluebat, lib.

cod. ca. 57.
n Lib. cod. ca.
22.

a scandalous fault in one of them, *paludamento suo se obtecturum / sceleratum facinus*, He would hide such a fault with his owne Imperiall robe. Wherefore seeing the Emperour being as yet vn baptized, sate in so great and holy a Synod, as was that at Arles: it is a very friuolous obiection of *Baronius* and *Binius*, that he might not be present at Nice, vnlesse he had bene baptized.

A third reason they make, *Because Constantine was present at the sacred mysteries & at Easter*, (they meane the^h Eucharist) and was not commaunded by the Deacon to depart, as Catechumes were wont to be: And this they would seeme to collect out of *Eusebius*, who saithⁱ, That he with all his strength both of minde and body, did performe the diuine rites of that holy feast of Easter. But neither doth *Eusebius*, nor any ancient writer mention his presence at receiuing of that Sacrament. Those *Sacra*, and *Diuine rites*, which *Eusebius* intends, himselfe explaines to be, *The ioyfull and religious Vigil^k, which the Emperor obserued*, in honor of Christs Resurrection, and in token of his assured beleefe thereof; *His magnificence^l, vsed as a token of his ioy at that time*, his zeale and feruency in praying^m, and praising God; of which *Eusebius* saith in the very same Chapterⁿ, *Ille deo suo quasi sacerdos quidam sacra faciebat*, he offered sacrifices, or prayers and praises to God at that time, as one of the Priests. From which words, they may as well, say much better conclude, that he consecrated the Host, then that he was present at the consecrating or receiuing therof. So idle is this their coniecture touching his presence at the Eucharist.

Stenches

Stenchus^o, out of Theophanes addeth a fourth, which he calls *validissimum argumentum*, a most strong argument, to proue that Constantine was baptized before the Nicen Councell; and that is, *Because if he had not then beene baptized, he might not, orationes cum diuinis patribus habere*, not so much as haue prayed with those holy Fathers, or beene present at prayers with them, at which Constantine to haue bene present, he affirmes (and that rightly) to be so certaine, *That to thinke the contrary, is, as he saith, absurdissimum*, a thing most absurd. Stenchus herein bewrayes a far worse fault then ignorance. For who can imagine Stenchus to haue beene ignorant, that Catechumes (they were such as being instructed in the faith, were not as yet baptized) were in ancient times permitted to be present, at all other parts of diuine seruice, (prayers, reading and preaching of Gods word) saue onely at the receiuing of the Eucharist. When that was to be celebrated, the Catechumes were dismissed: euen as at the end of all, there was *Missa fidelium*, a dismissal of all the rest, who till the end remained. And from this very custome of dismissal, the word *Missa* q. (which is corruptly now called Masse) tooke his name; *Missa*, being anciently vsed for *Missio*, as *remissa* r. for *remissio*, and *collecta* f. for *collectio*. Its called *Missa*, saith Isidore^r, because the Catechumes were sent away, the Deacons crying, *If any who is a Catechume remaine, let him depart*. The like saith Rabanus^u, & Remigius^x: *Missa*, saith Alcuinus^y, is so called, because it is a dismissal, and the *Missa* of Catechumes was, before the administration of the Sacrament, the *Missa fidelium*, (that is, such as were

^o Aug. Stench. lib. cit. pa. 160
^p Vt patet ex Cyrill. Alex. lib. 12. in Ioh. ca. 50. & August. tract. 4. in Iohan.
^q *Missa* nomen significare etiam Mercatū seu nundinas in const. Carol. Mag. tit. de Malla, ca. 2. & alibi obseruat Buxaus. Not. ad illud ca. Idem notat Ioh. Liddius in glossa sua Latino-barb. An vero inde dictæ voces illæ Michaelmas, Martinmas, & similes, alij viderint: nos pro officio diuino hic accipimus.
^r Diximus de remissa peccatorum. Tertul. lib. 4. cont. Marc. cap. 18. Aug. lib. 3. De bapt. ca. 18.
^f Fecit Salomon collectā, &c. 2. Chron. 7.9. & 1. Cor. 16. 2.
^u Isid. lib. 6. Etym. cap. 19.
^x Remig. lib. de officio Missæ.
^y Alcuin. lib. de baptizet)

^u Rab. lib. 1. Inst. cler. cap. 32. ^x Remig. lib. de officio Missæ.
^y Alcuin. lib. de baptizet)

^k Conc. Cart.
 4. habitum
 Honorio 4. &
 Eutichiano
 Conf. Act.
 Conc. apud
 Bin. pa. 553.
 is est an. 398.
 iuxta Bar.
 obijt autem
 Constantinus
 an. 337.
^l Conc. Carth.
 4. ca. 84.
^m Conc. Iler-
 denſe can. 4.
 habitum vero
 est ann. 524.

baptized) was after the celebration and receiuing of
 the ſame. That Canon of the fourth Councell at
 Carthage, (which was held about ^k 60. yeares after
 Constantine) doth clearely witneſſe this: for there ^l
 it is decreed, That no Biſhop ſhould hinder any to come
 into the Church, or to heare the word of God, neither
 Gentile nor Iew, nor Heretique, vsque ad miſſam Ca-
 techumenorum, vntill the diſmiſſion of the Catechu-
 mes. And the like was decreed, concerning noto-
 rious offenders, in the Councell at Ilerda in Spaine,
 where ^m they are permitted to ſtay in the Church no lon-
 ger, then vsque ad miſſam Catechumenorum, till the
 diſmiſſion of Catechumes. Steuchus could not be
 ignorant of this cuſtome, continued in all ages of
 the Church. It was meere hate of the truth, which
 moued him to auouch, that Constantine a moſt reli-
 gious Emperour, might not be permitted to bee
 preſent at prayers, with the Nicene Fathers, vnleſſe
 he had beene baptized; when the uſe and cuſtome
 of the Church euen in that very age, allowed not
 onely Catechumes, but notorious offenders, and
 heretickes, yea Pagans and Iewes, to be preſent at
 the ſame.

ⁿ Niceph. lib.
 7. ca. 35.
^o Canus loc.
 Theol lib. 11.
 ca. 5. §. de bap-
 tiſmo.

Biſhop Canus conſidering, that the baptiſme of
 Constantine could not effectually be concluded, ei-
 ther from his preſence at prayers, nor yet at the Eu-
 chariſt, goes one ſtep further then either Baronius
 or Steuchus durſt aduenture: and out of Nicephorusⁿ,
 tels ^o vs, (which is their fiſt reaſon) That Constantine
 was particeps myſteriorum cum eis, partaker of the ho-
 ly myſteries, (that is, of the Eucharist) with the Ni-
 cene Fathers; and they adde, *Hiſtoria tradit*, that
 this

this is witnessed in the Historie. Verily, could either *Nicephorus* or *Canus*, or any other of them all, produce any one authentick Historie to testifie this, none would euer after open their mouthes against them in this matter, touching *Constantines* baptisme. But no Historie at all (as I thinke,) and certainly none of credit, either doth, or can mention this.

For it is certaine, not onely by *Eusebius* P, *Ambrose*, *Jerome*, *Theodoret*, and many other, but euen by *Constantines* owne words, That he deferred his baptisme vntill a little before his death, nine yeares at least after the *Nicene* Councell was ended; and he giues a reason, why he had so long deferred it. Seeing then none vn baptized, might partake of the Eucharist, it is euident and certaine, euen by *Constantines* owne testimonie, that he being vn baptized at the time of the *Nicene* Councell, neither might, nor did communicate with those Fathers, as *Nicephorus* saith hee did, at that holy table, nor partake of the Eucharist with them. That which misled *Nicephorus* herein, was the mistaking of certain words in *Eusebius*, which is (in all likelihood) the Storie that *Nicephorus* meaneth. *Eusebius* declaring the deuotion, pietie and zeale of *Constantine*, in obseruing the celebrie of Easter, saith ^f, That he performed *θεῖας ἱεροπρατίας* ^t the diuine and sacred rites, or duties prescribed by the Bishops: and againe, *ἱεράτο τῷ θεῷ*. He sacrificed, or was as a Priest to offer the sacrifices of prayers and prayes vnto God. *Nicephorus* misconceiuing these words, affirmes, The Historie to speake of the Eucharist, whereas not one word is meant thereof: and to speake,

^g Euseb. Amb. & alij locis citatis.

^q Apud. Euseb. lib. 4 de vit. Const. ca. 62.

^r Diuina mysteria participasse: & eiusdem mensæ participem fuisse ait Nicephorus loc. cit. & ex eo Canus.

^f Euseb. lib. 4: ca. 22.

^t ἱεροπρατίας est sacrorum antistes & doctor.

x Nam Cone.
Nic coepit 14.
die Iunij, &
terminatum
est 25. die Au-
gusti. eodem
anno, Bin.
Not. in id.
Conc. S. Pau-
lino.

y Niceph. lib.
8. ca. 14.

z Ibid.

a Niceph. lib.
7. ca. 23.

b Possen. Ap-
par. in Nice-
phorus.

c Quæ duæ
rationes effici-
unt, vt non te-
mere ijs acce-
dam, &c. Can-
loc. cit.

d Bar. ann.
324. nu. 45.

Of his receiuing those sacred mysteries, whereas the Historie speakes onely, of his offering spiri-
tuall and holy sacrifices vnto God: and to speake
Of the time of the Nicene Councell, whereas the
Historie speakes onely of Easter, at which time
there was no assembly of the Nicene x Fathers.
Nicephorus is as fouly mistaken in both these say-
ings, (that Constantine was partaker of the Eucha-
rist, and that the Historie witnesseth the same,) as
he was, saying, That y the Nicene Councell was held
in the time of Pope Iulius, or, that there was a
Bishop z of Constantinople at that time, or, that
Constantine a was baptized with Crispus. All of
them (and many moe) are so vnttrue, that no fit-
ter iudgement can be giuen of them, then Possen-
uine gives in another matter: Mendacissime b asse-
rit, Nicephorus is a most lying Authour in them all;
And for Carus, who herein applauds c Nicepho-
rus, none can say otherwise, but that he wittingly
followed the lying reports of him whom their
owne Possenue calls a most lying Authour.

Besides these actions of peace, from which as
you see, the baptisme of Constantine by Syluester,
cannot be concluded, Baronius vrgeth a sixth reason,
drawne from his actions of warre; were it true,
saith he d, that Constantine was not baptized, till a lit-
tle before his death, then hee must be held for pietie
and religion farre inferiour to Constantius: for at
that time when Constantine dyed, hee was preparing
a warlike expedition against the Persians, and before
that he had made many battailes against his enemies;
all

all which time, and in all which warres, he remained unbaptized: whereas Constantius being to fight against Magnentius, *Ne lixam quidem voluit nisi ante baptizatum, in hostem proficisci*, would not suffer so much as a Skull to goe into the battell, vnlesse he were first baptized. So Baronius.

You may clearely perceiue, that by the Cardinals diuinitie, Constantine must bee proclaimed, and that for a certaintie, to haue beene farre worse then Constantius. For that Constantine was not till neere his death baptized, is clearely and vndeniably prooued, by all those ancient and vndoubted Witnesses, whom before we produced. The Cardinall was not a little glad so farre to dishonour and disgrace Constantine, as to make him worse then one of the most hereticall and persecuting Tyrants, that euer the Church endured: then one whom the Orthodoxall Fathers accounted and called *Antichrist*, and the Type of the great Antichrist. But the Cardinall in speaking thus to disgrace Constantine, hath most fouly disgraced himselfe, and bewrayed his owne want both of true diuinitie, and reason. For though Constantius with his whole Armie, had beene baptized, and had receiued all the Sacraments in the World, yet seeing hee was euen then an Heretique, and an impious oppugner, and persecutour of the true and Catholique faith; none of all his outward actions, though they bee neuer so holy in themselues, could make him, I say not equall, but not comparable in any degree to

L 2

Constantine,

e Quid igitur hic (Constantius) quod Antichristi est omisit? aut quid ille vbi venerit, plus committere poterit? Athā. Epist. ad solit. vitam agent. pa. 238.

f Quod vere imaginem referat Antichristi, ibid.

g Gal. 6. 15.
Rom. 2. 28.

b Aug. serm:
super gestis
eum Emerito,
lit. B.

Constantine, a most pious, religious, and sincerely Orthodoxall Emperour. *It is neither circumcision, nor baptisme, but a new creature,* and an heart purified and washed by Faith, and the loue of God, which auails with the Lord: and it is a very true saying which is collected out of Saint *Austen* h, *Habere omnia Sacramenta & malus esse potest; habere autem charitatem, & malus esse non potest:* A man may receiue all the Sacraments, as *Iudas* did, and yet bee a wicked man, yea a very Deuill, as *Iudas* was; but haue the loue of God, the loue of Gods true Church and Children, and be a wicked man, he cannot. This loue of God, and Gods Church, which *Constantine* inwardly and sincerely embraced, made him (though for the outward acte vn baptized) by many degrees more acceptable vnto God, and more honourable in the Church of God, then the outward receiuing of baptisme, or any other Sacrament could make *Constantius*, in whom there was no sincere loue to God, but an extreame hatred of Gods truth, and of his holy seruants who professed the same.

And yet had the Cardinall sought by this his diuinitie, to haue dishonoured *Constantine* alone, though his fault therein had beene vnexcusable, it might more easily haue obtained pardon. But by this position of his, he hath made both *Valentinian*, and *Theodosius* the Great, farre worse then *Constantius* also. Of the warres made by *Valentinian*, and his victories obtained against
the

the *Almanes*, the *Illirians*, the *Quades*, the *Saxons*, the *Brittaines*, the people of *Africke*, and others: Beside many other historians, *Ammianus Marcellinus*^a who liued in those times, is a witness. For *Theodosius*, that he by many and most victorious conquests, subdued the *Goths*, who then oppressed the *Romane Empire*: *Theodoret*^b and others^c declare. Now though *Valentinian*^d was neuer baptized, nor *Theodosius* at the time of those happie conquests, yet are they both so renowned for piete, that Saint *Ambrose* (to whom the whole Church consents therein) calls^e the one an inhabitant of *Paradise*, clothed with celestiall light and glorie: and of the other, he saith^f, he enioyeth eternall rest and delight in the bosome of *Abraham*. But it is meate and drinke with *Baronius* by any colour of diuinitie, to impaire the honour of Emperors, and endeavour to haue the most religious of them all, to be accounted more impious then any persecuting Tyrant.

Besides all this which concerns the diuinitie of *Baronius*, there are two speciall points to bee obserued in his reason also. First, he saith, that *Constantinus* would not suffer, *ne lixans*^g *quidem*, not so much as a skul vn baptized to goe with him to battaile. Now in *Theodoret*, out of whom *Baronius*^h relates this; *Constantinus*ⁱ named neither skul nor cooke, but onely *socios belli*. The Cardinall by this base and contemptible addition, or comparison, was pleased to vilifie the most renowned and religious Emperour: and as elsewhere reprobuing *Iustinian*, hee^k compares him to a *Cobler*, so here euery skul, if he hap ro

L 3

^a An. Marcel: lib. 28. 29 30.

^b Theod. lib. 5. ca. 5.

^c Theodosius rempub. Gothicis armis penè oppressa restituit. Egnat in Theod.

^d Audio vos dolere, quod non acceperit sacramenta baptismatis. Ambr. orat. de obit. Valent.

^e Ambr. ibid.

^f Ambr. orat. de obitu. Theodosij.

^g Bar. an. 324. nu. 45.

^h Bar. an. 351. nu. 15.

ⁱ Vt apud Theod. liquet.

lib. 3. ca. 3.

^k Illud vetus (Iustinian) occinendum, Non vltra crepidam. Bar. an. 550. nu. 14.

be

be baptized, must with the Cardinall be compared with, nay preferred before, and giue a check to the religious and most holy *Constantine*.

The other point which I obserue, is, an eminent defect in the Cardinals reason. Who would not persuade himselfe, reading in the Card. this high commendation of *Constantius*, as being more pious then vn-baptized *Constantine*; who I say would not assure himselfe, that *Constantius* was baptized at the time when he made the warre with *Magnentius*? for otherwise, if *Constantius* also was then vn-baptized, you will certainly iudge the Cardinall to haue dalied in this matter, who by the pietie of *Constantius* condemnes *Constantine* for going to warre being vn-baptized. Now the truth is, that *Constantius* was not baptized when he fought with *Magnentius* and ouercame him in that battle in *Pannonia*, where himselfe was present, nor in seuen yeeres after. For he ouercame *Magnentius* in his seuenteenth yeere^h, and hee was baptized but a little before his death, in the five and twentieth yeere of his reigne. What is now (thinke you) become of the Cardinals reason, or how is *Constantine* for his going to warre vn-baptized, farre more impious then *Constantius*, seeing that *Constantius* in all the warres that he made was vn-baptized also?

Neither will it helpe the Cardinall to say, that yet the souldiers of *Constantius* were baptized, and *Constantius* commanded that they so should bee: but this much bewraies the malicious dealing of *Baronius*, who heereupon preferres either the one or the other before *Constantine*. *Constantius* indeed commanded^k that they should be baptized; adding further,

g Vt liquet
ex Zosimo
lib. 2.

h Bar. an.
353. nu. 6.
i Bar. an. 361
nu. 20. Mori-
ens voluit
baptizari, ait
Athanas. lib.
de Synod. pa.
250.

k Theod. lib.
3. ca. 3.

ther, that if they refused it, they should be sent away; but hee did that, not in piete, but in meere policie. *Magnentius* against whom at that time hee was to fight, though he pretended himselfe to be a Christian, yet was in heart a Pagan and an Idolater; and when he had once vsurped the Empire, hee gaue free libertie and toleration to such as would sacrifice and doe worship to the heathen Idols, as the very law of *Constantius*¹, dated after the death and ouerthrow of *Magnentius* doth declare. *Constantius* knowing how dangerous it were for him, to haue Paganes, and such as were addicted to Pagane Idolatries, to be in those warres against *Magnentius*, commanded that all his souldiers should receiue baptisme, or else to depart home, if they refused to be baptized. Had *Constantius* done this in piete, himselfe would first of all haue beene baptized: seeing he was not, he shewed therein an act of policie, and sought his owne safetie and securitie; but there was no token of true piete, nor of seeking their saluation: nothing at all for which he is to be compared with, much lesse to be preferred to the most religious *Constantine*. Againe, had *Constantine* being required by superior and lawfull authoritie, refused to be baptized, his contempt of Gods ordinance had proued him therein to haue beene much inferiour to the souldiers of *Constantius*, who at the Emperours command receiued that signe of their Christian profession. But seeing hee neuer refused to be baptized, but hauing for many yeeres *votum baptismi*, a sincere^m desire thereof, deferred onely the act, and that for no other cause but in an ardent desire to be more like vnto Christ, in
being

¹ Abolentur
nocturna sacri-
ficia Magnen-
tio authore
permissa: ait
Constantius;
leg. 5. De pa-
ganis sacrif.
Cod. Theod.

^m Quam ego
auidâ mente
omnibusque
votis à deo
salutē multis
hisce annis
precatus sum,
&c. verba Cō-
stantini apud
Eus. li. 4. c. 62.

being washed with the selfe same waters of Iordan that Christ was; his want of actuall baptizme, ioyned with a sincere desire thereof, and feruent zeale to imitate Christ, is euery way equal, if not more commendable, then the actuall, but constrained receiving of this Sacrament in those souldiers, who neither had like zeale vnto God, nor like cause to deferre their baptizme as *Constantine* had. So the Cardinall is euery way most iniurious vnto *Constantine*: first, in preferring the souldiers, religious in deed, but constrained act of baptisme, before *Constantines* zealous deferring of the act, ioyned with a most pious desire thereof: and againe, in preferring *Constantins* vnto *Constantine*, for that which he not in pietie but in meere pollicie required, himselfe all the while, remaining without the act of baptizme, as well as *Constantine*, and neuer hauing that pious affection and zealous desire, either to God, or to any godly act or Christian dutie as *Constantine* had.

^a Bar, an. 324.
nu. 45.

^b Bar, an. 315.
nu. 12.

After this *Baronius* proposeth by way of demand, a seuenth reason, to proue that *Constantine* did not deferre his baptizme till his last age, and then by consequent, that he was baptized by *Siluester*: and thus he disputes: *Quoniam^a queso maiorum exemplo, By what example of those that went before, did Constantine so long deferre his baptizme, euen vnto his decrepit age, till he was ready to die?* I againe demand of the Cardinal, seeing himselfe puts *Constantines* baptizme but twelue yeares before, at which time hee was full fittie three yeares old, by what example of any before, did *Constantine* (who as the Cardinall confesseth^b, was trained vp in pietie euen from his youth)

youth) deferre his baptizme for more then fiftie yeares? I doubt not, but the Cardinalls friendes would be as much perplexed to finde an example of the one, as wee need to be for the other. Had all such particulars beene expressed in Stories, there might no doubt abundant examples bee produced of either. It was an vse, (I doe not say how commendable) but an vse it was, in the primitiue Church, euen in *Constantines* age and long after, to defer their baptisme, oftentimes till they thought their last howre imminent, but vsually, for very many yeeres. *Theodosius* the great, a most renowned and religious Emperour, *deferred his baptisme till he was fortie five yeeres & old*, and had deferred it longer, but that returning to *Constantinople* with many victories, he fell into an extreame sicknesse at *Thessalonica*, by occasion whereof he was there and then baptized: and this *Theodosius* liued euen in *Constantines* dayes. The father of this Emperour was named *Theodosius* also, and almost contemporall with *Constantine*, a religious father of so religious a childe, hee liuing very long, as *Orosius* signifies (calling ^h him a man, *experientissima prouidentia*, of great prudence, arising from most long experience) yet was he not baptized till hee came, as *Baronius* speakes of *Constantine*, to his decrepit age; and then by the malice of his barbarous enemies, being commanded to be slaine, hee first desired that hee might be baptized, which being done hee willingly offered his necke to the executioner, and gloriously died. Of *Constantius* the Emperour, and sonne of *Constantine*, we shewed before, that ⁱ *moriens bapti-*

^g Baptizatus est Gratiano 5. & Theodosio 1. Coss. Socrates lib. 5. c. 6. is est an. Ch. 380. iuxta Marcel. & Bar. Obijt Olibrio & Probino Coss. Marc. in Chr. & Prosper. is est an iuxta Marc. & Bar. 395. vixit autē annos 60. vt testatur Socr. lib. 5. ca. 25. ^h Oros. lib. 7. ca. 33.

ⁱ Athan lib 3. de Synod. pa. 280.

k Fide ad fa-
ciem cum eo
est Angelus
colloquutus.
sul. seu. lib. 3.
dial.

l Marty. Rom.
Nov. 11.

m Nam natus
est, 11. anno
Constantini.
Gre. Tur. hist.
Fran. li. 1. c. 36.

n Baptizatus
est anno 15.
Constantij. cū
esset annorum
35. Bar. an. 351.
nu. 17.

o Nam obiit
ineunte an.
etatis sue 64.
anno Chr. 397
Bar. eo an. nu.

30. ergo natus
est an. 334.
triennio ante
obitum Con-
stantini.

p Socr. lib. 4.
ca. 25.

q Creatur enim
Episcopus an.
374. Bar. eo
an. nu. 7.

r Sozom. lib.
7. ca. 8.

s Bin. Not. in
Conc. Carth.
25. In oriente.

zatus est, hee was not baptized till hee was at the very point of death. Martine, Bishop of Turone, in whole praise they loue to be hyperbolicall, (one so holy, that Angells^k came to conferre with him while hee liued, and who since his death is canonized^l for one of their greatest Saints) liued at the same time also, and at least twentie yeeres^m with Constantine: and yet so holy as hee was, hee deferred his baptizmenⁿ till he was five and thirtie yeeres old, nor in likelihood had then receiued that Sacrament, but that being in warres vnder Constantius, when hee fought against Magnentius, the Emperours command enforced him so to doe. Saint Ambrose, who liued likewise in Constantines^o time, was chosen Bishop of Millane, being but then a Catechume^p and unbaptized, and no lesse then fortie yeeres^q of age. The like is obserued of Nectarius, whom the whole second generall Councell approued for Bishop of Constantinople, though hee was unbaptized^r when hee was chosen to that high See. Yea this was so vni- all among Christians in those times, that Binus^s saith, *Inoleuerac consuetudo, This custome was so strong, vt plerique, that most men, both in the East and west Church deferred their baptizme, vsque ad prouectiorem etatem, till they were well stricken in yeeres.* So that the Cardinall had little reason to demannd examples thereof, there being so many, euen of those who liued in Constantines dayes.

Nor did this custome begin in that age, as the Cardinall not onely by his demaund implies, but expressely affirms, saying, *that none before Constantine did*

did thus defer their baptisme. There are many euident proofes also, that it was frequent and vsuall in the Church before *Constantines* reigne, or dayes either. That many in the primitiue Church, euen till their very death deferred baptisme, *S. Ambrose* shewes, who mentions *Catechumenos* ^u *martyres*, martyrs that were but Catechumes, and not at all baptized in water, but in their owne blood. The same cleerely appeares, by the 12. Canon of the Councell at *Neocæsarea*, held 8. yeares before that *Constantine*, by their owne account^x was baptized: for there it is decreed, that if any were baptiz'd in the time of his sicknesse, when they were *climici* (that is, bedred, or fastened to their bed, so that they could not walke, to whom therefore *Cyprian* merrily opposed *Peripatetici*) such should not bee ordained *Presbyters*, vnlesse either their subsequent zeale, or raritie of such as could bee found willing to bee ordained, enforced it. The same Canon to haue been of force long before, is euident by that which Pope *Cornelius*, about 50. yeares ^z before *Constantine*, writ, reproouing the ordination of *Nouatianus*, because hee was ordained *Presbyter* when hee was *Clinicus*, whereas *minime licebat quengquam in lecto baptizatum in clerum assumi*, it was not lawfull to assume any into the Clergie who was baptized in his bed. Now this being mentioned by *Cornelius* as an ancient law or canon of the Church, demonstrates that long before *Constantines* age, it was so frequent and vsuall among Christians to deferre their baptisme not onely to their old age, but euen till they were at the point of death, that sometimes there were no other but such as had

^t Nullum ante hac de ea re processisse reperitur simile exemplū. Bar. an. 324. nu. 45.

^u Ambr. de obitu Valentini

^x Conc. Neocæs. habitū ante an. 316. probat Bin. not. in illud Conc. S. sub Siluestro.

^y Cyprian lib. 4. Epist. 7.

^z Cornelius coepit an. 254. Bin. in notis ad vitam Corn. Constantinus coepit imperare an. 305.

a Martyrolo-
 gium Rom. &
 Mart. Vsaardi
 in August. 25.
 diem.

beene so baptized, to be assumed into the Cleargie.
 That one memorable Storie concerning *Genesius* a,
 witnesseth the same custome, *Hee being the chiefe*
of the Theatricall Mimi, at the commaund of Diocle-
sian, acted a play of the Christian religion before the
Emperour, in derision of the Christian Faith and My-
steries. To expresse the custome of Christians, he
 was laid as one *Clinicus*, on his couch vpon the
 Theater, then he called for baptisme; the mimicall
 Presbiter being brought, asked him if hee did be-
 leeu, who answering he did, he was mimically bap-
 tized: and then apparelled in white, and then for
 making that profession, he was in mimicall fashion
 led to be executed. But this play was then turned
 into sad earnest, for at that time he being truly and
 sincerely conuerted to Christianitie, in stead of
 cursing and deriding, began to blesse and adore
 Christ, and seriously exhorted the Emperour, and
 all in the Theater, to embrace the holy Christian
 Faith, as himselfe did: at which the Emperour be-
 ing incensed with rage, commaunded him to bee
 most cruelly tormented; and when by no torments
 whatsoeuer, he could be driuen from the constant
 profession of Christ, he was at last beheaded, and
 is now enrouled among the blessed Saints and
 Martyrs.

If these be not sufficient, there are yet some more
 ancient obseruances vsed in the Church, which de-
 clare the same. For whereas Christians of all sorts,
 both orthodoxall and hereticall, deferred their bap-
 tisme not only to decrepit age, but to the very point
 of

of death, *Epiphanius*^b expounds (and that not vn-
probably) the words of Saint Paul, *why*^c are they
then baptized for dead? of such as being *vicini mortis*,
neere unto death, are said by the Apostle to be baptized
for dead: as we say of one that is almost forsaken,
Habetur pro derelicto. And whereas many of them
died unbaptized, not onely the *Cerinthians*^d, and
Marcionites^e, vled to Baptize others that were living,
for them that so dyed: but *Tertullian*^f also, and *Am-
brose*^g, doe approue of that Interpretation, and
custome also, as being intended by Saint Paul in
those words. I will not heere examine the sence of
the Apostles words, but by this which I haue saide,
it is euident, that according to both expositions,
many Carechumes did deferre their baptisme lon-
ger then *Constantine*, euen vntill their death: and
that not onely in *Tertullians* time, that is, an hun-
dred yeares^h before *Constantine*; but as *Epiphanius*
thinketh, euen in the Apostles daies also. So that
the Cardinall needed not to demaund, By what for-
mer example (adding, that none could be giuen) *Con-
stantine* did deferre his baptisme so long, vntill he was
sixtie foure yeares olde, which the Cardinall spiteful-
ly, and in disgrace of *Constantine*, calls decrepit age:
whereas himselfe, when he speakes not of an Em-
perour, but of a Bishop, to wit of Saint *Ambrose*,
cals the 64. yeare of his age, But almost theⁱ entrance
into old age.

Lastly, lets admit that *Constantine* had no for-
mer example: what thinke you was become of the
Cardinals wit, learning, and iudgement; when
from this he would proue, that therefore *Constantine*

M 3.

might.

^b Epiph. Hæ-
res. 28.

^c 1. Cor. 15. 29

^d Epiph. ibid.

^e Chrysost.

in cap. 15.

Hom. in Epist.

1. ad Cor.

^f Tert. lib. 5.

cont. Marc.

ca. 10. & lib.

de Resur. ca.

48. Ita expo-

nit (de ijs qui

pro alijs mor-

tuis baptizan-

tur) verba A-

postoli, Ter-

tullianus & a-

lij, vt ait Bell.

lib. 1. de Pnr-

gat. ca. 4. §.

Prima est.

^g Ambr. Com.

in ca. 15. epi. 1

ad Corinth.

^h Tert. scripsit

eos libros cir-

ca an. 209.

Bar. cod. an.

nu. 2.

ⁱ Molestiffi.

me accidit, ip-

sum decessisse

in ipso penè

limine sene-

ctatis, Bar. an.

397. nu. 30.

i Benedictus
9. puer ferme
decennis ele-
ctus extitit,
Glab. lib. 4.
ca. 5.

k Inter fide-
les vitam &
mores eius
cognoscentes
(Iohannes
23.) vulgari-
ter dicitur Di-
abolus incar-
natus, Conc
Constant. sess.

II. artic. 5.

l Sunt qui di-
cunt eum ob
turpitudinem
cognomen
Sergij nomen
sumpsisse, eam-
que consuetu-
dinem (mu-
tandi pontifi-
cum nomina)
hinc manasse,
Plat. in vit.
Sergij 2. &
Wern. in fasc.
temporum,
ann. 844.

m Hic reuera
primus inuen-

tus, qui mutauit sibi nomen, Bar. an. 955. nu. 4. & Bin. idem in Iohn 12. n Di-
aboli in amorem vinum bibisse omnes tam clerici quam laici acclamarunt. Conc.
Rom. sub Ioh 12. cuius acta extant apud Litprand. lib. 6. o Ibidem. p Bin. in
vita Stephani 7. pro certo tradit eum sic tractasse Formosum. Idem testatur Bar. an.
897. 6. Plat. in vita Steph. 6. alijque:

Benedict

might not, nay, which is farre more inconsequent,
that therefore he did not, *de facto*, so long deferre his
baptisme? May nothing, nay is nothing, *de facto*,
done, wherof a precedent example cannot be giuen?
Let me then put a few demands to the Cardinall,
what example before *Benedict*ⁱ the ninth, can his
Cardinalship giue, that a Boy but tenne yeares old,
should be Bishop of *Rome*? or before *Iohn*^k 23. that
a Deuill incarnate should be the Pope? or of any
Pope before *Sergius*^l the second, sur-named *Swine-*
snout, as *Platina* saith: or *Octavianus*^m, as the Cardi-
nall and *Binius* suppose, that changed their names;
or before *Iohn* the twelfth, that a Pope should drink
*healths to*ⁿ the Deuill, and giue *holy*^o orders in a sta-
ble? or before *Formosus* and *Stephen*, that a Pope
dead & buried, should be pulled out of his grane
brought in pontificall Robes before a iudicall Tribu-
nall, arraigned, condemned, and then cast into *Tyber*?
What example before *Syluesters* time of assem-
bling a generall Councell? What example before
the first *Nicene*, of a generall Councell, decreeing
Arius and all *Arians* to bee heretickes? What
example before *Constantine*, of establishing Chri-
stianitie by Imperiall Lawes, and banishing Here-
tickes? Sure the Cardinall would bee impatient,
and iudge one little lesse then bereft of wit and vn-
derstanding, who would conclude, that because
there were no precedent examples of these (and
a thousand thousand such like matters) therefore

Benedict the ninth, or *Iohn* the 23. were not Popes; or *Iohn* 12. & *Stephen* 7. did not those abominations; or that therefore there neither was, nor might bee any generall Councils assembled; or that the *Nicen* Councell did not, or might not decree *Arians* to be Heretickes; or that *Constantine* might not, and did not establish Christianitie by his Imperiall Lawes. Its so poore, so silly and sencelesse a reason, to proue a thing was not done, or might not be done, because there was no precedent example for doing the same, that I well hope some of the Cardinals friends will cause this passage of his dispute to passe one day vnder some *Index expurgatorius*, and be quite wiped out of his *Annales*: that the world doe not wonder to see so great and renowned a Cardinall, to make so fond and feeble, so silly and sencelesse arguments.

An eight reason, which is proper to *Binius* 9, is taken out of *Eusebius* 1, In whom *Constantine* is said many yeares before his death, to haue shewed himselfe in a Picture, having aboue his head the signe of the Crosse, and vnder his feete the olde enemy the Deuill, represented in the shape of a winding Dragon, Medio ventre transfixum, thrust through the middest with a Lance, and cast into the deepe sea. From this Picture, thus disputes *Binius*. How could this be applied to *Constantine*, if hee was not then baptized? For euery Catechume is energumenus, possessed of the Deuill, and is so farre from killing the Serpent, that he is rather possessed by him, Nam aliter à Catechumeno non expellitur quàm per baptismum, For the Deuill is not otherwise expelled from a Catechume,

q Bin. Notis
in vitam Siku.
S. Baptizauit;
r Euseb. lib. 3
de vit. Const.
ca. 3.

chume, then by baptisme. Thus *Binius*.

k Credamus, quia ascendit ad illas florulentas delectationes, ubi æternæ vitæ fruitur voluptate, Ambros. Orat. de obitu Valent.

l Martyres ad præmium statim peruenire, Ecclesia semper credidit, Bell. lib. 2. de Purg. cap. 1. §. Hæc.

m Deum omnibus qui in Imperij sui finibus continebantur palam prædicare cæpit Constantinus, Euseb. lib. 2. ca. 19. hoc factum statim post deuietum Licinium, id est, anno suo 12. ut ante probauimus.

n Bell. lib. 1. de Cone. ca. 5. §. Item. Et §. Sed quia.

Then by *Binius* diuinitie, *Valentinian* the Emperor, of whom before I spake, was still possessed with the Deuill, for he was not at all baptized: Then those Martyrs who die Catechumes, are still possessed. And what a worthy peece of Theologie is this, to teach, such as are possessed with the Deuill, to goe straight to heauen? For so did *Valentinian*, as *Saint Ambrose* *k* shewes, and so doe all *l* Martyrs. Againe, if *Constantine* was till his nineteenth yeare possessed of the Deuill: how did he, not onely by his priuate pietie and zeale, but by his publique Lawes and religious Edicts, abandon Idolatry and superstition, destroy the tyrannical instruments and agents, yea the very power of the Deuill, by aduancing the Gospell and profession of Christ throughout his whole Empire? as besides others, *Eusebius* *m* whom *Binius* citeth, is a most plentifull witnesse: was *Sathan* then diuided against *Sathan*? And what may *Bellarmino* thinke of *Binius*, and this diuinitie? for by the Cardinals *n* position, that the *Nicene* Councell continued three yeares, and ended in the twentieth of *Constantine*, it vnauoydably ensueth, that *Constantine* sate in the Councell of *Nice* among the Bishops, before he was baptized, while he was by *Binius* assertion ἐνεργούμενος; possessed with the Deuill. A wonder, that none of al those two hundred holy Bishops at *Arles*, none of those three hundred and eightene Bishops at *Nice*, did vse some exorcisme, to expell the Deuill out of those holy assemblies, till *Siluester* did this, nine yeares after the one Councell, and a yeare and a halfe after the *Nicene* was, (by

(by *Bellarmines* assertion) begunne: Or might one possessed, thinke you, sit in the Councell at *Arles*, as *Binius* himselfe confesseth *Constantine* did, and not also at *Nice*?

Besides, there are two answeres which specially concerne this obiection. The former is touching *Eusebius*, and that which hee conceiued of that Picture. He thought it indeed *To be* ^o *the Picture of Constantine*, and that the Emperour meant to expresse himselfe thereby. But what if *Eusebius* misconceiued *Constantine*? and whereas *Constantine* in that table, intended to represent Christ like a valiant Warriour, conquering and killing the old Dragon, treading him vnder his feet, and casting him into the sea; *Eusebius* thought this was indeed to expresse *Constantine* himselfe. Sure euen that which *Eusebius* addes in that place, doth much perswade, that *Constantine* meant not himselfe, but Christ; for hee saith, *That many admired the wit and acutenesse of the Emperour, that he, diuino afflatu pulsus, moued by the holy Spirit, figured those same things, which by the words of the Prophet P, were foretold of that dragon, that God should thrust* ^p *a great terrible sword into the dragon, and kill him in the sea.* Thus *Eusebius*, whereupon it is clearely consequent, that *Constantine* intending to represent that which the Prophet *Isay* in those words expressly applyed vnto God, did not represent himselfe, but Christ (of whom *Isay* prophesied) *To be the killer & destroyer of the old Serpent.* But of this I haue spoken more at large in another Treatise, touching *St. George* killing the Dragon, and that which may be thought to be signified thereby.

^o Vt liquet ex
ipsis verbis
Eusebij loco
citato.

^p *Isa. 27. 1.*

N

The

The other answer is touching *Binius* his collection, admitting *Constantine* to have bene indeed represented by that picture, as both he and all Christian religious Emperours may well be, seeing they by their zealous defending and propagating the Gospel, suppressing the violent and fraudulent oppugners thereof, may truly be said by *the power of Christ, to conquer and kill the old Serpent, and tread him under their feet*. Now I would demand of *Binius*, how he knowes that *Constantine* set forth this table or picture, after hee was baptized, rather then before? Certainly by *Eusebius*, who expressly avoucheth ^q his baptism to have bene after his 30. yeare, when *he was neare his death*, and this picture to have bene erected long before: it is vnderiably consequent, that *Constantine* had killed and troden vnder foote the Dragon long before his baptism, & so the witnesse of *Binius* doth directly contradict that which he affirms, & would proue out of him. Againe, I would demand how he knowes this picture was set vp by *Constantine*, after his 19. yeare, rather then before it? for by *Eusebius* narration it clearely appeares, that the Emperor set it forth, vpon his subduing of those persecuting tyrants; and therefore the Dragon which *Constantine*, as *Eusebius* thought, killed, is there^f said to have oppugned the Church *impiorum tyrannide*, by the tyranny of the wicked. Now the last persecutor and tyrant, in whom the dragon oppugned the Church in *Constantines* time, was *Licinius*, whom *Constantine* overcame in his 11. or 12. yeare, as by his Edictt we before declared: vpon which conquest, or shortly after, the Church enjoyed ^u peace, together with the free

^q Lib. 4. ca.
61. 62. 63.

^r Nempe ante
coactum conc.
Nicen. vt li-
quet ex lib. 3.
ca. 3. & 4.

^f Lib. 3. ca. 3.
^t L. 1. de ve-
teranis, Cod.
Theod.
^u Impijs ho-
minibus è me-
dio sublati &
potestate ty-
rannica dele-
ta, mundus
de reliquo,
velut solis cla-
ritate collu-
stratus fuit, ^s
Euf. lib. 2. ca.
19. cum iam
Licinius occi-
sus esset.

free promulgation of the Gospel of Christ. Constantine then erected that picture, as a publicke monument, how by his meanes, the tyranny of Sathan was conquered by the power of Christ: and Eusebius to signifie that this picture had reference to those times, about his 12. yeare begins his next Chapter * in this manner, *Quibus rebus ad exitum perductis*; These things being ended, (to wit, touching the conquest of tyrants, and of the fury of the dragon) yet the mind of Constantine was much troubled for that pestilent schisme, which he heard was in the churches of Thebes & Alexandria, about the cause of Arius: and so hee proceeds to that narration, (which he had a little interrupted) touching the Emperours course which hee took in the matter of Arius. So this picture, by which Binus supposed, to proue the baptisme of Constantine in his 19. yeare clearely proues, that he peruersts both the writings of Eusebius, & the fact of Constantine, both which do shew, that he had ouercome the Dragon before his nineteenth yeare, much more before his baptisme.

The ninth reason, and that which carrieth indeed greatest colour of truth, is vrged by Binus y: That if Constantine had beene baptized at Nicomedia, and by Eusebius Bishop of that place, seeing Eusebius was a knowne Arian, it would follow, that Constantine should at the last turne to Arianisme, and so dye out of the Church, out of the Catholicke faith, as not onely communicating with Arians, but euen receiuing the holy Sacrament of an Arian Bishop, in token of his communion with them. All which Binus saith, (but most vntruly ^z) Eusebius to affirme.

* Lib. 3. ca. 43

y Quod Eusebius affirmat Constantinū in extremo vitæ cursu ab Eusebio Nicomediensi Arianorum antesignano baptizatum, impiū & à Catholica Ecclesiā alienum, ex hac vita nigrasse, figmentum est. &c. Bin. loco cita. in Not. ad vitam Silu.

z Nam Eusebius contrariū diserte asserit. Imperator (inquit, lib. 4. de vit. Const. ca. 64.) ad Deum suum assumptus est, & iterum, corpus humi relinquens animi partem intelligentem ac diuinam Deo suo cōiunxit, & cap. 72. ter beatum vocat.

^a Epist. Syno-
di Alexand. a-
pud Athanas.
Apol. 2. pag.
195.

^b Aliud cri-
men com-
mentitium
detulerunt,
Apol. 2. pag.
219.

^c Eusebius de-
ieravit Atha-
nasium perquā
opulecarum
esse, & satis vi-
rium & autho-
ritatis ad ista
patranda ha-
bere, ibid. pa.
195.

^d 2. Sam. 16. 4.

^e Emicuit ibi
Cæsaris ira,
adeo vt inau-
dita causa, è
vestigio effe-
buerit, & omis-
so iudicio, nos
in Gallias re-
legarit, ibid.
pa. 219.

^f Cum suis
sedibus hunc
Episcopum
pater Constā-
tinus restituere
vellet, humana
forte præuen-
tus est ante-
quam hoc in-
pleret, ait

Constantinus junior in Epistola ad Eccl. Alexand. apud Athanas. Apol. 2. pa. 219.

For answer whereunto, it cannot be denied, nor can any be ignorant thereof, who is conuersant in the Ecclesiasticall Histories, both that *Constantine* much esteemed and fauoured *Eusebius Nicomediensis*, and that this *Eusebius* was a very subtill and malicious *Arian*; and yet that *Constantine* euen to his death, extreameely hated and detested *Arianisme*. Of the respect *Constantine* had of him, there are besides o-ther, two eminent tokens. The one, that when *Athanasius* being most iniuriously condemned in the Councell at *Tyre*, had cōplained ^a of their wrong to *Constantine*: when the matter came to be heard be-fore the Emperour, *Eusebius* craftily declining ^b the former accusations, laid vnto *Athanasius* charge a new crime, tending to a kind of treason: that *Athanasius* had threatned to stay the Emperours shippes and corne which was to be sent out of *Egypt*, and so by that meanes (as might bee conceiued) meant to weaken the Imperiall State, or raise a sedition or re-bellion in the Empire: which when *Athanasius* with great griefe denyed, saying; *That he being but a pri-uate and poore man, was not able to doe such a matter, Eusebius periuring^c himsefse, swore that he had both wealth and authoritie enough to doe it: to whose oath the Emperour gaue such credit, euen as holy David^d did to Ziba, in the cause of innocent Mephibosheth, That without further examination^e of the truth, hee banished Athanasius: but afterwards repenting him of that hastie act, he purposed to call^f him home a-gaine, but was preuented by death. All which is to bee seene in the second Apologie of Athanasius.*

The

The other token of his loue and fauour to this *Eusebius*, was his receiuing of the Sacrament of baptisme at his hands, when he was so extreamely sicke and neere his death, whereof before we cited very many witnesses.

It is true that some of the Ancients (as now *Binius*) considering no more then those outward acts of *Constantine*, thought him in his latter time to decline to Arianisme: so did *Lucifer* ^q *Bishop of Calaret* a Confessor, who knowing the fact, but not the cause of *Athanasius* banishment, said of *Constantine*, *that hee hated and banished Athanasius, quia noluerit esse Arianus, because he would not be an Arian.* So did Saint *Ierome* in his Chronicle (if it be not falsly, as may seeme, inserted thereinto) who looking to the baptisme of *Constantine* by this *Eusebius*, collected thereupon, *that hee declined in Arianam Sectam, to the Arian sect.* They both did (and so doth *Binius*) very iniuriously from these or the like facts, conclude any change in the faith of *Constantine*: for his faith and profession was still the same, that is, Catholike; the change was not in him, but in *Eusebius*: as if we obserue three seuerall times will easily appeare.

At the first, before and in the beginning of the *Nicene* Councell, this *Eusebius* shewed himselfe in his naturall colours an earnest Arrian: yea hee was so obstinate in defence thereof, that they were as vsually if not more, called from him *Eusebians*; then from *Arius*, *Arians*. When *Eusebius* was such, the Emperor subscribed to his cōdemnation which the Synod had decreed, *Edictum Imperatoris Arium*,

^q *Lucif. lib. 12*
pro Athan. pa.
57.

^r *Hier. in.*
Chron. an. 314
Constantini.

^t *Eusebiani*
passim vocan-
tur à Synodo
Alexandrina,
apud Athan.
Apol. 2.

^u Socr. lib. 1.
 ca. 5. p. 223.
^x Vobis signi-
 ficamus, nos fi-
 dei confessioni
 consensisse,
 Epist. Eusebii
 Nico. & The-
 ognidis, ad Pa-
 tris Concilij
 Niceni, apud
 Socr. l. 1. c. 10:
^y In Synodo
 Nicena octo
 Episcopos Ari-
 anos susceptos
 scimus. Euse-
 bius episcopus
 Nicomedien-
 sis, &c. Hier.
 aduersus Luci-
 fer. to. 2. p. 145
^z Omnia quæ
 voluerat obti-
 nuit, sic de
 hoc Eusebio
 scribit Imp. in
 suis literis apud
 Theod. l. 1. c. 19
^a Eusebius Ni-
 comedienſis
 statim post,
 pro viribus la-
 borauit vt A-
 riū reduceret.
 Soc. l. 1. c. 19. &
 Theod. l. 1. c. 19
^b Epist. Con-
 stantini apud
 Theod. l. 1. c. 19
^c Illi (Eusebius
 & Theognis)
 tunc honoribus

Eusebium, & Theognidem in exilium ire mandauit,
 saith *Socrates*^u, the Emperours Edict commaunded
 that *Arius*, *Eusebius* of *Nicomedia*, and *Theognis*,
 should be banished: but very shortly after both *Euse-
 bius* and diuers others, though dissemblingly, *re-
 canted and subscribed*^x to the Councils decree; whereupon
 they were receiued ^y by the *Nicene Council*. *Eusebius*
 and the rest were permitted by the Emperour^z to en-
 ioy their Bishopricks: with their profession of change,
 the Emperours displeasure was changed also.

Some few yeeres after the end of the Council,
Eusebius returned to his former byasse, and began
^a againe to labour for *Arianisme*. How *Constantine*
 was displeased with him thereupon, his letters to the
 Church of *Nicomedia*, for the banishment of him
 and *Theognis*, set downe by *Theodoret*, are a most
 pregnant testimonie: Thus hee writ: wee^b haue gi-
 uen commaundement, concerning these ingratefull
 men (*Eusebius* and *Theognis*), that being carried
 from their Sees, they should be banished into most re-
 mote places: adding withall, that if any man, eas *Ec-
 clesiastes*, *vel memoria*, *vel laudibus celebrare ag-
 grediatur*, if any should mention or praise those
 plagues of the Church, hee should suffer condigne pu-
 nishment for so doing. Thus did the Emperour
 shew his detestation of *Eusebius* when he shewed him
 selfe an *Arian*. And vpon this charge frō the Empe-
 ror was *Eusebius*^c deprived of his See & banished.

Shortly after this the *Proteus* changed his pro-
 fession againe, but with like dissimulation and
 fraud as he had vsed before, as *Theodoret*^d shew-
 tunc honoribus spoliati, Urbibusque ciecti sunt. Theod. lib. d Theod. l. 1. c. 19, & c. 20.
 eth,

eth, and as *Nicephorus* ^e truly notes of him and *Theognis*, *onium pellibus amicti, lupos agebant*, they put on the habite and shew of Catholikes, but inwardly in heart they were wolues and cruell hereticks. *Constantine* seeing but with mans eyes, vpon his returne, receiued him not onely into fauour, but into familiaritie ^f, hee craftily giuing sundry tokens of loue to the Catholike faith. Yea *Baronius* ghimself notes of him, that after his returne from exile, *Nicenam fidem coram ipso ardentius positebatur*, he before *Constantine* did earnestly professe the *Nicene* faith, though in his heart hee hated it. And from thenceforth all the time of *Constantine*, that *Eusebius* and *Theognis* and the rest did not nor durst professe any other faith but the *Nicene* and Catholike, *Sozomen* declares, They closely endeuoured, saith heh, to alter the *Nicene* faith, tametsi non auderent palam denegare, though openly they durst not deny the same: and he giues this as a reason, *pro certo enim sciebant Imperatorem ita sentire*, for they knew of a certaintie, that the Emperour did hold the *Nicene* faith, and they durst not gaine say the Emperour therein: yea they were so forward in shewing an outward profession of the Catholike, and dislike of the Arian doctrine, that not onely during *Constantines* time, but five yeres also after that, while *Constans* liued, they openly professed in the Synod at *Antioch* ⁱ in *Encanijs*, *nos certe Arii acoluti, id est, sectatores non sumus*, of a certaintie we are not followers of *Arius*: & in the very first canon of that Synod, as followers and defenders of the *Nicene* faith, they decree;

^e Nicep. lib. 8. ca. 43.

^f Familiaris Imperatori effectus. Theodo. loc. cit.

^g Bar. an. 331 nu. 5.

^h Sozom. lib. 2. ca. 30.

ⁱ Quintus iam agebatur annus à morte Constantini Soc. l. 2. c. 5.

^k Eusebii-
norum epistol
apud Athan.
lib. de Synod.
pa 248. & a-
pud Soc. lib 2.
ca. 7. Eusebium
autem ipsum
Nicomediens-
em interfuisse
concilio liquet
ex Soc. l. 2. c. 9
& agnoscit
Bar. an. 342.
nu. 43.

i Canon. r.
Cōc. Antioch.
in Eucanjs.

k Bar. an. 336.
nu. 37. 38.

l Ardenter
profitebatur.
an. 331. nu. 5.

decree that all should bee excommunicated, who durst dissolve or gainstand the definition made for Easter by the Nicene Councell, which was assembled in the presence of the most religious Emperour Constantine. And yet notwithstanding this outward and dissembling profession, both in Constantines time, and after, they not onely in heart imbraced, but secretly and craftily laboured (as Athanasius shewes) to bring in the heresie of Arius into the Church. Omitting other, let Baronius owne testimony bee obserued touching the outward profession of Eusebius, and the chiefe Eusebians, during the time of Constantine. This (saith he^k) is to be understood, that the Eusebians so long as Constantine lived, did forinsecus, outwardly make a shew and profession of the Nicene faith, to which they had once subscribed. And againe, so long as Constantine lived, the Eusebians durst not so much as mutire aduersus Nicenæ fidei regulam, not once whisper ought against the rule of the Nicene faith. So Baronius.

Had Constantine fauoured Eusebius, or any Arian Bishop, or receiued baptisme at their hands, while they had professed Arianisme and heresie, that blemish of declining in his latter age from the faith, and of fauouring the Arian heresie, had beene iustly imputed to him. But seeing he communicated with Eusebius, and receiued baptisme at his hands, as of one, who was a Catholike professour, and earnest (as Baronius saith) in that profession, who was Constantine, that hee should search into, or iudge of the heart? was hee to be καρδιωγῶνς? Was not hee in charitie to iudge, that as Eusebius professed

fessed with his tongue, so with his heart he beleueed
 the *Nicene* decree? The *Nicene* Fathers themselves
 gaue a cleere instruction in this point: for when this
Eusebius, *Theognis*, and others; yea euen *Arius* him-
 selfe, made an outward, but yet a fraudulent & dissem-
 bling professiō of the true faith, subscribed to it with
 their hands, they receiued them into the cōmunion of the
 Church, (as *S. Ierome* expressly noterh.) They iudged
 them (and that iustly) to be Catholikes who made a
 Catholike profession: yea the Apostles, and Christ
 himselfe taught the very same, who held communi-
 on, and receiued^m the sacrament with *Iudas*, so long as
 hee kept the outward and Catholike profession,
 though in his heart he was an *Apostata*, yea a deuill. By
 all which this fact of *Constantine* in receiuing bap-
 tisme of *Eusebius Nicomediensis*, and holding com-
 munion with him, is clearely iustified: for euen in so
 doing hee communicated with a Catholike Bishop
 in the eie of the Church, though he was a detestable
 Arian, and a very *Iudas* in the eye of God: he com-
 municated with him in that outward profession
 which was Orthodoxall, and all that man could see;
 he did not communicate with his inward beliefe,
 which was hereticall, and which God did, but man
 could not see. So this obiection touching *Cōstantines*
 baptism, is but a meere cauill of thole, who if this
 truth be admitted, would collect a declination & A-
 postasie in *Constantine*, as if hereby hee should haue
 beene exeluded from faith, and all hope of saluation:
 whereas notwithstanding this, yea euen by this hee
 gaue a token of his constant continuance in the Ca-
 tholike faith, which vntill his last gaspe he constantly
 O imbraced

l Hier. loco
 citato.

m Math. 26.
 23. & seq.
 Christus pri-
 mā Eucharis-
 tiam confec-
 tam manibus
 suis, Iudæ
 sicut cæ-
 teris Apostolis
 tradidit. Au-
 gust. in psal 10.
 Adfuit Iudas
 & illius sacri-
 ficij communi-
 cationem me-
 ruit. Chrys. hō.
 de Iudæ pro-
 dit sic Crill.
 lib. 9 in Iohan.
 ca. 15.

^y Menol. græc.
 die 21 Maij.
^z Epist. Steph.
 ad Basilium
 extat post. Act.
 Conc. 8. apud
 Bin. pa. 900.
^a Ad mēdacia
 multorum co-
 arguenda de
 baptismo Cō-
 stantini, Steuc.
 pa. 160.
^b Grauiſſimi
 scriptores pec-
 cauerunt. ibid.
 pa. 158. & cō-
 plures erraue-
 runt. ib.
^c Steuch. ibid.
 pa. 157. 158.
^d Fuit impro-
 bus atque in
 Arianorum
 dogma delap-
 sus. ibid. ipse
 Arianus erat.
 ibid.
^e Eiecit sanc-
 tū Fœlicem.
 pa. 158.
^f Ob heresi-
 Fœlix eum
 anathemate
 percussit. ibi.
^g Ab Eusebio
 Nicomediensi
 rebaptizatus.
 ibid.
^h Quod Dama-
 sus testatur. ibi.

embraced and most honourably maintained, and for
 this cause is honoured as a Saint in the Greeke
 y Church, and expressely called Saint *Constantine*, by
 Pope ^z *Steuens* the sixth, though in their Romane
 Martyrologe, they would not vouchsafe that ho-
 nour vnto him.

There are yet one or two doubts, which are in
 this cause eagerly, but most maliciously vrged by
Augustine Steuchus. Hee not onely calls it in plaine
 tearmes, ^a a lye, that *Constantine* was baptized at *Ni-
 comedia*, or by *Eusebius* Bishop of that place, adding
 that the *ancient Historians* ^b and *writers* who say
 this, doe erre therein, but he wil further also tell you,
 how and by what occasion they erred and were
 deceiued in this their report. *Constantine*, saith
 hee ^c, the sonne of *Constantine the Great*, was a
 wicked ^d man, an *Arian*, and an embracer of *Aria-
 nisme*, hee expelled ^e out of the Romane See Pope
Fœlix, by whom ^f hee was anathematized for heresie:
 and in further token of his loue to *Arianisme*, whereas
 he had been forme ^g baptized, hee was againe baptized
 in the last part of his age by the *Arians*. As by that
Arian Bishop Eusebius of Nicomedia; all which hee
^h saith, is affirmed by *Damasus*. Now heereupon,
 saith hee, those most grane *Historians* and *writers* at-
 tributed that to the Father, which indeed belonged to
 the sonne, both of them hauing one and the same name,
 and they supposed that *Constantine the father*, was
 baptized in his last age by *Eusebius Bishop of Nicome-
 dia*, whereas it was indeed his sonne *Constantine*. Thus
Steuchus: who much applaudes himselfe in this so
 wittie a conceite.

Truely

Truely I doe not know whether I should heere reprove his most grosse and supine ignorance, or his extreame malice to the truth. I shall not neede to shew how iniuriously and maliciously hee accuseth *Constantine the younger*, to have beene an *Arian*, and a fauourer of *Arianisme*. The great loueⁱ and reuerend respect which he shewed to *Athanasius* while he was banished, and the religious care^k he had to see him with honour restored and put in quiet possession of his See againe, doe vndeniably conuince *Steuchus* to be a slanderer.

That all the rest, which *Steuchus* hath heere heaped together against the same *Constantine*, how hee was rebaptized by *Eusebius Bishop of Nicomedia*, how hee persecuted *Pope Felix*, how hee was anathematized by the same *Felix*, and the rest of the Narration is nothing else but a meere calumnie and slander, euery one may perceiue; and *Steuchus* himselfe (if either ignorance or malice had not put out his eyes) might easily haue discerned, seeing it is certain that this *Constantine* was dead at least 15 yeeres^l before *Foelix* euer came to the Popedome. So blinded was *Steuchus* with malice that hee regarded not, whether he had so much as any colour of truth for his lies & slanders. And wheras he pretends *Pope Damasus*, to be a witnes of that which hee saith (to omit his simplicity in thinking *Damasus*^m to be the author of that booke) *Steuchus* in this bewrayes himselfe to be void of all truth, and most impudent in down-facing the same. For in that *Damasus*, there is not one word of this, which *Steuchus* alledgeth. It is *Constantinus*ⁿ and not *Constantinus* of whom *Damasus* writeth,

i Intelligetis
quantæ apud
nos reuerentiæ
fuerit. & Atha-
nasiû vocat ad-
mirandæ legis
interpretē, &
sacrum caput.
Epist. Constā-
tini iunioris
apud Athan.
Apol. 2. p. 219.

k Ego mihi
conuenire pu-
to, vt suis sedi-
bus restitua-
tur. ibid.

l Constantinus
iunior obiit
Acindino &
Proclo Cosl.
Socl. 2. c. 3. is
est annus Chri-
sti 340, Bar.
Foelix autem
Pontificatum
init an. 357.
nu. 67.

m Liber iste est
Anastasi non,
Damasi, vt no-
tum est. Bell. h.
descrip. eccl.
in Damaso.

n Hic decla-
rauit Constā-
tium hæreticū.
ab eodem Cō-
stantio marty-
rio coronatur
Foelix, vita
Foelic. 2. in
Pontif. (vt vo-
catur) Damasi.

that he was a persecuter of *Fælix*, that *Fælix* declared him an Hereticke, that he was rebaptized by *Eusebius* of *Nicomedia*; was this; thinke you, a small fault in *Steuchus*; first to slander *Constantine* with all these heinous crimes, and then to belye *Damasus* as affirming the same, whereas that *Damasus* speaks all, of the *Arian* Emperour *Constantius*, and not one word of the most religious *Constantine*?

Now because *Steuchus* pretends also that the ancient Writers might another way mistake this matter, and ascribe that to *Constantine* which happened to *Constantius* his sonne: its further to be obserued, that euen this which the *Anastasian Damasus* reports of *Constantius* his rebaptizing by *Eusebius*, is so palpably vnttrue, that *Binius* P saith of it, *falsissimum est*, it is most false. And well might he so say: for *Constantius* was not so much as once baptized while Pope *Fælix* liued, but as *Socrates* witnesseth, a very little before *Constantius* owne death; which was three complete yeares after the death of *Fælix*. Againe when he was baptized; it was not as that lying *Damasus* saith, by *Eusebius*; but by *Euzoius* Bishop of *Nicomedia*: and this not only *Athanasius*, but *Socrates* also expresseth. Whereby it is euident that the ancient Historians did not (as *Steuchus* fancieth) mistake the baptisme of *Constantius* the sonne, instead of *Constantine* the father, seeing they mention them both, as two diuerse baptismes, and expresse the diuers times at which, the diuers persons by whom they were administred,

o. *Causa vna erroris quod Constantius filius scribitur supremo vitæ tempore baptizatus.* *Steuc. pa. 157.* Potuit fieri vt scriptores tribuerent patri, quod accidit filio *Cōstantio*, *ibid.* p. *Bin. not. in vitam Fœlicis* 2. §. *Hic.*

q. *Constantius baptismo ab Euzoio accepto, ad bellum rectâ proficiscitur, in eoque mortem oppetit.* *Soc. lib. 2. ca. 37.*

r. *Constantius obiit Coss. Tauro & Florétio.* *Soc. loc. cit. Is est an. Chr. 361.*

Bar. eo an. nu. 1. Fœlix obiit an. 358. vt testatur Bar. an. 357. nu. 67

f. *Damas. in vita Fœlic. 2. t Athan. lib. de synod. pa. 350. u Soc. li. 2. c. 37. x Soc. li. 1. c. 26. agit de baptismo Constantini & 1. 2. c. 37. agit de baptismo Constantij.*

So

So euery way is *Steuchus* conuinc'd both of slander-
ing *Constantinus* the younger, and of belying *Dama-
sus*, and of imputing a very foolish error to those
ancient and graue Historians, as if they had errone-
ously thought, that to agree to *Constantine* the Fa-
ther, which, as *Steuchus* fancieth, hapned eyther to
Constantine the younger, or to *Constantius* his bro-
ther.

Like ignorance and malice doth *Steuchus* shew in
another fancie, touching the baptisme of *Constan-
tine*. He saith y, That whereas *Eusebius* affirms *Con-
stantine* to haue beene baptized at *Nicomedia*, its wor-
thy your labour, to obserue and know, that the baptisme
whereof *Eusebius* speakes, was not the Sacramentall
baptisme, but *balneum calidarum aquarum*, A bath of
hot waters at *Nicomedia*, wherein *Constantine* when
he was sicke was bathed for his bodily health. Is this
that which is *opera pretium*, to know? No, the re-
compence of your labour must be to know, that
Steuchus for this his fancy, doth deserue for euer to
weare a bell and a bable. Doe but reade and consi-
der the most pious and religious speech, and acti-
ons of *Constantine*, vsed at that time, and recorded
by *Eusebius*, (who, as it seems, was then present with
him) and you will not onely remaine assured, that
Constantine was not baptized either at *Rome*, or by
Syluester, but further also euen admire the stupidity,
and for euer detest the vile dealing of *Steuchus*, and
all such as follow him.

Eusebius 2 declares, how while *Constantine* being
at *Constantinople*, grew sicke and very distempered
in his bodie, for that cause went *ad calida ciuitatis*

y *Opera pre-
tium est nosse
baptismum
magni Con-
stantini, quem
scripsit Eusebi-
us fuisse potius
balneum cali-
darum aqua-
rum, ad quas
ager Constan-
tinus sanitati
consulens ac-
cessit.* *Steuchus*
lib. cit. pa. 158.

2. *Euseb. lib. 2.
4. de vit.
Const. ca. 67.
& 62.*

^a Helinopolin
Bythinia: tran-
sit ut ibi pro-
fluentibus
sponte sua a-
quis, & natu-
ralibus laua-
cris vteretur,
Niceph. lib. 8.
ca. 54.

^b Inde (Heli-
nopolis) disce-
dens ad subur-
bana Nico-
medie perue-
nit. Euf. loc.
cit.

^c Ut tandem
in signi illo
per quod im-
mortalitatem
adipiscimur,
perfruemur,
ibid. ca. 62.

balnea, to the hot bathes of that Cittie; from thence, saith *Eusebius*, he went to *Helenopolis* (a Cittie^a in *Bythinia*) to vse the bath of that place also: and departing^b thence, he came to the Suburbs of *Nicomedia*, and there calling the Bishops vnto him, hee said thus; what I haue these many yeares desired, brethren, this day hath brought vnto me. Now its time that I should at last be partaker of that^c signe, by which we obtaine immortallitie, which I had purposed to haue done in *Jordan*, after the example of Christ, but God seeing what is most fit, doth vouchsafe these mysteries vnto me in this place. And then, saith *Eusebius*, the prayers being ended, and the accustomed ceremonies of the diuine Institution being vsed, arcanorum mysteriorum eum participem faciunt, They doe administer the holy and sacred mysteries vnto him: and he, renatus & sacris initiatus, Being then regenerate and initiated by the holy Sacrament, did wonderfully reioyce and admire the diuine Maiestie, and being attired with princely Robes, more white then light, he laid away his Scarlet, nor would hee touch it againe. Thus, and much more *Eusebius*. Can any now sufficiently deride *Steuchus*, for perverting these words of *Eusebius*, and all the sacred actions performed both by *Constantine*, and the Bishops, as meant of an hot bath? Did he deferre this so many yeares, that hee might goe to an hot bath at *Jordan*? Or will *Steuchus* dare to say, that Christs baptism, was but an hot bath? Is an hot bath, a mystery that is a Sacrament, or sacred signe of immortallitie? Or who duly pondering these words of *Constantine*, can euer doubt that he was now, and neuer before, baptized, and that at *Nicomedia*? and therefore

fore that Pope Hadrian, Steuchus, Baronius, Binius, and all the rest, who affirme, that he was baptized at Rome, and by Syluester, do most certainly against the evidence of vndoubted records, maintaine a most euident vnt ruth.

Now in the last place we are to consider how Baronius declameth & inueigheth most eagerly against Eusebius, who is the relator of this truth. He calls him an Arian^e, the ring-leader^f of Arians, a lyer^g, one subtle in deuising^h as many lyes as he could; adding, that he lyesⁱ in this touching Constantines baptisme, that hee was the^k architect who first forged and deuised this lye, from whom as the spring^l, others deriued this vnt ruth and imposture, none euer before mentioning the same, himselfe also contradicting^m his owne narration. Thus doth Baronius (I say not) reason, but raue against the reporter of this truth, thinking that by disgracing him, he may oppresse & ouerthrow the truth it selfe.

Its not my purpose wholly to excuse Eusebius, either for his life or doctrine: *Vitij sine nemo nascitur, optimus ille qui minimis orgetur*; yet had Eusebius beene worthy of neuer so much blame, Baronius of all men, was most vnworthy and unfit to obiekt the same vnto him, *Loripidem rectus derideat*. The Cardinals owne Annales, being so fraught with fables, yea being a lumpe of lies, and a very masse of misreported matters, he should haue beene more sparing, in obiekt ing errors or vnt ruths vnto others; most of all to Eusebius, whose Historie and Chronicle, were the very best Torch, to direct Baronius in that whole course of time which they handle. But he, most vngratefull person, hauing had so much help, & receiued

^e Bar. an. 324 nu. 63.

^f Signifer Arianorum. ib.

^g Eusebius mentitus est, ibid. nu. 48.

^h Imbabit dolos ad concinanda quotquot posset mendicia, ib. nu. 43.

ⁱ Necessesse est dicere Eusebium, (in hoc de Constantini baptismo) esse mentitum, ib. nu. 48. de baptismo est falsa narratio, ibid. nu. 42.

^k Commentum ab Ariano homine excogitatum, ibid. nu. 49. & nu. 50. vocat hoc, Ariani hominis imposturam.

^l Exsiccato primario eiusdem mendacij fonte, qui ex eo in diuersa riuui fluxerunt, &c. ibid. nu. 50.

^m Ibid. nu. 46.

received both light and warmth from the fire of *Eusebius*, doth like *Aesops* Viper, disgorge the venome of his mind and virulency of his tongue vpon him, whom he should, and that most deieruedly, haue honoured.

Now though I cannot in all matters, nor intend in any one error, to patronize *Eusebius*, yet can I not endure to heare this *Romane Rabsheca*, so indignely misuse a reuerend Bishop, and a most renowned Historian: and specially for deliuering a most cleere, certaine, and vndoubted truth. Omitting many other, there are foure points in the Cardinals Inuectiue, which I will touch in this place.

^a Euseb. lib. 4.
de vit. Const.
ca. 62.

^b Bar. ann.
324. nu. 46.

^c Euseb. lib. 6.
histor. eccle.
ca. 33.

The first is the Cardinals acutenesse, in spying a strange repugnancy in the sayings of *Eusebius*, whereas he affirms ^a, *Constantine to be the first Emperour that was baptized*: *Baronius* to disgrace *Eusebius*, as contradicting himselfe, and therefore as unworthy of credit, saith ^b; *Placè immemor*, *Eusebius had quite forgot what himselfe had said in his owne Historie* ^c, *that Philip who was Emperour long before Constantine, was a Christian*. Doe you not admire the Cardinals subtiltie, who can see a repugnancy in those two assertions, which are both true, and fitly coherent the one to the other? Had *Eusebius* said, that *Philip* the Emperour had beene baptized, the Cardinall might iustly haue insulted, and declaimed against him. But seeing *Eusebius* saith onely, that he was a Christian, and saith not that he was baptized; you may sooner see here the Cardinals hatred to *Eusebius*, then any contradiction in his writings.

Its

Its true that before *Constantine*, not onely *Philip* ^d, but *Constantinus* ^e *Clorus* also, the father of *Constantine*, were Christians, and embraced *Christianitie*, Though neither of them were baptized, neither of them, by Imperiall authoritie established *Christianitie* in the Empire. But of all Emperours, *Constantine* was the first, who to his Christian profession added baptism, and by his authoritie commanded all his subjects to embrace the Christian faith. In which respect, he is usually called also the first Christian Emperour; not simply, nor in regard of the profession onely, but first of all, who was Christian in a complete manner, who received the holy ensigne of that holy profession: first, who by Imperiall lawes allowed and authorized the profession thereof. Some, I confesse, following the namelesse and worthlesse Acts of *Pontius* ^f, say of *Philip* the Emperor and his sonne, that they were baptized; but *Eusebius* saith no more as of his owne opinion and iudgment, but that *Philip* ^g was a Christian: what is further added in *Eusebius*, That *Philip* was excluded by Pope *Fabianus* from the publicke prayers of Christians, and that he was set to doe penance among the vulgar sort of penitents, and after that received into the Christian Communion: all this *Eusebius* relates, onely as a fame and report of others, (saying, κατέχευε, which *Christopher* son rightly translates, fama est; others, de eo fertur) but *Eusebius* himselfe approves not this report, as true; nor is it indeede any way likely: but that *Philip* was baptized, *Eusebius* neither as of his owne opinion, nor yet so much as by a fame or report of others, doth affirme. Nay *Eusebius* directly denies

^d Philippus primus Romanorum principum Christianus fuit. Vinc. Lirin. ca. 23. & Oros. lib. 7. ca. 20.
^e Vt liquet ex Euseb. lib. 1. de vit. Const. ca. 11.

^f Imperatores crediderunt & à S. Fabiano Papa baptizati sunt. Act: Pontij, apud Bar. an. 246. nu. 9. Idem ait Gilb. Geneb. in Chron. an. 252.
^g Cum Christianus esset. Euf. loc. cit.

^a Euf. lib. 4.
ca. 62.

the same, and this one testimony so confidently gi-
uen by *Eusebius*, that ^a*Constantine was the first of all*
the Roman Emperours that were baptized, is of more
weight to perswade that *Philip* was not baptized,
thē any which can be produced, that affirms he was
baptized. Howsoever, seeing *Eusebius* saith it not,
Baronius, you see, herein proues himselſe a Sophisti-
call triſter, but no way proues any repugnancie in
Eusebius.

^b Hæc deſcri-
pta ſunt ut
hæc in oſtu-
ra fidem apud
lectorem non
inueniat, ſi a-
quous id tra-
di repertat, cū
nihil aliud
præceſſerit,
præter Euse-
bium a quo id
quiſquam ac-
ceperit author
Bar. an. 324.
m. 50.

The ſecond is, the ſimplicities of *Baronius*, who
giues this as a reaſon, why ^b*none ſhould beleue that*
Constantine was baptized at Nicomedia, in whomſoe-
uer this be found reported, ſeeing there is none before
Eusebius who hath reported the ſame. Was not the
Cardinall, thinke you, bereft of reaſon when hee
thought any before *Eusebius* could report either
when, or where *Constantine* was baptized? *Eusebius*
lived at that verie time; hee conuerſed daily and
familiarily with *Constantine*; who could ſooner or
better know it, more certainly relate it, then ſuch
a Biſhop? The Cardinall might as well proue that
none ſhould beleue that *Constantine* was Emperour,
in whomſoeuer this be found to be ſaid, becauſe no
Hiſtorian before *Eusebius* doth mention or write
the ſame. Nay, it may much more firmly be con-
cluded, that *Eusebius* his report hereof is moſt true,
ſeeing none in that age did controule or contradict
him therein: their generall ſilence being a ſecond-
ding, and approouing of his narration, all in that age,
knowing it to be ſo certaine, that they reſted ſatisfied
in his report, they thought it needleſſe to ſay the
ſame, and impoſſible with any colour of truth, to ſay
the

the contrary. And though none before *Eusebius* his time did write thereof (for that was impossible) yet euen in that very age, did others most worthy of credit, Saint *Ambrose*^a and Saint *Jerome*^b write, and testifie that which *Eusebius* had written before : and both of these were aliue^c when *Constantine* was baptized, and one of them Bishop within 33. yeares after. Against these so ancient and faithfull witnessnes, all liuing at this very time, the Cardinall cannot produce any within 140. yeares of *Constantine*, who writ the contrary, no nor after that time neither can he alledge any, but the fabulous Acts of *Siluester*, with the forged second Roman Synod (which both seem to haue bin deuised about the 440. year^d of Christ) and such as being in their credulitie abused by their forgeries, do abuse others with false and fabulous reports taken out of them.

The third thing which I obserue in the words of *Baronius*, is his most vnciuill vsage of this reuerend Bishop, in so often and insolently giuing him the lie, and calling him an *Architect* and deuiser of lies. To this reuiling of *Baronius*, let mee oppose that testimonie of Saint *Jerome*: *Eusebius*, saith he^e, hath excellently written the Ecclesiasticall historie: and againe, I^f haue praised *Eusebius* for his Ecclesiasticall historie, and for his Chronicle. That of *Euagrius*, *Eusebius Casariensis* is a man most eloquent, so excellent in writing, that by his perswasion hee enforceth his readers to loue and embrace Christian religion. That of their owne learned disputers, Hee is the best and most ancient historian of all

P 2

that

^a Amb. orat. de obitu Theod.

^b Hier. in Chron.

^c Ambrosius obiit an. 397. ætatis suæ 64

Bar. an. 397.

nu. 30. ergo

natus est an.

333. Hier. obiit.

an. 420: ætatis suæ 91.

Bar. an. 420.

nu. 39. ergo

natus est an.

330. Baptis-

mus autē Cō-

stantini fuit

ultimo ipsius

anno. Id est,

336. aut 337.

^d Nam extra-

bant Acta Sil-

uestri ante

Conc. Rom.

sub Gelasio,

quod habitum

est an. 494.

^e Ecclesiast.

historiam pul-

chre *Eusebius*

rexit. Hier.

epist. ad Pam-

mach. & Oceā

^f Hier. Apol. I

aduers. Ruffin.

^g Euag. lib. 1.

ca. 1.

^h Harts conf-

ference with

D. Rainol. ca.

6. diuif. 1.

x. Procem.
Christopher.
in Eusebium,
in fine.

y. Can. loc.
Thecl. lib. 11.
cap. 6. §.
Rejecit.

z. Cætera sibi
ac Concilio
placuisse mo-
nuit, ibid. §.
Præterea.

a. Ibid.

that euer haue travelled in the Stories of the Church. That of their Bishop Christopher (on the translation of Eusebius, For Historie, saith he^x, Eusebius hath so set it downe, that Saint Hierome greatly approoves it, Et sic veritati adhesit, ut nihil in illa erroris omnino reperiat; He so followed the truth, that there is no errour to be found in his Storie. Or if this seeme (as indeede it is) too excessiue commendation, let vs heare their owne Bishop Canus, who supposing y, (as many other haue done) the writings of Eusebius to bee condemned by Pope Gelasius, (the occasion of which errour, I shall hereafter explaine) could finde no reason, why Gelasius should so hardly censure the Historie of Eusebius, but onely, Because he sets downe the Epistle of Christ to Abagarus, (which yet Eusebius onely reports, but approoves not as true and vndoubted:) and certaine Epistles of Clemens Alexandrinus, (wherein Eusebius deserues no blame at all;) and the praises of Origen, (whose errors yet he doth not there approoue:) and Canus then addes, Gelasius^z did allow the rest in Eusebius; therefore if you except that Epistle to Abagarus, and the prayes of Origen, his Historie is such, cui fides omnino habetur, as may wholly bee credited. And for the Chronicle of Eusebius, He was (saith Canus^a) a man of great diligence and labour, of exceeding varietie of reading, and of very graue iudgement. Neither doe I know whether any Authour, either in the Latine or Greeke Church, though he strue neuer so much, can leaue more excellent Monuments of time. Thus Canus: who hauing so diligently examined and weighed this whole matter, his onely iudgement

ment ought not onely to overſway, but viterly abol-
liſh and confound for euer the Cardinalls railing a-
gainſt, and reuiling of *Eusebius* : eſpecially for his
recording this of *Constantines* baptiſme, wherein by
the teſtimony of Biſhop *Canus*, his *hiflorie* is worthy
to be wholly beleued.

The fourth and laſt point which I heere obſerue,
is the Cardinalls imputation of Arianisme vnto *Eusebius*: wherein he treads but in the ſteps of ſome of
the worthy Fathers of their ſecond *Nicene* Coun-
cell. *Eusebius* ^b had taught that no image could fully ex-
preſſe *Chriſt*, being both God and man: the *Nicene*
Fathers, not enduring that any ſhould croſſe their
doctrin of Images, reiect and anathematize ^c his
bookes, yea all that ^d reade them; cal him an hereticke, an
Arrian ^e, yea and a Theopaskite ſ alſo, one who taught
that *Chriſt* had no ſoule, but the Godhead ſupplied the
office of the ſoule, that ſo the Deitie might bee ſaid to
ſuffer. *Eusebius* being of this ſect, ſaith their *Nicene*
proctor, *Epiphanius* ^h, imaginem *Chriſti* Theopascita-
rum more reijcit, reiects the image of *Chriſt*, as the
Theopaskites doe, adding, that *Eusebius* ⁱ is reiecte
and caſt out of the Catholike Church.

Had *Eusebius* writ inuectiues againſt *Conſtan-*
tine, calling him, as *Baronius* doth, a parricide ^k, a
perſecutour ^l of the Church, farre worſe ^m then *Conſtan-*
tine: (whom Catholikes counted and called Anti-
chriſt,) had he told fables and lies of *Constantines* le-
proſie, cure, and baptiſme at *Rome*: or had he writ
for Images and adoration thereof, *Eusebius* had

^b Con. Nic. 2.

Act. 5. pa. 351.

Eusebij verba

citantur. Act.

6. pa. 374.

^c Sancta sy-
nodus dixit, li-

broſ illius re-

ijcimus & ana-

thematizamus.

ibid. Act. 5. pa.

352.

^d Sancta Sy-

nodus dixit,

Anathema &

illis libris (*Euse-*

bij) & qui il-

los legunt. ibi.

^e Originem &

ipſum authorē

(*Eusebiū*) hæ-

reticos oſten-

damus. ibid.

^f Apparet illū

Arianicæ eſſe

opinionis. Act.

6. p. 375. a. 1

^g Opinantur

Chriſtū carnē

ſine anima af-

ſumpſiſſe, &c.

ibid.

^h Ibid.

ⁱ Sectantur

eos (de *Eusebio*

loquitur) qui

ventilabro ex

^k Bar. an. 324.

area dominica, (catholicā dico eccleſiam) excreti ſunt. ibid. p. 374. b.

nu. 28. & 44. ^l Bar. ib. nu. 33. ^m ann. eodem; nu. 45.

beene a renowned writer with *Baronius* and the *Nicene* Fathers; because he doth not this, he must bee an hereticke, an Arian, and Theopaskite, one cast out of the Church.

First, for that calumnie of the Theopaskites, objected by those *Nicene* fathers, there is no truth at all in them, nor are they worthy of any credit: for that *Eusebius* did truly and rightly teach two distinct natures to be, and to abide in Christ, the diuine and the humane, all his bookes doe abundantly testifie. In his Historie hee^o sets downe this *as the foundation of all that followes, That Christ being God, induit hominem nobis similiter passionibus obnoxium*. tooke vpon him man, or humane nature, being by it subiect to passion as wee are: and againe, *that the Deitie is impassible*, hee plainly teacheth in that Epistle of his which is recorded in *Socrates* and *Theodoret*, wherein he p^r professeth *the diuine nature to be void and incapable of passion, affection, or mutilation*. To say nothing that the heresie of the Theopaskites, (which those *Nicene* fathers impute to *Eusebius*) did but spring vp, and was borne about 9 the yeere 313. more then 160. yeeres after *Eusebius* was dead.

For that other imputation of Arianisme; its true, that *Eusebius* for a while enclined to that heresie, and was an earnest propugner thereof: *Saint Ierome* testifying of him, *Arianum^r fuisse nemo est qui nesciat*, there is none but know that *Eusebius* was an Arian; and againe^r, *hee was Arii apertissimus propugnator*, an open defendour of *Arius*. But that hee reclaimed himselfe and forsooke Arianisme

• Euseb. lib. 1.
eccles. hist. c. 1.

p Epist. Eusebij
Cæsar. apud
Socr. li. 1. ca. 5.
prope finem, &
Theod. li. 1. c. 12

q Exorti sunt
Theopascitz
temporibus
Hormisdæ
Pontificis cir-
ca annu Do:
313. Prateol.
de hæres. in
Theopasc.
r Hier. Epist.
ad Cresiph.
s Hier. epist. ad
Pammach. &
Oceanum.

nisme at the time of the *Nicene* Councel, it is evident by many witnesses. *Theodoret*^t and *Socrates*^u of purpose declare this, expressing that forme of faith which *Eusebius* made and offered to the Councel, so orthodoxall, that *Constantine* exhorted all the Bishops to subscribe vnto it, so that this onely word of *ὁμοιους* were added thereunto. To which *Eusebius* in that his owne Epistle^x saith, that when hee understood what they meant thereby, hee assented thereunto; adding, that diuers auncient and holy Bishops before the time of the *Nicene* Councel, vsed that very word *ὁμοιους*. Sic tandem, saith *Socrates*, *una cum reliquis vniuersis eam approbavit, & subscriptione ratam fecit*: so at last *Eusebius* with all the rest of the Councell approoued that of *Homousios*, and subscribed vnto it. *Athanasius* who was present in the Councell witnesseth the same. *Eusebius Casariensis*, saith hee y, subscribed to that sentence of the Councell, which a little before hee had denied, and hee writ this to the Church of which hee was Bishop, telling them, *eam esse ecclesie fidem*, that this was the true faith of the Church and the tradition of the Fathers, confessing in his Epistle that Christ was *ὁμοιους*, of the same substance with the Father. So *Athanasius*: then whom a more authenticke witness cannot be desired.

That *Eusebius* persevered in this orthodoxie of faith, the most honourable and memorable testimony of *Constantine* himselfe, with whom *Eusebius* was most inward and familiar, is a most cleere euidence. When the people of *Antioch*, being in a great vprore about their election of a Bishop,

^t Theod. lib.

1. ca. 13.

^u Soc. lib. 1. ca.

5. pa. 213.

^x Epist. Euseb.

citata à Theod. & Socr. locis cit.

^y Athan. cōt.

Arian. hæres. decreta. pa. 180

^a Epist. Constantini ad Eusebium l. 3. de vita. Const. ca. 59.

^b Non vnus ciuitatis, sed totius orbis. Hist. trip. l. 1. c. 25. & Sozom. l. 2. c. 18.

^c Eusebius posita in Conciliabulo Tyrio alijsque conuentibus pro Arianis stetit, omnibusque studijs Ario fauit. Bar. net. in Martyr. Rō. Iun. 21. & familia habet. an. 355. nu. 8. ^d Eus. lib. 3. de vita. Const. ca. 59. cum de Concilio Niceno egisset. ca. 14.

^e Bar. an. 324. nu. 143. 144. ^f Vt liquet. ex Act. Conc. Nic. in subscriptionibus.

Bishop, requested to haue *Eusebius*, and *Eusebius* had refused the Bishopricke of *Antioch*, the Emperour much commending that his fact, writ vnto him, expressing his owne, nay the whole Catholike Churches iudgement of *Eusebius* in this manner, *Sic aputato*, *Thinke thus of your selfe, that you are heerein blessed, in that by the testimony almost of the whole world, you are iudged worthy to bee the Bishop πάρις τῆς ἐκκλησίας of the whole Church, (or as others^b haue it, of the whole world) : and this also is an ouerplus of your happinesse, that euery one is so desirous of you, that they would haue you to bee and abide with them. Thus Constantine. Would himselfe, being a most religious Emperour, nay would the whole Catholike Church, and almost the whole world, giue so ample and honourable a testimony of *Eusebius*, had he beene an Arian?*

Here I can not sufficiently both admire, and detest the most fraudulent dealing of *Baronius* in this matter. Hee to perswade you, as doe also the second *Nicene* Fathers, that *Eusebius* after the *Nicene* Councell, remained an^c Arian, most craftily tells you, that this testimony was giuen by *Constantine*, not after the *Nicene* Councell (as the narration in *Eusebius*^d doth shew that it was) but that *Constantine*^e writ this at that time, when *Eustathius* was chosen Bishop of *Antioch*, which was certainly before the *Nicene* Councell (*Eustathius* being one^f of the chiefe Bishops therein:) and that it was then, that the people of *Antioch* being in a tumult, requested the Emperour that *Eusebius* might be translated from *Cesarea* to *Antioch*. Yea the Cardinall not onely reprobues and declaimes

claimes against the craft of Eusebius, for setting this, as following after the Nicene Councell, whereas it happened before; but also (with more then Sinonian art) hee tells you why Eusebius thus perverted the times. *I espie*, saith hee *g*, *incredibilem vafri viri versutiam*, the incredible craft of Eusebius heerein, and this it is; Hee was noted in the Nicene Councell of Arianisme, and to couer that blemish, hee sets this letter of Constantine in his commendation, as written after the time of the Councell: which if hee had set in his due place, and before the Councell, his praise would haue beene darkened, seeing all the Councell knew him to bee an Arian: Thus Baronius. If any please to examine this matter, hee will certainly see, not as the Cardinall did, *per transfennam*, but as cleere as the light, *incredibilem vafri viri versutiam*, the incredible craft of Baronius. For all those troubles at Antioch about the election of their Bishop, and desiring to haue Eusebius, (which Baronius recites *h*, and sets downe as falling out at the election of Eustathius) happened not at his election, but 18. yeeres after, when Eustathius was deposed and thrust from that See: Then it was, that the citie of Antioch was in an exceeding vprore for a new Bishop: Then it was, that they writ and sent to Constantine, entreating to haue Eusebius; then it was, that Eusebius refused to take that patriarchall See; then it was, that Constantine writ the letter, giuing so high commendation to Eusebius. All which is most evident, by the narration not onely of Eusebius himselfe, but of Theodoretⁱ, of Socrates^k, of Sozomen^l, of Cassiodore^m, and

g Bar. loc. cit.

h Bar. an. 324. nu. 143.

i Theod. lib. 1. ca. 20 & 21.
k Soc. l. 1. c. 18.
l Sozom. lib. 2. ca. 18.
m Cass. triper. hist. l. 2. c. 25.

m Nic. lib. 8.
c. 45.

m Bar. an. 340.
nu. 30.

o Baronius
fraudulenter
asserit sex an-
nos Vitalis
poni a Nice-
phoro post im-
perium Con-
stantini incep-
tum. Sed non
hoc ait Ni-
ceph. in sua
Chron. sed Vi-
talem fuisse ex
ijs vnum, qui
Antiochiæ se-
derunt tempo-
re Christiani
Imperatoris :
& sedisse in v-
niuersum sex
annos. sed tres
aut quatuor
eorum elapsi
erant, antequam
ad Imperium
peruenit Con-
stantinus, ut
ex ijs quæ
diximus, liqui-
dò constat.

and of *Nicephorus*^m; who all expressly mention this offering of the See of Antioch to *Eusebius*, and his refusal of it, to haue beene after *Eustathius* was deposed; yea *Socrates*, *Sozomen*, *Cassiodore*, and *Nicephorus*, expresse this very commendation of *Eusebius*, to haue beene at that very time giuen vnto him by *Constantine*, that hee was worthy to be the Bishop of the whole world: whereas *Baronius* produceth not (nor, as I doe verily beleeeue, could not produce or find) so much as one either historian or other of his opinion, though hee to blemish *Eusebius*, magisterially takes vpon him, against the evidence of truth, and against so many euident witnesses, to turne topsituriue, the historicall narrations of eightene yeeres. Say now in truth if you doe not lee, *incredibilem vafri viri versutiam*.

Nay, its cleere that *Eusebius* before, and till the time of the *Nicene* Councell, was a fauourer, and as *Saint Ierome* saith, a propugner of the Arians; so that the Emperour, (and much lesse the whole Church) could not then thinke *Eusebius* to be so worthy a Bishop, or worthy of so high commendation: But this testimonie, they hauing had long experience of his orthodoxie and faith, some tenne or eleuen yeeres after the *Nicene* Councell, might well giue vnto him. For the deposing of *Eustathius*, fell not out three yeeres after *Constantines* death, as *Baronius*ⁿ foule misconceining the *Chronologie* of *Nicephorus*^o Bishop of Constantinople affirms; but it happened about the last yeere of *Constantine*: and seeing *Eusebius*,
as

as *Socrates* ^p witnesseth, died shortly after the returne of *Athanasius* to Alexandria (which was the next yeere ^q after *Constantines* death) you see what an honourable testimonie this is, which the Emperour and the whole Catholike Church giues of the perseverance of *Eusebius* in the profession of the Catholike faith; and how slanderously *Baronius* ^r, and the second *Nicene* Fathers say ^t of him, that he continued in heresie like a *Blackamoore*, and that he did not change his skinne.

To these let vs ioyn *Socrates*, who in his Ecclesiasticall historie, hath professedly writ an Apologie ^t for *Eusebius*, wherein hee plainly calls them slanderers, and reprochfull detractors, and contumelious vexers of *Eusebius*, who accuse him (and so doe the second *Nicene* Fathers, and *Baronius*) to haue beene a fauourer of *Arians*, after the *Nicene* Councell: and this he prooues, not onely because *Eusebius* consented to the *Nicene* Councell, but out of diuers writing of *Eusebius*, wherein hee directly teacheth the contrary to the *Arians*. The same Orthodoxie of *Eusebius*, and his constancie therein, is witnessed by that learned man *Georgius* ^u *Trapezuntius*, who saith that *Eusebius* did willingly follow the authoritie of the *Nicene* Father, and sanctissime atque pie in Orthodoxia vixisse, that hee liued most holily in the Orthodoxe faith. But omitting others, I chuse rather to alledge *Sixtus Senensis*, who declares the very occasion, how many haue beene deceiued in imputing *Arianisme* to *Eusebius* *Cæsariensis*. Non desuere, saith hee ^y, There

Q 2

haue

^p Socr. lib. 2. ca. 3.

^q Constantinus obiit an. 337.

Athanasius restituitur an.

338. Bar. eo an. nu. 1. & seq.

^r Bar. loc. citatis.

^t Con. Nic. 2. Act. 6. pa. 375.

mansit enim ut

Aethiops, non commutans

cutem suam.

^u Socr. l. 2. c. 17.

^y Trap. præfat.

ad Nich. papā

in lib. de præ-

par. Euang.

^x Six. Sen.

biblioth. in

Eusebius.

have not wanted some, who have thought Eusebius to have beene an Arian, and an oppugner of the Nicene Councell, being deceived by the like name of Eusebius Bishop of Nicomedia, who lived at the very same time, was in great esteeme with Constantine, and was *Antesignanus Arianorum*, the very ring-leader of Arians: the likenesse of the name, made men to thinke that to bee meant of Eusebius *Cæsariensis*, which was both spoken and meant of Eusebius *Nicomediensis*. Or else, saith hee^a, they were deceived, because Eusebius *Cæsariensis* did in the Nicene Councell a long time doubt, whether the word Homousios might bee allowed or no: but when it was explained by the Nicene Fathers what they meant thereby, decreto *Homousianorum* subscripsit, Eusebius then subscribed to the Nicene Decree. So Sixtus.

* Ibid.

^b Tril. lib. de
script. eccles.
in, Eusebius.

The very same is witnessed by Tritemius^b, saying, that whereas Eusebius was first an Arian, coming to the Nicene Councell, errorem deposuit, hee abandoned his errour, and embraced the Nicene faith. Tritemius addes one point further most worthy remēbring for cleering of Eusebius. He at the appointment of the Nicene Councell, composed that Creed, which is called the Nicene Creed, and in token of his most sincere faith offered it to bee read and confirmed by them, In which Creed, hee so crushed the errors of the Arians, that they approved it, without either adding or subtracting ought at all from that forme of faith which Eusebius had made. Thus Tritemius.

Whence

Whence it is cleere, that *Eusebius* was at no time an hereticke, no not euen then when hee embraced the heresie of *Arius*. Before the time of the Councel, he erred indeede (as *Cyprian* had done in another matter) but then the cause was not as yet fully decided, & he was not obstinate nor pertinacious (which onely makes an hereticke) in that error, but euen then he was *paratus corrigi*: And his owne fact did demonstrate the same: for after full discussion of the cause, he submitted his, to the Churches iudgment: he forsooke, and as *Tritemius* saith, *deposuit*, left his error, and subscribed to the Catholicke faith, which vntill that full discussion, he had erroneously, but not pertinaciously, and therefore not heretically oppugned. After the Councel he cannot be thought an hereticke, being so constant (as we haue already prooued) in the Catholicke faith, and that euen to his dying day, as *Tritemius* ^a witnesseth, saying; *Eusebius after the Nicen Councell, in orthodoxa fide perseuerans, sanctissime consummatus est, perseuering in the Catholicke faith in a most holy manner was consummate or died.* For which cause hee is set in the ranke and Catalogue of the blessed Saints and Confessors. *Vsuardus* in his Martyrologie sayth ^b, that on the twentieth one day of Iune is observed in Palestine, the *Celebritie sancti Eusebii, Episcopi, & Confessoris*, of *S. Eusebius a Bishop, a Confessor, an Historiographer of most excellent wit.* *Possennine* also ^c witnesseth, that hee is reckoned among the Saints, both by *Petrus de Natalibus* in his booke de Catalogo Sanctorum, and by the Greeke *Menologie*.

Q. 3.

Like

^a Trit. loc. citato.^b Vsuardi

Martyrologiū

quo Romana

Ecclesia, ac

permultæ aliæ

vtuntur, iussu

Caroli mag-

ni conscriptū,

in Ian. 21.

^c Alij Eusebiū

inter Sanctos

retulerunt, vt

Petrus in Ca-

tal. Sanct. lib. 5

ca. 134. fecit.

& in Menolo-

gio. Possen.

Apparin Euse-

bius. Cæsar.

f Martyr. Notkeri, in Jun. 21

g Hen. Can. in epist. ad lect. post finem Menologij.

h Notkerus obiit anno dom. 912. Metzler, in admonit. ad lect. ante Martyr. Notkeri.

i Conc. Nic. 2. habitum, ann. 787. Bin. & Bar. Carolus Magnus obiit an. 814. Bar. eo an. nu. 57. Notkerus valde dilectus Carolo Magno, cuius nepes fuit. Echerhard in vit. B. Notkeri, cap. 29.

Likewise in the Martyrologe of St Notkerus, who was canonized by Pope Leo the tenth, it is thus said f; *On the twentieth one day of June, is the death Sancti Eusebii Episcopi, of Saint Eusebius a Bishop, celebrated at Casarea.* This canonizing of Eusebius, and enrolling him among the glorious and blessed Saints, not only by *Usuardus*, but, as *Possennine* saith, by *Pet. de Natalibus*, by the Greeke Menologie, which both *Canisius* and *Baronius* commend s, as *very ancient, and of best note*; and specially by Saint Notkerus, who liued about seauen hundred yeares h since, and but a little i after the second Nicene Councell, is sufficient to wipe away that slander and vntruth of their second Nicene Synod, (which Notkerus, as it seemes, purposely intended to doe) where they say, that Eusebius was shaken out like chaffe, and cast out of the Church. For though he bee cast out of the Idolatrous and Image-worshipping Church heere vpon earth, yet is he (as you see) reckoned among the glorious Saints of God, and receiued into the tryumphant Church in heauen. Thus Baronius by his disgracing of Eusebius, hath now occasioned vs, not onely to defend the honour of Eusebius, and vindicate it from his calumnies and slanders; (wherein I confesse, I was very willing to take some paines, for the benefit which the whole Catholique Church hath receiued by his writings :) but further also to leaue this baptisme of Constantine, witnessed not onely by other ancient Fathers, Bishops, and Historians, but by the vndoubted testimonie of that Eusebius, whom Constantine and all the world honored for a Catholique Bishop, while he liued, and their

their owne Martyrologies honor for a blessed Saint and Confessor when he is dead. And thus much be spoken of the third circumstance, wherby the forgerie of this second *Romane Synod* is demonstrated, inthat it was held after *Constantine* was baptized at *Rome* by Pope *Syluester*, which as we haue clearly proued, was neuer.

CHAP. VII.

The seauenth reason, prouing this second Romane Synod to be a forgerie, taken from the Donation of Constantine: and first of the Charter or Edict thereof.



HE fourth and last circumstance which I will mention, whereby this Synod is prooued a counterfeit, is the *Donation*, or as *Steuchus* calleth^a it, the *Decree*, or the *Oracle of Constantine*. For that was made a little after his baptisme,

and before this Synod, as the *Acts of Syluester* doe witnesse: wherein^b the priuiledges of the Church, are said, to be giuen the fourth day after his baptisme. That the *Edict of the Donation*, saith *Baronius*^c, was made the fourth day after his baptisme, the *Latine copies* doe set downe. And *Binus* in his *Marginall notes* vpon the *Edict*, expresseth^d the same; *Constantinus Imperator quarto die*, *Constantine* gaue this the fourth day after his baptisme. And at the beginning of the *Donation*, set downe in their *Canon Law*^e, as also

^a Aug. Steuchus lib. 1. de Donation. Const. pa. 43.

^b Act. silu. apud Bar. ann. 324. nu. 60.

^c Bar. an. eod. nu. 122.

^d Bin. to. 1. pa. 297.

^e Dist. 96. ca. Constantini. 5.

^a Anselm. & Deusdedit citantur ibid. ^a glossat. Greg. ^b Nic. 3. c. Fundamenta de elect. & elect. pot. in Sexto

^c Dat. Romæ 3. Kal. April. in fine Donat. ^d Act. Conc. Rom. 2. c. vlt.

^e Steuch. lib. de Donat. Const. pa. 189 ^f Steuch. lib. cod. pa. 208.

in *Anselme* ^a, and *Deusdedit*, it is said, *Constantine* the fourth day after his baptism, gave this privilege to the *Romane Church*, that is, to the Pope. Yea Pope *Nicholas* the third in his decretall Epistle expressly affirms ^b, the pragmaticall constitution whereby *Constantine* conferred this Donation of the Monarchie of Rome to the Pope, to have bin made *quarto die baptismatis*, on the fourth day after hee was baptized. This Councell then, following his baptism, must follow also his Donation; and seeing the Donation beares date ^c, the 29. of March, the Councell must be held a month or two after it, seeing it ended ^d the 30. of May in that yeare when this Donation was made. Now this was in truth neuer. For that Donation of *Constantine* to be a base and witlesse forgery, is of old by *Laurentius Valla*, and since that, by diuers of our learned writers, so fully demonstrated, that scarce ought can bee added vnto their labours. Nor would I so much as once endeauour to intreate thereof, but that many of the Popes late flaterers do most pertinaciously, and shamelessly continue still the claime thereof: and it must not seeme strange to any, nor be thought vnfit, that wee should reiterate our iust defence of the truth, so long as they reiterate their cauills and vaine obiections against the truth.

Eugubinus Stenchus hath writ two whole bookes in defence of the Edict of that Donation, wherein he thinks and boasts, that he hath prooued most cleerly, *Constantinum sua manu scripsisse illam Donationem*, that *Constantine* writ this Donation with his owne hand. Adding ^f, that they who say this Decree is false or fained,

ned, doe *maximam iniuriam facere*, exceedingly wrong, not onely the ancient Popes, sed *omnibus Græcis ac Latinis Theologis*, but all, both Greeke and Latine Diuines.

Cardinall *Albanus* hath a large Treatise^l, or book rather, to proue the truth & validitie therof: wherein he scornes and derides all that account it a figment, telling vs, that all^m the words of this Charter of Donation, *ab originalibus excepta exemplaribus*, were taken out of the originall Records, and so left vnto vs: That theyⁿ who denie it, are led more by wickednesse, then by reason; and he concludes^o, This Donation of Constantine to be not onely true, but of force and validitie, and that, *iure optimo*, for most iust reason; he approves also^p the saying of *Panonormitane* q, *Eum non procul ab heresi distare*, That he is almost an hereticke, who dares speake ought against it. Yea, the same Cardinall addes^r one other clause worthy to be remembered, that the Popes, *nullum alium suæ possessionis titulum, quam Constantini donationem attulisse*, Haue produced no other title, for their possession of those territories, but onely the donation of Constantine.

Cardinal *Iacobatius*^f concurs wholly with *Albanus*; but he sets down his opinion, with more both pride and ignorance. He after much insulting in his reasons and authorities alledged, concludes^t, *Quod hodie non sit dubitandum de validitate huius donationis*, That none must at this day doubt, either of the truth of it, that it was made by Constantine, or of the validity thereof, that being made, it ought to be of force.

Iohannes à Capistro, is so confident in this matter, that he saith of^u Constantine, *Donationis paginam pro-*

R

prijs

/ Hier. Alban.
Card. lib. de
Donat. Con-
stant. Is extat
inter Tract.
Doct. to. 15.
part. 2.
m Ibid. nu. 1.
n Ibid. nu. 3.
o Ibid. nu. 21.
& 33.

p Alb. ibid.
nu. 19.
q Panor. in
Conf. 24. nu.
2. vol. 1.
r Ibid. nu. 5.

f Card. Iacob.
bat. lib. 10.
de Conc. Art.
8. cap. vlt.
t Ibid. nu. 34.
36.

u Ioh. Capist.
lib. de Author.
Papæ. part.
2. nu. 120.

* Boet. Epon.
lib. Heroic.
quæst. q. 3.

z Ibid. nu. 10.
11. 14. 16.

c Videtur esse
ipsissima illa
quam Con-
stantinus ipse
concepit, ibid.

d Bin. tom. 1.
Conc.

e En tibi qui-
nas, & cum
Gratianea ses-
nas Donationis
huius for-
mular, ad a-
mussim, si rem
spectes, inter
se convenien-
tes. Boet. Epon
loc. cit. nu. 28.

f Ibid. nu. 1.

g Ca Futuram
caus. 12. q. 1.

h Ibid. nu. 5.

i Not. in cap.
Constantinus.
dist. 96.

k Ea quæ de
dominio &
temporali reg-
no Rom. sed in
colla'o hic
(in Edicto)

enarrantur,
vera esse, &c.
Bin. Not. in
Donat. Const.

l Bin. Not. in
vit. Silu. S.
Silvester.

prijs manibus roboravit, hee confirmed this Charter with his own hands; adding, that the same Charter is said to be kept in Sacristia S. Petri bulla aurea roborata, in the Registry of S. Peter, sealed with a golden Bull.

Boetius Epon, is another, and very eager disputer a for this Charter. He mentioneth nine several formes thereof, and sets downe *verbatim* foure or five b of them: one of *Iuo Carnotensis*: a second of *Balsamon*: a third of *Albericus*: a fourth of *Isidore*, which he liketh c best of all, as being that which Constantine conceiued, and which wholly agrees with that, which is set downe in d *Binius*: a fift out of *Eugubinus Sten-chus*, to which he addes for a sixt e that in *Gratian*. And hee is so confident for the veritie of that Donation, that hauing cited f for a prooffe thereof, a Text of *Melchiades* g; the next Pope before *Silvester*, he saith h; *Certo certius est Donationem Constantini inde probari*: It is more then certaine that Constantines Donation is proued thereby.

In their Canon Law lately corrected and illustrated with notes, by the command and authoritie of Gregory the 13. the Gregorian Glossators i labour to proue the truth of this Edict, as being set downe in the Acts of *Silvester*, and in *vetustissimis Pontificalibus*, in their most ancient Pontificals, in Pope *Hadrian*, and in many others.

To these let *Binius* be adioyned, who not onely affirmes, the same Edict and grant k of a temporall kingdome and dominion, made therein to the Pope, to bee true: but he addes, that the Emperors munificence and pietie, satis aperte testantur, do euidently witnesse the truth thereof. Again, whereas Constantine (saith he l) iudged

iudged it to be an unworthy thing, that the Citie, where the Monarch of the whole Church was resident, should be subject to the rule of a secular Prince, he most magnificently gaue vnto Siluester, and to his lawfull successors, the dominion and temporall iurisdiction, not onely of the Cittie of Rome, but almost of all Italie, and other Provinces. Thus Birinus, who further addes^m, That Pope Hadrian confirms the History of Constantines leprosie, and baptisme by Siluester, *veritate huius Edicti*, by the truth of this Edict: signifying, that Pope Hadrian iudged this Edict to be true, and by the truth of it, confirmed other matters which he deliuered as true.

^m Bin. Not. in
Edict. Const.
§. Ipse.

None of all these haue writ more earnestly for this Edict and Charter, then some few yeares since, the great Doctor of Naples, *Marta*; who is so confident of the certaintie & truth hereof, that he saithⁿ; *Non esse ulterius dubitandum*, None may hereafter doubt, but that it was truly made by Constantine. For prooffe whereof, hee produceth the testimonies of many Fathers, of many Historians, of many Civilians and Canonists; yea, of Emperors and of Popes: vnto all which he addes some, as he supposeth pregnant reasons, to confirme the same. And lest that might breed some scruple, because that chapter in Gratian^o, where this Edict is set downe, it is called *Palea*, that is, *Chaffe*; at which *Steuchus* P was not a little chafed; the Doctour tels vs a Storie, well worthy remembering, how it came to be called Chaffe. The narration^q is this: when Gratian had composed his book of Decrees, he brought it to Rome, to haue it approoued by the Pope: but in token of reuerence, he gaue it to a learned Cardinall, that kee should present it to his Holinesse.

ⁿ Doc. Mart.
lib. de Iurisd.
dict. part. 1. ca.
30. nu. 20.
& 26.

^o Dist. 96. ca.
Constantinus.

^p Ab indoctis
Canonistis
Palea vocatur.
Steu. lib. cit.
pa. 43.

^q Mart. loc.
cit. nu. 35. &
seq.

The Cardinall being very ambitious, perusing the booke, and liking it well, added heere and there, many other testimonies and Texts of Fathers and Popes, and then presented it to the Pope as his owne worke. Gratian disdainning thereat, and remembring the verse, *Sic vos non vobis mellificatis apes*; in presence of the Cardinal, auouched before his Holinesse, that the Booke was his, and not the Cardinals; and for prooffe thereof, he repeated without book, the order and summe of the Chapters, omitting such as the ambitious Cardinall had inserted. Whereupon when the Cardinall pleaded, that sure he had not composed this booke, seeing he knew not of such Chapters, Gratian answered concerning euery such Chapter, as it was read vnto him, *Hoc Capitulum non est de tritico meo: Palea est, Palea est*, This Chapter is none of my Wheat, its Chaffe, its Chaffe. Whereupon to euery Chapter, which was not truly *Gratians*, in stead of that ambitious Cardinals name, which was deseruedly buried in obliuion, There was set, *Palea*. But *Eugenius* the third then Pope, approoved the booke, withall the chaffe therein. Wheate and Chaffe, both were allowed by his Holines: they both tended to aduance his See, they both were receiued, and authorized to serue for the vse of their Church. Thus pleads *Marta* for this Chaffe, and chaffe Charter: whose treatise might be thought nothing inferior to that of *Stenchus*, but that the book of *Marta* is dedicated only to *Paul* the first, whereas the other of *Stenchus*, was thought worthy to be dedicated to *S. Peter* himselfe; *Stenchus* telling *S. Peter*, That hee undertooke that labour, *uni tibi Ecclesiaque tua*, only for thee *O S. Peter*, and for Thy Church, as himselfe saith, in the

¶ Totus liber.
ab Eugenio 3.
approbatus
est, etiam cum
omnibus Pa-
leis, & ysu re-
ceptus, Mart.
ea, cit. nu. 37.

the Epistle^f which hee writes to *S. Peter*, and prefixeth it in his booke : though I feare me he found no messenger that would deliuer either the booke, or the Epistle to *S. Peter*.

But that which giueth greatest countenance to this Edict, is the Decretall Epistle of Pope *Leo* the ninth, who *verbatim* repeates almost that whole Edict, so farre as it concernes the Donation: as namely, *How Constantine writ in his Edict, that hee would exalt the most holy See of Peter, more then his owne Empire or earthly throne, giuing vnto that See, potestatem, dignitatem, & honorificentiam Imperialem, Imperiall power, dignitie, vigor and honour. There the Pope of a Bishop, is made an Emperour, and that aboue the secular Emperour himselfe. How hee decreed, that the Romane See, principatum teneat, should bee chiefe of other Churches, and haue principallitie aboue the See of Alexandria, of Antioch, of Ierusalem and Constantinople, and of all other Churches in the whole world. There the spirituall Prince-hood, aboue other Patriarches and Bishops is conferred to the Pope. How hee gaue to Siluester and his successours for euer, his Laterane Palace, which is preferred aboue all Palaces in the world, his Diademe and Crowne, his mandilion, his cloake, his coate, & omnia imperialia indumenta, and all imperiall robes which himselfe did weare; his imperiall guard, his imperiall scepter, & omnem processionem imperialis culminis, & gloriam potestatis nostrae, and all the residue of his imperiall dignitie, honour and power: There is his estate, such and so pompous, that Constantine himselfe (as the Charter saith) held*

f Dedicatio
libri ad Sanctū
Petrū. &
Accipe quæ-
so, quos
tibi sacro la-
bores. & c.
Steuc. Epist.
ante lib. de
Donat. const.

f Epist. i. Leon.
9. c. 12. 13. 14.

the Popes bridle, and performed, officio stratoris, the office of a groom of the stable, or yeoman of the stirrop, vnto the Pope. How to the end the Pontificall height should not seeme vile, but be adorned more then the dignity and power of the earthly Empire, hee gaue vnto Siluester and his successours for euer, both^u the citie of Rome, and all the Prorinces, places and cities of Italy, and the westerne countries, decreeing all these his grants, to be kept inuiolable and vncchangeable, vsque in finem mundi; euen vnto the end of the world. Heere is the Popes reuenewes and rich Patrimony of S. Peter.

This and farre more, doth Pope Leo verbatim, recite out of the Edict or Charter of Constantine, all which, hee saith, hee sets downe lest ^x any scruple of doubt should remaine touching the Popes terrene domination, neue leniter suspicemini, ineptis & amilibus fabulis Sanctam Romanam sedem velle sibi inconcessum honorem vendicare, & defensare aliquatenus: and lest any should so much as but lightly suspect, that the Romane See would challenge, or any way defend their honour by foolish and vncertaine fables: yea, hee addes of this Edict, and that which he cites out of it, that hee therefore relates it, that heereby, veritas fundetur, & confundatur vanitas, that truth may bee confirmed, and vanitie confounded; and that all Catholikes may know, nos, himselfe and other Popes, to bee the disciples of that Peter, who saith y of himselfe, wee haue not followed vnlearned, or sophisticated and falsely deuised fables. And yet more to commend this Edict hee adioynes; Know ye, that wee doe inculcate vnto you these things, which we haue not so much receiued,

re-

^u Ecce tā palatium nostrū, quā urbē Romā, & omnes totius Italiz, & omniū Occidentaliū regionū Prorincias, loca, & ciuitates, concessimus. Edict. verba apud Isod. Iuonem, Balsam. Alber. & Biniū. & Scire conuenit, donasse Constantinū vniuersū Occidentem. Steuch. loc. cit. pa. 17.

^x Ne fortē de terrena ipsius dominatione aliquis vobis dubietatis super sit scrupulus, ibi: ca. 13.

^y 2. Pet. 1. 16.

relatu quolibet, by any relation or hearesay, *quàm quæ ipso visu et tactu comperta sunt*, as which wee haue found out by our owne sight and feeling. Thus writes Pope *Leo* for the certaintie, truth, and credit of this Charter of Donation, so Pontifically and assuredly, as if hee had seene *Constantine* set his seale vnto the same; or lay it with his owne hand upon the body of *S. Peter*, as the same *Leo* saith he did.

I must needes confesse, that when I considered, how besides Cardinall *Albanus*, Cardinall *Iacobatius*, the *Gregorian Glossators*, *Steuchus*, and *Marta*; Pope *Eugenius* also, Pope *Nicholas*, Pope *Hadrian*, and especially Pope *Leo* in his decretall Epistle, had so confidently approoued this Ediēt or Charter of Donation, assuring all Catholikes, that hee followes the certaine truth and no fables therein; I was not a little desirous to sift and examine the same: partly to see what worthy Charters and auncient writings they commend to the world, as bearing euidence to their cause: and especially to try whether their holy Popes, (of whom I had good hope, that of all men they would not countenance and write decretall Apologies for forgeries) might bee credited in this & like narrations, which concern the dignitie and glory of their See, & papall Crowne. And first I will speake of the Ediēt or Charter of the Donation, and then of the Donation it selfe, of both which, that they are base and improbable fictions, there are many vndeniable reasons: Some few of which I will touch.

For the Charter: All that wee haue formerly said of the supposed leprosie, Persecution, and Baptisme

rine of *Constantine* by *Silvester*, are vndoubted Demonstrations of the forgerie of this Edict of Donation: for in the Charter are al these not only related, as certaine truthes: but they are made the very ground and occasion why *Constantine* made this Charter. Seeing then there is neither truth, nor realitie in the foundation, certainly there is no truth at all in the Charter it selfe, which is builded vpon such fictions and fables. But leauing these, I wil propose a few other considerations in this cause.

^a Conc. C^ost.
1. habitum est,
an. 381. iuxta
Baron. Edictū
verò editū di-
citur, an. 324.

^b Soc. l. 1. c. 12.

^c Post hoc
(Conc. Nic.)
Patres Con-
stantinopolin
perrexere, Bar.
325. nu. 196.
^d Sig. l. 4 de
occid Imp, an.
330.

First, in this Edict is mentioned the *See of Constantinople* as one of the Patriarchall Sees: whereas neither it had Patriarchal dignity before the second general Councell, (that is more then fiftie yeeres after the Donation is supposed to bee made,) nor was there at that time, so much as the name of *Constantinople*: for the Citie was then called *Byzantium*: and diuers yeeres after when *Constantine* had much enlarged it, and made it, as *Socrates* saith ^b, *parem & equalem Romæ*, equall to *Rome*; choosing it for the Imperiall seat, it was then first called from his name, *Constantinople*: and this was done, as *Baronius* himselfe acknowledgeth ^c, a little after the *Nicene Councell*, was ended: but as *Sigonius* ^d more truly teacheth, *five yeeres after that Nicene Councell*, when *Gallicanus* and *Symachus* were *Consulls*. So very stupid was the forgerer, that to gaine to the Pope, and *See of Rome*, principalitie ouer *Constantinople*, hee makes *Constantine* write of that citie, which was not, no nor the name of it so much as extant in the world at that time. I should thinke indeede, that there was some fraud vsed in the inserting of this

this name, but that all the severall formes extant of this Charter, as that of *Albericus*, of *Isidore*, of the *Gregorian* and corrected edition of the *Decrees*, have all the same name of *Constantinople*, and *Pope Leo the ninth*, who assureth vs, that hee felt and saw the very *authenticall Charter*, mentioneth the same name in his *Decretall Epistle*. Besides in the *Greeke Edict*, set downe by *Balsamon*^e, the same is extant, and the *Gregorian glossators*^f testifie that the *Edict*, as it is set downe in the *Decree*, is in a very ancient *Manuscript* in the *Vaticane*, and that also accordes to their most ancient *Pontificalls*: and *Marta* last of all tells g vs, that the copie of the *Edict*, which hee sets downe (wherein also this name of *Constantinople* is expressed) is in the registry of the *Vaticane*. Seeing then there is such an vniforme consent in all the formes and copies of the Charter, both *Greeke* and *Latine*; seeing the Charter is so safely kept in their *Vaticane*, and ratified by the *Decretall Epistle* of *Pope Leo*, for true and authenticall: there can bee no suspicion of corruption at all in those wordes of the *Edict*: The error and corruption was in none at all, but in the author himselfe, who forged such an vnlikely, vnprobable, and vncredible vntruth.

2. Had *Constantine* giuen principality to the *Romane See*, aboue all Churches in the world, as the Charter saith hee did: what folly was it in *Iohn Bishop of Constantinople*, *Cyriacus* and others, to strue^h for that preheminence? What meant *Boniface* the third, that he would neuer shew this Charter and grant of principallitie made by *Constantine*?

S

Why

^e Theod. Bals.
com. in Photij
Nomocan.

Tit. 8, ca. 1.

pa. 87.

^f Not. in Cap.
Constantinus,

dist. 96.

^g Mart. loc. cit.

^h Vt liquet ex
Greg. lib. 4. E-
pist. 26. 28. &
alijs multis.

i Bonifacius 3.
 à Phoca Imp.
 obtinuit mag-
 na tamen con-
 tentione, vt se-
 des B. Petri,
 Caput omniū
 Ecclesiarū di-
 ceretur, &c?
 Plat. in vit. Bo-
 nif. 3 & Anast.
 i a vita eiusdem
 alijque.
 k sig. lib. 3 de
 occid. Imp.
 an. 312.
 l Cum tam e-
 uidenter de-
 monstratū sit,
 Melchiadē Pa-
 pam à Constā-
 tino hoc an. in
 augustissimas
 Lateranenses
 ædes translatū
 &c. Bar. an.
 312. nu. 85.
 m Domum
 Lateranensem
 Melchiadi ab
 Imperatore
 donatam esse,
 nemo prudens
 amplius dubi-
 tare potest.
 Bin Not. in
 lib. de Munific.
 Const.
 n Loc. cit.

Why did hee vse so much intreatieⁱ and meanes to
Phocas a murtherer, that the Church of Rome might
 bee called the first of all Churches, when the same
 was long, almost 300. yeers before, giuen by a faire
 Charter to the Romane See, by *Constantin* so wor-
 thy and renowned an Emperour?

3. In this Edict *Constantine* is made solemnly to
 giue vnto Pope *Silvester*, the *Laterane* palace: where-
 as not only *Sigonius* witnesseth that this was giuen
 long before to Pope *Meltiades*, *Augustale palatium in*
Laterano impertijt^k, *Constantine* gaue to *Meltiades*,
 the *Laterane* palace: but *Baronius*^l and *Binius*^m a-
 uouch the same for a certaintie, and say, that no
 wise body will doubt thereof. Those *Augustissima La-*
teranenses ædes, say theyⁿ, that most princely palace
 of the *Laterane* was giuen by the same *Constantine* to
 Pope *Meltiades* the predecessor of *Silvester*, and to his
 successors, and that in the seventh yeere of *Constan-*
tine; which was twelue yeeres before hee was ei-
 ther baptized, or made this Charter of Donati-
 on. Is not this now a piece of great munificence in
 the Emperour, to giue that, which is not his owne
 to giue, or to giue that to *Silvester*, which many
 yeeres before that gift was *Silvesters* owne and his
 successors for euer?

4. In this Edict *Constantine* saith, wee will haue
 all people in the world to know, *Construxisse nos*
intra palatium Lateranense, that wee haue buil-
 ded vnto Christ, within our palace of the *La-*
terane, a Church from the verie foundation there-
 of, together with a Font. Now seeing the Edict
 was made in the fourth day after *Constantine* was
 bapti-

baptized, (as you haue seene themselves to professe) whether it were possible, that such a princely Church, should bee builded vp in foure dayes, were a fit question for a Iurie of workemen to decide. And for the possibilitie thereof, I leaue it to their verdict. Onely I will intreat them to heare one speciall euidence out of the Actes of *Siluester* ^o, wherein when the author had told what *Constantine* did all the seven dayes that he was, in *Albis*, after his baptisme, on the eight day (saith hee) hee laid aside his white garments, his diademe and imperiall robes; & accipiens bidentem, and taking a spade hee first of all digged and opened the ground, to lay the foundation of that (*Laterane*) Church, and carried twelue baskets of earth upon his owne shouldaers vnto it, according to the number of the twelue Apostles. Thus the euidence, euen those very Actes of *Siluester*, which *Binius* ^p calls, *Acta probatissima*, most approued Actes. Whereby the Iurors may easily bee informed, whether the Church was builded on the fourth day, whose foundation was but begun, and the earth first digged, on the eight day after his baptism.

5. This Edict, as by the words thereof is euident, followeth the leprosie ^q of *Constantine*, and his baptism ^r; and so could not bee made before the nineteenth yeere of *Constantine*, in which both these, as you haue seene by *Baronius* and *Binius*, are supposed to haue happened. Yet is it dated ^s in the Consulship of *Constantine* the fourth time, with *Gallicanus*. Now the fourth Consulship of *Constantine*, (as by the Fasti both Greeke and Latine, besides other

• Act. Silu. a.
pud Bar. an.
324. nu. 60, 61.
62.

p Bin. Not. in
vir. Silu 5. De
suscepto.

q Dum valida
squaloris le-
pra, tota mei
corporis inva-
sisset carnem
&c. Verba
Edict.

r Benedictoq;
fonte illic me-
trina mersio-
ne, vnda salu-
taris purifica-
uit. ibid.
s In fine donat.

evidences is cleere) was before the eleventh yeere of his Empire : by which account *Constantine* should haue made this Edict and Donation 8. or 9. yeere before the occasion & cause therof was offered; and prophetically should tell, how he was a leper, baptized, and therby clensed frō his leprosie, many yeeres before hee had any leprosie, for which hee needed any clensing. Againe, see the stupiditie of the forgerer; not *Gallicanus*, but *Licinius* was colleague with *Constantine* in that yeere, as appeareth both by the Fasti, and by many Imperiall Edicts, dated in this manner, *Constantino A. 4. & Licinio 4. Coss.* Nay I say further, seeing *Gallicanus* was neuer Consull with *Constantine*, as by the Fasti is euident, it cleere-ly followes, that this Edict which was made in the Coss. of *Constantine* and *Gallicanus*, was of a certaintie neuer made; for that yeere of their Consulship was neuer.

To these, let me adde the testimony of their great Cardinall *Baronius*, to whom accordes *Gretzer*, who hath writ an Apologie ^u for him in this very point. He by many reasons, and at large proues ^x, *this Edict to bee, commentitium, prorsusque falsum*, a meere figment and forgerie, and as *Gretzer* saith ^y, *commentis accensendum docuit*, hee hath taught that it is a counterfeit. One reason is; *The ancient ^z Popes since Constantines time, had many occasions to dispute against Princes, touching the rights and prerogatiues of the Church, yet none of them before the thousandth yeere after Christ, is read to haue defended the same, by authoritie of this Edict : and yet they knew and mention the Acts of Syluester.* Another is this : *It is certaine*

214.

^z L. 1. de
Pignoribus.
C. Theod. &
quā multae
alīae leges.

^u Gret. Apol.
pro Bar. ca. 21.
& Append. 1.
ad lib. de Mu-
nific. principū.
pa. 86. & c.
^x Bar. an. 1191
nu. 12. & seq.
^y Gretz. Ap-
pend. cit. pa. 91
^z Bar. loc. cit.

^a the Emperours make no mention of that Edict of Constantines Donation; and yet in the Charter of Henrie the first there is a sure mention^b, *de Imperatoribus singulis*, of all the former Emperours, who had made such ample donations of Prouinces vnto the Romaine See. A third is, That this Edict^c was not in the ancient Actes of Siluester, but was by forgerie inserted into them: the time when this was done he defines, to haue bene after^d the 1000. yeare of Christ: the parties by whom this forged Edict was made and published, he also declares: it was fained by some Gracian^e, vnder the name of Eusebius, and set forth by Theodorus Balsamon, whereas, *à nullo Græcorum hætenus in lucem editum*, vntill then no Græcian had published it; and from the Græcians it came to the Latines, and westerne Church: Leo the ninth being the first Pope, who makes mention thereof. Thus the Cardinall. By whose acknowledgement, you may see what truth there is in their Popes, specially in Pope Leo, who in his decretall Epistle, most solemnly commends this Edict, for an ancient and vndoubted euidence, such as hee knew by sight and sence to be the true deed of Constantine: which yet their great Cardinall after long sifting of Monuments and Records, testifieth to be a forgerie, and that of the Græcians, first of all deuised, as hee saith, about 700; and published 800. yeares after the death of Constantine.

Yet about the time of deuising and first publishing of this Edict, which the Cardinall so precisely sets downe, I can no way assent vnto him. If this Edict was not deuised till after the 1000. yeare of Christ, how doth Leo the ninth (who was not Pope,

^a Baran. eod. nu. 61.

^b Ibid. nu. 59.

^c Ibid. nu. 52.

^d Alia Acta Siluestri non ante 1000. Christi annū cognita ab aliquo fuisse nōcuntur. Quibus actis superadditum est ipsum recitatum à Theodoro, Constantini edictū. Ibid &, Illud constat non ante Othonis tempora (cepit 996.) à quoquam citatum. Ibid nu. 60.

^e Ibid. nu. 52.

f Leo 9. Epist.

g Gretz. Append. l. pa. 87.

h Not. ad cap. Constantinus.

i Circa illa tempora Balsamonē scripsisse ait Bar. ann. 1191. nu. 49. & Bell lib. de Eccles. scrip.

k Bin. Not. in Donat. Constant. §. Ipse.

l Bar. an. 795. nu. 7.

m Not. in ca. Constantinus, dit. 96.

till an. 1049.) mention it as an ancient Record and Monument? as besides that his owne words^f make plaine, Gretzer^g also confesseth. Is fittie yeares a note of antiquitie, for that, which is pretended to be made 700. yeares before? Why do the *Gregorian Glossators* say^h of this Edict; *That it is mentioned, in antiquissimis Pontificalibus*, in their most ancient Pontificals? haue they no Pontificall more ancient, then 1000. yeares after Christ? How was it either deuised after the 1000. or first published by *Balsamon* after the 1180. yeare, or first mentioned by Pope *Leo* the ninth in the Latine Church? seeing, as *Binius* saith^k, *Pope Hadrian the first*, (more then three hundred yeares before *Leo* the ninth) *confirms the Storie of Constantines leprosie, veritate huius Edicti*, by the truth of this Edict of *Constantine*: yea the same *Hadrian* mentions also this Donation in another Epistle, which though it bee not extant, yet the contents thereof are recorded by *Baronius*, out of a Vaticane Manuscript, in which it is said^l, *Hadrian* (in this thirtie fift Epistle) *meminit Donationis*, makes mention of the Donation made in *Constantines* time to *Silvester*, and of other Donations, and he saith^s *in Lateranensi scrinio eas Donationes haberi*, that those Donations are extant in their Laterane Registry. Nay, what will *Baronius*, or what can he say, to all those who certainly testifie, this Edict to be a parcel of those very Acts of *Silvester*, which Pope *Gelasius* mentioneth? The *Gregorian Glossators* speaking of that part of this Edict, which concernes the Donation of *Rome, Italie*, and the *Westerne Prouinces*, say^m; *It is set downe in those Acts of Syluester, whereof*

whereof Gelasius and the Romane Synod with him entreat. Gelasius, saith Cardinall Albanusⁿ, one about exception, reckons the Actes of Silvester among those Bookes which deserue to bee approued in the Church: in *eis autem tota huius concessionis ratio continetur*, and in those Actes (so approoued by Gelasius) is the whole forme of this Donation contained. Gelasius, saith Cardinall Iacobatus^o, sets downe, that this Donation was made by Constantine. The very like saith Marta P. Of Iuo Carnotensis, Steuchus thus testifieth^q, Iuo writeth thus; In the Actes of Silvester, of which Gelasius in a Councell of seauentie Bishops, speakes, it is thus read: Constantine the Emperour in the fourth day after hee was baptized, gaue this priuiledge to the Pope; that all Bishops in the Romane world, should haue him for their head. Steuchus himselfe was keeper of the Vaticane Librarie, as well as Baronius; heere, I pray you, with what confidence he assures you of this matter. If you search, saith he^r, the old Laterane bookes; you shall see, *ex illis Siluestri Actis*, out of those very Acts of Silvester, of which Gelasius speaketh, that this Donation is described: And besides his owne testimonie heereof, hee addes; That both Anselme, and Iuo Carnotensis doe witnesse the same: for they, saith hee, *proferunt Donationem*, doe set downe the Donation, out of those verie Actes of Syluester, of which Gelasius speaketh. And in another place^f, hauing told vs, that there are almost no other Actes of Syluester, but those which hapned betwixt him and Constantine, about his Baptisme, & the Donation, and his leauing of Rome vnto Syluester vpon that donatiō,

ⁿ Card. Alb.
lib. de Donat.
Const. nu. 1.

^o Gelasius
Donationem
factam fuisse
ponit. Iacobat.
lib. 10. de
Conc. Art. 8.
ca. ult. nu. 30.

^p Mart. cap.
cit. nu. 25. &
38.

^q Steuch. lib.
cit. pa. 148.

^r Steuch. lib.
cit. pa. 81.

^f Steuch. lib.
cod. pa. 44. 45.

Bar. an. 1191
an. 11.

* Conc. illud
Rom. sub Ge-
lasio habitum
est an. 494. vt
Bar. & Bin.
agnoscunt,

he thus insults ouer *Valla*, and his words are euerie way as effectuell against *Baronius*: *Mirabilis hominis impudentia*, Truly it is a marvellous impudencie in him that denies (and this doth *Baronius*^t expressely deny) That this Donation or Edict, is set downe in those Acts of *Siluester*, of which *Gelasius* speaketh. *Ego testes omnes bibliothecas proferam*, I can produce all Libraries for witnesse hereof, All which haue together with the Historie of *Siluesters* baptizing *Constantine*, this Donation, priuiledge or Edict. Thus their owne Champion, conuincing as an eye-witnesse, his fellow *Bibliothecarius*, *Baronius*, both of impudency & vntruth; first, for denying this Donation to be mentioned in those Acts of *Siluester*, of which *Gelasius* speaks; and next, for slandering the *Gracians*, as deuisers of it, after the yeare 1000. which to haue bene in their *Vaticane* and other Libraries 500. yeares u before that, in the time of *Gelasius*, he for a certaintie assures vs. How may we trust any *Vaticane Bibliothecarij*, if *Stenchus* an eye-witnesse bee not to be trusted in this cause? And if we credit him, who euer hereafter will trust his fellow *Baronius*, that thus insigniously downe-faceth the truth?

Now if one might sit as an vnpartiall Iudge, betwixt *Baronius* and *Stenchus*, in this cause, it may rightly bee affirmed, that both of them doe in part say truth, and both also in part doe erre. That this Edict of Donation is a very figment, *Baronius* rightly auoucheth, but *Stenchus*, and the rest, who hold the same with him, doe herein speake farre amisse. Againe, that this Edict was of ancient time in the Popes Librarie, and in those Acts of *Syluester*, which
Gelasius

Gelasius mentioneth, in this *Stenchus* deserueth to be credited; But *Baronius* in saying that it was not extant till the 1000. yeare after Christ, nor published before *Balsamons* time, in these the Cardinal saith farre amisse. So with *Stenchus* we professe, and haue prooued also, that this Edict of Donation is ancient, as being knowne not onely in the time of *Leo* the ninth, but of *Hadrian*, yea of *Gelasius* also: and with *Baronius* we professe, and haue clearly prooued, the same Edict to be nothing else but a forgerie and figment. What they say amisse, wee reiect in either: what they rightly affirme, we accept of either: and vpon the true confession of *Stenchus*, we conclude the Edict of Donation to be ancient: againe, vpon the true confession of *Baronius*, we conclude it to be a forgerie: And vpon both these truths, which they seuerally professe, we rightly and safely conclude it to be an ancient forgerie.

C H A P. VIII.

That Constantine made no such Donation, as they pretend: And the reasons of Gretzer to prooue that Donation, refuted.



I Hough the Edict, or instrument of the Donation be forged or falsified; yet the Donation it selfe may be good, saith Gretzer^a, and for such hee labours to defend it, telling vs^b, that the Popes haue indeed other undoubted Charters for their temporall dominions, (which Cardinal Albanus^c) flatly denies) *quāuis ipsa per se donatione Constantini merito quoque nitantur*: though their rights iustly or deservedly relie also vpon the very Donation of Constantine, seeing none did euer yet evidently prooue it to be fained. So Gretzer, who carpes and diuers times reprooues the learned Protestant, whom hee would seeme to confute, because hee did not (as he fancieth,) distinguish, as hee should haue done, the Donation, from the instrument or Charter of the Donation; the Diploma or Charter, hee openly professeth *commentitium esse*, to be counterfait, the Donatio to be such he denieth. And lest he should be thought to haue deuised this subtiltie of himselfe, hee saith, that Baronius is of the same minde. Baronius^c did not accuse the Donation to bee false, but the Charter or Edict of the Donation. Nay the Donation^d hee probably defends. Thus Gretzer, whose childish and sophisticall collusion, let vs a little examine in this place.

An acute Logitian (saith Gretzer^e) wil say, *fortassis donationem per solos testes absque ullo Instrumento peractam*, that perhaps the Donation was made by witnesses

^a Gret. Apped.
1. ad lib. de
munif. princ.
pa 89. Hæc
cōsequutio vi-
riū est expers,
Instrumentum
Donationis
supposititium
est, ergo & ip-
sa Donatio.
^b Nec pro
p̄cipuo ful-
chro potentie
temporalis
habent Rom.
Pontifices
Constantini-
anum diplo-
ma, sed aliorū
Imperatorum
Regum ac
principum in-
dubitas do-
nationes.
ibid. pa. 88.
(c). Car. Alb.
li. de Donat.
Const. nu. 5.
^c Neq; ipsam
Donationem,
sed Donatio-
nis Diploma
falsitatis accu-
savit Baronius,
ibid. pa. 89.
^d Donationē
certe probabi-
libus con-
iecturis niti
demonstrat.
ibid. pa. 90.
^e Ibid. pa. 89.
Dialecticus
paulo ocula-
rior oggeret,
hoc non sequi.
&c.

nesses onely, without either scrip or scroule. But a iudicious diuine, an expert lawyer, or prudent statesman, will neuer say so; no not with a *perhaps*: Neither when it is said, can any of those witnesses bee produced to testifie that Donation, or any who euer heard it of them. And why may not the Bishop of *Constantinople* plead the very like Donation by word of mouth from *Constantine*: that *Rome* and *Italy* was giuen by *Constantine*, to him and his successours for euer, and say it is prooued by witnesses, which now are dead, without any Charter or Instrument to testifie the same? How can an acure Logician effectually ouerthrow the one, & defend the other donatiō?

But to silence the Iesuites acure Logician, three feuerall^f Popes are witnesses, that the donation of *Constantine* was made, not by eare witness onely, but by a Charter and Instrument: and two of those Popes further testifie, that the Charter of that donation was extant, & to be seene in their times, among their recordes or in their registry. The first is Pope *Hadrian*, who in the thirtie fift Epistle before mentioned, saith of the donation of *Constantine*, and others, *In Lateranensi scrinio eas haberi*, that they were kept in the *Laterane Registry*: this was about the yeere of Christ, 790. The second is Pope *Leo* the ninth, *who saw* (as he tells vs) *and handled the very Charter of Constantines Donation*: and this was about the yeere 1050. The 3. is Pope *Nicholas* the 3. who saith, that *Constantine* left unto *Siluester* the city of *Rome*, and declared *per pragmaticum Constitutū*, by a pragmaticall constitution, or writ of record, that hee and his successors should haue the disposing or gouernmēt therof:

f Vt supra declarauimus.

f. Hier. Alb.
lib. cit. nu. 12.

g. Vt ante de-
claratum est.

h. Poffe enim
fieri, vt dona-
tionis factæ
legitimum in-
strumentum
diuturnitate
temporis peri-
erit, aut addi-
tione, & de-
tractione cor-
ruptum fuerit,
Gretz. lib. cit.
p. 2, 89.

and this was about the yeare 1280. To these may be added Cardinall *Albanus*, who expressly thus saith f; *Donatio ipsa fuit scripto interueniente confecta*, The Donation was made in writing: *Capistranus*, *Boetius Epon*, *Steuchus*, *Marta*, and the Gregorian Glossators, who all g assure vs, that the very Charter (writ, as *Steuchus* saith, with *Constantines owne hand*) is extant in the Vaticane, and that also, as *Capistranus* addes, embossed or sealed with gold. Now whether three Popes, with Cardinall *Albanus*, *Capistranus*, *Steuchus*, and the rest, some of them being as themselves professe, *oculati testes*, or the Iesuites acute Logitian, comming in, with a *Fortassis*, be more to bee credited, let any be iudge.

The acute Logitian, saith Gretzer^h, will further say; It may be that the instrument or Charter, is either perished, or corrupted by long continuance: So may also another, and as good a Logitian say, of the Donation of *Rome* and *Italy*, which *Constantine* made to the Bishops of *Constantinople*. But who can suppose, that the *Romane* Bishops, who are carefull to keepe evidences for many little quilllets, would suffer the charter of so faire a patrimony, as is the *Empire of the west*, either to be lost, or to perish, or to be corrupted? Or if the originall had by some rare mishap beene lost, would they lose all copies and extracts, all records, and inroulements of so faire a Charter? Or could all these be lost and perish, and none of the Popes lament, or bemoane the losse of them? For to say it was falsified or corrupted, vnlesse it were by the Popes themselves, or their agents, (who had the custodie of that Charter) is more then ridiculous.

But

But to silence againe the Iesuites acute Logician, *Steuchus* the keeper of the Popes Librarie, assures vs, that this Edict of Donation, such as is now extant, is set downe in those very Actes of *Siluester*, which Pope *Gelasius* approoued, and that *Gelasius* by approving those Actes, approoued also this verie Donation: yea hee further addes, that all Libraries, together with those Actes, kept also this Donation, *quæ remansit omnibus testimonijs confirmata et roborata*, which remained, (then it was not lost) confirmed by the testimonies of all those witnesses. Pope *Leo* the ninth^u also auerres, and that *in verbo sacerdotis*, yea, *summi Pontificis*, that hee saw and handled the very true and authentickall Charter which *Constantine* made, and with his owne hands laid vpon the bodie of *S. Peter*. Whether, thinke you, is *Steuchus* with all Libraries, yea with Pope *Gelasius*, and *Leo* the ninth, so assuredly testifying the Charter not to bee lost or perished: or *Gretzers* Logician, comming in with another *Fortassis*, more to be credited in this cause?

After these oppositions of the acute Logician, *Gretzer* addes his proofes for the Donation: and because they are such, as hee was conscious to himselfe, could not necessarily inforce or inferre his conclusion, hee calles them *probabilities*^{*}, & *coniectures*. Two of the best of them wee will heere examine. The former is taken out of *Baronius*^y, to whom *Binusius* also consents. It is not for nothing (saith he^z) that *Cardinall Baronius* noteth, that the French Kings

Francorum principes suis diplomatibus ea à Longobardis ablata, se Rom. ecclesiæ restituisse professi sunt. Bar. an. 324. nu. 117. & eadem habet Bin. not. in Donat. Constantini. 5. Edictum. & *Gretz* loc. cit. pa. 90.

^{*} *Steuch. lib. cit. pa. 44. 45.*

^u *Leo 9. Epist. 1. ante cit.*

^{*} Probabilibus coniecturis niti. *Gretz. lib. cit. pa. 90. hæc non absq; verisimilitudine pro Donatione disputare licet. idē. p. 91 & non improbabili- ter hoc ius ex Donatione deriuatur. p. 91*
^y Magnū sane de collatis illis Rom. Ecclesiæ à Constantino muneribus argumentū, quod

in their writs of Donation doe professe, that they restore to the Romane Church, the dominions which they tooke from the Lombardes. So Gretzer; who from this Restitution, inferres that the Romane Church had them formerly by the Donation of Constantine.

p Gothos Italianam prædonū more cepisse, atque multis pristinis possessoribus tenuisse, ait Belisarius, in sua ad Virigē Orat. apud Sigon. lib. 18. de Occid. Imp. pa. 207. quod fufius declarat contra Gothorū prætextus lib. eod. pa. 312. & 313 q Italia post annū tere 160. à Gothis liberata, Sigon. li. 20. pa. 252. r Sig. lib. eod. pa. 345. f Hesperium Romanæ gentis Imperium quod Augustus primus tenere cœpit, cū Augustulo perijt. Marcel. in Chron. ad an. 476. & Bar. an. 475. nu. 2. r Sigon. l. 20. in initio.

Truely by the Cardinalls leaue, this inference is neither necessary, nor so much as probable. Restitution will proue a former possession, or holding of those Prouinces, Cities, or Lordships, which were restored: but it will neither proue, that the Popes possessed them by right, nor by any Donation; much lesse by any Donation from Constantine. They might be restored, though the Pope had got them by inuasion, by wrongfull intrusion, by fraud, by robbery, by rebellion, or treason; and so the Popes got them in very deed.

After that Iustinian had expelled the Gothes out of Italy, who like Pyrates and robbers, had innuaded, and by violence intruded themselues, into a great part of that countrey, from the time of Alaricus, to the ouerthrow of Totilas, which is neere hand 160. yeeres; Italy from that time was gouerned by the Easterne Emperours, *tanquam Orientalis imperij prouincia*, saith Sigonius, no longer in manner of a kingdome or Empire (for that being begun in Augustus, ended for the Westerne part in Augustulus, about the yeere foure hundred and eightie:) but in manner of a prouince subiected to the Easterne Emperour. That gouernement in Iustinians time, was held by that noble and worthy Counsaillour Narfes, and after him by Longinus, who was the first

first ^a that tooke the name of Exarch upon him, and made Rauenna the chiefe citie for iustice: vnder which rule by Exarches, sent ^x from the Emperour as his Deputies or Lieutenants into Italy, the Easterne Emperours held the right and gouernement of it about two hundred yeeres y, vntill it was partly by the Pope, partly by the Lombardes taken from him; the Popes in the end possessing the Lombardes share also. The Lombardes were as the Gothes, nothing else but pyratall intruders^z, who invaded the countrey; iniuriously withheld from the Emperour a good part of it, & erected a kingdome of their owne, from the time of Longinus the first Exarch, when Alboinus invaded it, vnto the death of Aystulphus, and Desiderius, that is, about two hundred yeeres. Whatsoever they either possessed themselues, or gaue away vnto others, it was but held by tyranny and vsurpation, the right ^a still was in the Easterne Emperour. The Pope gained first one great part, & after that almost all Italy in this maner.

When the question concerning adoration of Images, about the yeere 712. began to be rise in the Church, Philippicus the Easterne Emperour, and after him Leo Isaurus, and lastly Constantine (whom they with no small note of their immodestie nickname Copronimus, but rightly is hee called Iconomachus:) did iustly and constantly oppose themselues to that superstition, which was then not creeping, but euen rushing into the Church. The Popes of

^a Primū Ra-
uennæ non
Romæ sedem
præfecturæ po-
suit Longinus,
seque Exarchū
Italix vocauit,
Sig. lib. 1. de
reg. Ital. pa. 5.
^x Longinus
successor Nar-
seti, à Iustino
missus, ibid. pa.
5. & ab hoc
tempore in
maioribus It-
aliæ urbibus
Imperator
præfectos præ-
posuit, ibid.
^y Hic finis e-
ius præfecturæ
(Exarchatus)
quæ per 200.
fere annos Ita-
liæ imperauit,
sig. lib. 3. de
reg. Ital. pa. 75.
^z Narses Im-
peratorem I-
talix possesi-
one desiderans
spoliare, ad Al-
boinum Lon-
gobardorum
in Pannonia
Regem misit,
eumque ad in-
uadendum, &
occupandum

Italiā inuitauit, Sig. 1. de reg. Ital. pa. 5. & Longobardi añ. 568. è Pannonia egressi, anno sequenti præduri in Italia coeperunt, tertio anno dominatū instituere. Sig. 1. 1. p. 8. eadē omnino habet Paul. Diac. 1. 16. hist. misc. verbis vltimis. ^a Omnes nos vestri imperij famuli in Septentrionalibus vel occidentis partibus constituti. Sic Imperatori scribit Synodus 125 Episcopi, in Sexta synodo. Act. 4. Hoc fuit añ. 680. quo tempore Longobardi regnū Italix inuasent, & possessione tenebant.

those

those dayes, *Constantine*, *Gregory 2.* *Gregory 3.* *Zacharie*, and *Stephen* the 3. opposed themselves to the Emperours, and stood earnestly, nay factiously, for defence of the adoration of Images : and this was the first eminent matter wherein the Popes & the *Romane Church* made a publike defection from the ancient and *Catholike doctrine*, banding themselves & making a strong faction to maintaine the same. And of all men they were the greatest gainers by this Schisme ; for vnder colour of heresie, they did not onely reprove the *Easterne Emperours*, excommunicate them, withdraw their subiects from their faith, loyaltie, and obedience; but in the end quite deprived them also of their *Imperiall dominions*, and most rightfull possessions. Pope *Constantine* began this worke with *Philippicus*, Pope *Gregory*, and Pope *Stephen*, finished it in the time of *Leo Isaurus*, and *Constantine Ionomachus*. *Gregory* the second (saith *Zonaras*^b;) *Vestigalia quæ ad id usque tempus imperio independebantur, inhibuit*: forbad the *Romanes* and *Italians* to pay the tributes, which vntill then had beene paid vnto the Emperours. When Pope *Gregory* the second heard, how *Leo* the Emperour dealt against the venerable Images, *Tributa Romana urbis prohibuit & Italia*, hee forbad the tributes to bee paid vnto the Emperours, out of *Rome* and *Italy*. So *Paulus Diaconus*^c. And againe, Pope *Gregory*^d, *remouit Romanam & Italiam, nec non & omnia tam Reipub. quam Ecclesiastica iura in Hesperijs ab obedientia Leonis*, remoued from the obedience of the Emperour *Leo Isaurus*, *Rome* and *Italy*, and all his ciuill and Ecclesiasticall rights in *Italy*. And againe^e, *Romanam cum tota Italia*

^b Zonar. An-
nal. to. 3. fol.
101.

^c Paul. Diacon.
hist. misc. lib.
21. pa. 657.

^d Lib. eodem.
pa. 663.

^e Lib. eod.
pa. 665.

ab

ab illius imperio recedere faciens, Gregory caused Rome and all Italy, to depart from the government or obedience of Leo.

Gregorie the 2. saith *Alb. Stadenſis* ^f, *Italiam ab eius imperio cedere fecit* : caused Italy to forsake the Emperour. Gregorie the 2. saith *Abbas Vſpergenſis*, ^g *omnia tributa Romanæ urbis & Italiae Leoni dari prohibuit*, forbad any tribute to bee giuen to the Emperour either out of Rome or Italy. At this time, saith *Iohn Marius* ^h, did the Popes begin to enlarge their fringes, and liſt up their hornes more proudly againſt the Emperours. For Gregorie 2. did anathematize Leo, & *veſtigalium receptioni ei interdicere auſus eſt*; and was bold to forbid tribute to bee paid vnto him. Gregory 2. saith *Sigonius* ⁱ, vnderſtanding the proceedings of Leo, did excommunicate him, looſe his people or ſubiects of Italy, from the religion of their oath, & *ne ei aut tributum darent, aut alia ratione obedirent, indixit* : and hee commaunded them that they ſhould pay no tribute vnto him, nor any other way obey him. Gregory the 2. saith *Bellarmino* ^k, *veſtigalia ſolui prohibuit*, forbad the Italians to pay tribute to Leo the Emperour, and ſo deprived him, *parte imperii*, of one part of the Empire.

^f Alb. stad.
an. 731.

^g Abb. Vſper.
an. 718.

^h Ioh Mar l. de
Schif. & Conc.
part. 1. ca. 9.

ⁱ ſig. lib. 3. de
Reg Italix.
pa. 63.

^k Bell. l. 5. de
Pont. Rom. ca.
8. §. Quinto.

It is true that Gregorie the 2. at the firſt, and before he excommunicated or deprived Leo, withſtood the Italians, and hindered them to make a new Emperour; as not onely *Platina*, but long before him, *Anaſtaſius* witneſſeth, ſaying ^l, that when the Italians would haue choſen another Emperour, Gregory the 2. *authoritate ſua obſtare*, and, *compescent tale*

^l Plat. & Anaſt. in vita
Greg. 2.

m Gregorius
3. statim vbi
Pontificatum
inijt, Leonem
Imperio simul
& cōmunionē
fidelium priua-
uit. Plat. in vit.
Greg. 3.
n Mart. Pol.
an 731.
o Nacl. an.
732.
p Wer an. 714

q Sig. an. 728.

r Bin. Not. in
vitā Greg. 2.
s. Post.

f Bar. an. 430.
nu. 4.

consilium, did hinder and withstand that course and counsell: which gaue occasion to some learned men, to thinke that *Leo* was not at all deprived of his tribute by *Gregory* the 2. Yet both *Platina*^m, *Martinus*ⁿ *Polonus*, *Naclerus*^o, *Wernerus*^p, and others expressely affirme, that *Gregory* the 3. next successor to the former *Gregory*, did this to *Leo*: which to the point in question is all one. But that which *Platina*, & some others ascribe to *Gregory* the 3. was indeed performed by his predecessour *Gregory* the 2. For when hee, hauing vsed all faire and fauourable meanes, could not preuaile with *Leo*, but still hee continued to breake downe Images, and inflict punishment vpon those that maintained the adoration thereof, then hee proceeded to excommunicate, and deprive the Emperour of his rightfull possessions and tribute. *Gregorie* the 2. saith *Sigebert* q; *quia Imperatorem incorrigibilem vidit*, because the Emperour would not bee amended, caused *Rome*, *Italy*, and the west, to depart from his obedience; *et vectigalia interdixit*, and hee forbad them to pay any tribute vnto him. When the Emperour, saith *Binius* r, would not obey the godly admonitions of the Pope; then at length was that done, which *Theophanes*, *Cedrenus*, and *Zonaras* affirme, that the Pope (*Gregorie* 2.) anathematized the Emperour, and exhorted all his subiects in *Italy*, *ab eius obedientia recedere*, to forsake his obedience. When the Emperour, saith *Baronius* f, remained impenitent, and would not obey the Popes aduice, (about the cause of Images) at last the Pope (*Gregory* the 2.) accursed him, *tumque Romanos tum Italos ab eius obedientia*

dientia recedere penitus fecit, and he caused both the Romanes and Italians vtterly to renounce all obedience vnto him.

The Pope hauing thus deprived the Emperour of his dominion, in the next place casts about & plots how he might inuest himselfe in the possessiō of the same. And this he did by hindering the choice of others, that so himselfe might bee accepted for their Lord.

When the Romanes, who had thus reuolted from Leo, would haue chosen another Emperour (saith Sigonius¹) the Pope refused that, as an unfit course: but afterwards, they subiected^k themselves to the Pope, (who willingly, you may be sure, accepted their seruice) binding themselves with an oath, that they would for euer defend his life, and state, and in all things obey him. When the Pope had thundered out his curse (saith Baronius¹) *mox desciscunt penitus à Leonis imperio, Apostolico Pontifici inherentes*, they straight forsooke the Emperour, and adhæred vnto the Pope. *Ita Roma, Romanusque Ducatus*, and by this meanes Rome and the Dukedome of Rome, came from the Grecians to the Pope, sayth Sigonius^m.

Is not this now a verie handsome conueyance, wrought and finished by rebellion and treason, and all vnder the colour of religion? And by this rebellious reuolt, which himselfe had perswaded, the Pope gained the Dukedome of Rome, wherein was contained Rome with her castles, towers, and villages in the parts of Hetruria, Portus, Circumcella, Sutrium, Anagnia, Capua, Tibur, with twentie cities besides, as Sigoniusⁿ sheweth. So by this meanes Italy, which

i. sig. lib. 3. de reg. Italiae. pa. 63.
k Leonis imperium respuerunt, ac solenni sacramēto se Pontifici obtemperaturos iurarunt, ibid. pa. 64.
l Bar. an. 730. nu. 5.

m Sig. loc. cit.

n sig. ibid.

in right wholly belonged to the Emperours, was now held by three possessors: The Pope held *Rome*, and the Dukedome thereof: The Lombardes, and their Kings, held *Millane, Venice, Padua*, and the farre greatest part: The Emperour by his Exarch, held no more but the *Exarchate of Rauenna*. The Emperour strined^p to recouer his owne, either of the other to inlarge their *usurped* dominions. The Lombard, against the Pope; the Pope, against the Lombard; and both of them against the Emperour.

The Lombardes as they did long and earnestly thirst after the whole countrey of *Italy*, so especially in the time of *Luitprandus*, and *Aystulphus*, they assayed the same, and wonne diuers cities from the Pope, by name *q Ameria, Orta, Palmarium* and *Bleda*: Afterwardes they layd^r *very hard siege to Rome it selfe*. The Pope by many plausible and faire perswasions, intreated the aide, first of *Charles^f Martell*, and afterwardes of his sonne *Pipine^t*, who by the meanes and Decree, as *Sigonius^u* saith, of Pope *Zachary*, had obtained the kingdome of *France*, *Childericke* the true and rightfull king, being deposed from the same. At last when *Aystulphus^x* hauing utterly ouercome the Exarch, and gotten the full possession of the *Exarchate of Rauenna*, and all cities belonging thereto, greedily now gaped^y after *Rome* and the Popes share, which onely was behinde, Pope *Stephen* intreated^z and obtained^a of *Pipine* not onely that hee would

^p Leo indignè ferens se Romanam ditionem exutum, & cōmunione priuatum eiecit, Pontificem ac Romanos vindicare statuit, &c. Sig. lib. 3. pa. 67.

^q Sigon. ibid. pa. 68.

^r Vrbi obsidione admouit. Sig. ibid.

^s Ad Carolum Martellū propere Legatos misit Gregorius, obtestans vt ecclesiæ rebus succurreret. Sigon. ib.

^t Pipinū ultro Pontifex appellauit ac nouam Aistulphi &c. Sigon. lib. 3. de reg. Ital. pa. 77.

^u Cuius (Za-

chariæ) decreto Pipinus ad fastigium dignitatis euectus. Sigon. ibid. & iterum pa. 76: ^x Iam Longobardorum imperio omnia citra Romam tenebantur. Sigon. lib. 3. pa. 75. ^y Animum ad Pontificiam ditionem adiecit. ibid. ^z Stephanus confestim, ad regem Pipinum misit, orare se, &c. Sig. lib. eod. pa. 76. ^a Facile petenti Pontifici est obsequutus Pipinus. ibid. & pa. 77.

defend

defend the cause of the Church, and restore unto it, such Cities as *Aystulphus*, and the *Lombards* had taken from it: but further, that he would ^c giue unto it, and not to the Emperour, the Exarchate of *Rauenna*, if hee should conquer the *Lombardes*. *Pipine* willingly assented vnto his Holinesse; vowed^d, and sware to performe his request: yea, notwithstanding the Emperour ^e earnestly laboured with him, that he would restore to Him, *imperialia munera*, as *Anastasius** speaks, those Imperial rights, or dominions; giuing this as his speciall reason, *Quia*^f *Imperij essent, non Pontificis*, because in right they belonged to him, and not to the Pope. But the Popes perswasion prevailed. *Pipine* ouercame *Aystulphus*, restored whatsoever of the Dukedome of *Rome*, the *Lombards* had taken from the Pope; and further, by a writ^g of Donation conferred vpon him, (that which neither hee had right to giue, nor the Pope to receiue,) the Exarchate of *Rauenna*, and *Pentapolis*, containing twenty nine^h Cities, or rather Regions of *Italy*.

Heere is the first and truest title, which the Pope euer had to those Prouinces in *Italy*, the Dukedome of *Rome*, and Exarchate of *Rauenna*. By which it may be easily discerned, that as he got them by fraud and Treason, so hee held them by open wrong and Iniustice. For neither that which was giuen, nor that which was restored by *Pipin*, did in right be-

missi, quod in mandato ab Imperatore habebant, impense rogare *Pipinum* vt Exarchatum, et Pentapolim non Pontifici, sed Imperatori concederet. Sig. Ibid. pa. 79. & Sabell. Ennead. 8. lib. 8. * Anast. vit. Steph. 3. f. Sabell. loco cit. g. *Pipinus* Exarchatum, Pentapolimq; s. *Petro* & successoribus eius in perpetuum possidenda concessit. Arque ita scribam, referre ipsas in tabulas Donationis iussit. Sig. lib. 3. de Reg. Ital. pa. 80. h. Sig. Ibid.

^c Non solum bellum pro recuperando Exarchatu Pentapolique suavit, sed etiam ne ea redderentur Imperatori contendit: sed vtramque regionem B. Petro praecipui beneficii loco concederet. Sig. Ibid. pa. 78.

^d Ego (inquit *Pipinus*) polliceor, me, si victoriae compotem fecerit Deus, Exarchatum, Pentapolinque B. Petro, eiusque successoribus traditurum, in perpetuum possidenda. Hocque suo, filiorumque suorum iuramento munivit. Sig. Ibid.

^e Legati ad *Pipinum* ab Imperatore

long to the Pope, but to the Emperour. From him, both that which *Pipine* restored, was treacherously detained by the Pope: and that also which *Pipine* gave, was first unjustly taken by the *Lombards*; and being taken from them, was unjustly given to the Pope: and so from one unjust possessor, was conveyed to another, but still, most injuriously withheld from the rightfull owner thereof.

i Pipinus misit
Aistulpho, Ec-
clesiæ ac rei-
pub. restitu-
enda iura.
Anast. in vit.
Steph. 3. pa.
221. & Ais-
tulphus pro-
fessus est, se ci-
uitates reddi-
turum, ibid.
k Ab eodem
rege (Litpran-
do) ablatae
sunt à Roma-
no ducatu ci-
uitates quatu-
or, America,
Orta, &c. A-
nast. in vit.
Zach. 1. pa.
194.
l Gretz. in
Append. 1. pa.
90. & Bar. ann.
324. nu. 118.
m Cum certū
sit nulla id fa-
ctum armorū
vi atque vio-
lenta grassati-
one. Gretz. &
Bar. Ibid.

Are not *Baronius* and *Gretzer* now very politick disputers, who from the *Restitution*ⁱ of some Cit- ties, it seemes of *America*, *Orta*, *Palmarium*, and *Bleda*, belonging to the Emperour, and vsurped a while by the Pope, but afterwards taken^k from him, by the *Lombards*, and now restored by *Pipine*; can proue a iust Title to those Citties, in the Pope? yea, a title by Donation? euen a Donation from *Constantine*? Whereas *Pipine* restored no more, then a Robber had taken from a Traytor, the *Lombard* from the Pope; and which both of them vn- justly withheld from the rightfull owner, who was the Emperour. And truly I could not choose but smile to see the subtiltie of these men, who making this reason: *Pipine* restored some Cities to the Pope, therefore *Constantine* gave the same, adde this^l for a confirmation thereof. For if the Church, say they, pos- sessed the dominion of them, before the priuiledges granted by the French Kings, unde illud sibi, nisi iure debitum potuit vendicasse? How could the Pope claime them otherwise, then as in right due vnto him; seeing it is certaine^m hee got them not by *Armes*, or by violent grassation. Thus dispute *Baronius* and *Gretzer*. As if hee must needs hold them either by right,

right, or else by violent and forceable grassation. But they wittingly and craftily omit that tenure, by which alone the Pope held those Cities, and the whole Dukedome of Rome, and that was by a perfidious and trayterous revolt of the Emperours subiects, perswaded, and caused by the Pope; and by his owne trayterous and vniust with-holding them from his owne Lord the Emperour, the onely true owner of them. Seeing thus they obtained them, neither any Donation nor any Restitution by Pipine, could inuest in them a rightfull possession. For though Pipine had a faire pretence of restoring that, and giuing more to Saint Peter, or the Church, to wit, for this end, To *obtaine pardon of his sinnes*: yet was this but a pretence, to colour his iniust action. Nor could he by this or any like Acte, euer expiate the iniquitie and wrong; first of his deposing *Childerike*, and inuading his Regall Throne, and then of his taking by force, and without any iust cause of warre, those Prouinces from the Emperour, and giuing them vnto the Pope. God *hath shewed thee (O man) what he requireth. Surely, to doe iustly, and to loue mercy*: First of all, God requires iustice, and then Mercy: To be mercifull and charitable in giuing that which one hath vniustly got, or vniustly possesseth, is not an Act of Mercy, but of tyranny and iniustice; like those sacrifices, which God reiecteth, as an abomination vnto him. *Thou shalt not bring the hire of a whore, (that is, nothing got by vniust or vn honest meanes) into the house of the Lord.* To this purpose S. Augustine truly saith, *If a man will giue very large almes, out of those grounds which*

n Polliceor me pro remissione peccatorum impetranda hæc B. Petro traditurum. Dixit Pipinus. Sig. lib. 3. cit. pa. 78.

o Mica. 6. 8.

p Deut. 23. 18 Deus hic quicquid partum est illicito & turpi questu repudiatur. Calu. in ea verba.

q Aug. lib. de Coniugali. ca. 14.

p Aug. lib.
contra mend.
ca. 7. Quis ista
dicat nisi qui
res humanas
omnes, leges
que peruertere
conatur?

q Fœneratus
sum, aiunt, sed
pauperi obtuli.
Bona verba
quæso. Talia
sacrificia Deus
non accipit.
Chryf. Hom.
57. in Math.
r Ezech. 33. 15
s Iuxta verbum
Augustini,
Non remitti-
tur peccatum,
nisi restituatur
ablatum. Alex.
3. lib. 5. De-
cretal. tit. de
vsuris. ca.
Cum tu.
t Bern. epist.
77.

u Gretz. Ap-
pend. 1. ad lib.
de Munifi. pa.
90.

x Paul. Diac.
lib. 6. de Gest.
Longob. ca. 28

which he hath vniustly inuaded, non ideo rapinam iusti-
ficat, he doth not thereby iustifie or make amends
for his wrong. And againe p, They subuert all Law,
who say, Let vs rob the rich, that wee may giue to the
poore: To the like effect Chrysostome q speaketh: I
haue got these goods, sayest thou, by vsury, and impiety:
but I haue offered them to the poore; O, saith he, God,
acceptes no such sacrifice. Pipine should haue resto-
red as well the Exarchate of *Rauenna*, as the Duke-
dome of *Rome* to the Emperour: that had beene in-
deede an Act of iustice; to take either the one, or the
other, from the *Lombards*, and giue them to the
Pope, was another Act of iniquitie, and an addition
to his former sione: which both by the testimonie
of the Prophet r, and rule of Saint *Austen* s, could
not be pardoned, vnlesse the goods, whether got, or
kept by wrong, had beene iustly restored: Iustly, I
say, to the true and rightfull owner of them; and
that was the Emperour, not the Pope. For, *Nulla*
illi pœnitentia remittitur peccatum, qui cum possit, non
restituit ablatum; by no repentance is the sinne of in-
iustice pardoned to any, who when hee may, will
not restore the wrongfully gotten goods to the
rightfull owner. But enough of the former reason
of *Baronius* and *Gretzer*, to proue that *Constantine*
gaue those Cities, because *Pipine* restored them to
the Pope.

The other Coniecture which *Gretzer* alledgeth,
concerneth the Popes patrimony in the *Cottian Alps*:
long before the time (saith u he) of *Pipine*, that other
Donation was made, which *Paulus Diaconus* x mentio-
neth: *Aripert King of the Lombards* restored the Do-
nation

nation of the patrimony of the Cottian Alpes, which formerly did belong to the Apostolicke See, but had beene for a long time detained by the Lombards; and this Donation written in golden letters, he sent to Rome: from these words of *Paulus Diaconus*, Gretzer concludes ^a, *a Loc. cit. pag. 91.*
Cum ergo certo certius constet, seeing it is most certaine, that before Pipines time, yea before Ariperts, (that is, before the yeare seauen hundred and foure,) the Pope or See Apostolique, had diuers Prouinces subiect to their Dominion, and there appeares no euidence for any other title, whereby they should haue and hold those lands, it followeth, that the right to haue them, is not unprobably deriued from the Donation of Constantine. So Gretzer.

I answer, that this reason is many waies defectuous, sophisticall, and improbable. First, the prooffe is onely of the patrimony of the Cottian Alpes, but the conclusion is of many ^b Prouinces, whereas that patrimony was so farre from containing many, or any one Prouince, that it was but certaine villages, or farme houses, in the North-west part of the Alpes; which Gretzer himselfe calls ^c, and that significantly, *Cortes & villas Alpium Cottiarum*, Cottages or places of prouision of corne, cattle, or fowle: for so *Cortes* to signifie, both *Varro* ^d, and *Nonnius* ^e doe declare. And by the same name of *Cortes*, doth *Ado Viennensis* call that patrimony of the Pope. *Aripert* restored ^f to the Apostolicke See, *Cortes & patrimonia Alpium Cottiarum*, those farme houses and patrimonies in the Cottian Alpes, which had beene taken from them by the Lombards. What is this to the Donation pretended from Constantine? What are

^b Varias Prouincias sua in ditione tenuisse. Ibid.

^c Gretz, loco citato, pa. 91.

^d Cors exterior sit crebro operta stramentis ac paleis, conculcata pedibus pecudum. Var. lib. 1. de re Rust. ca. 13.

^e Cortes su Villarum intra maceriam spacia. Non. in voce, Cortes.

^f Ado. in Chron. an. 699.

^b Italia 17:
Prouincias
obtinebat.
Liguria, Rhe-
tia, Alpes Cotti-
cia, &c. Sig.
lib. 1. de Reg.
Ital. pa. 2. &
Paulus Diac.
lib. 2. de Gest.
Longob. cap.
14. & seq.

^c Sig. lib. 2.
pa. 38.

^d Ibid.

a few Cottages, or Farme houses, to Rome; to all *Italie*, to all the Western Prouinces and kingdoms? Its true, I confesse, that the *Alpes Cottia*, was one of the seuentene^b Prouinces which belonged to Italy, and into which it was diuided. But that the Popes patrimony was not the whole Prouince, but some Cortes, or villages therein, Sigonius evidently doth witnesse, who saith^c; There were at this time, when Rotharis was King of the Lombards, (which was more then fixtie yeares before Aripert) two Prouinces in the hither part of Italy, adhuc Imperatorie ditioni subiecta, which were as yet subiect to the Emperors Dominion, and those were *Alpes Cottia*, et *Opitergium*. The Prouince then of *Alpes Cottia*, was the Emperors, and subiect to him, vntill that time when Rotharis inuading it, Imperator^d prouinciam eripuit, bereaued the Emperor of the Prouince, and depriued the Pope, opulento patrimonio, of a fat patrimony which of old he had in the same Prouince. So Sigonius, speaking of this very patrimony which Aripert restored to the Pope. Gretzer might as well, nay much better conclude, that because some Nobleman, hath a Mannor, and some Lordships, and Farmes in the Wolds of York, therefore Certo certius the dominion of al England in right doth belong to him.

Secondly, what a sory collection is this of Gretzer, because Histories and Records make no mention of any other title, by which the Pope had that patrimony in the *Alpes Cottia*, therefore he deriues it from the Donation of Constantine? why? Is there no other means how the Pope might get that, but onely by Constantines Donation? what if the records of the conueiance there-

of

of made by some other, were lost or burnt, in some of those often irruptions, sackings, and spoylings by the *Goths*, *Vandals*, or *Lombards*? What if those lands came to the Church by no Donation at all, but by defect of Heires, by vertue of that Law^e of *Constantine*, If none of the kindred of *Martyrs*, *Confessors*, and exiles be alive, who may succeed as heires unto them, *ut Ecclesia semper cuiusque loci hereditatem adeat, ratum esto*; be it enacted, that euery where, and for euer, the Church shall haue and enioy their possessions. Or why might not the Pope haue it by some purchase, the oblations and treasures of the Church being anciently so very great, that they might easily purchase much more then that one patrimony, containing *Cortes et villas*? Or what if he had it by Donation of some other either before, or after *Constantines* time? Certaine it is, that many priuate men, gaue not onely goods, but lands & faire possessions, both to other Churches, and to that at *Rome*. *Prosper* mentions this of the Church at *Arles*, that it was enriched with the inheritances which many bestowed on it. So many and so ample Donations of lands, were made vnto the Church in *Austens* time, that both *Aurelius* & his predecessor, and himse^le^h also, sometime refused lands that were offered to be giuen, sometimes restored them, and that vnasked, after they were giuen. The like donations might be shewed in other churches; especially in the *Roman*, to which they were so vsually made, that Christian Emperours, (as by name *Valentinian* and *Gratian*) by their lawesⁱ, did some wayes restraine the same. Neither was this vsed onely in, & after the time of *Constantine*, but euen

*Euf. lib. 2.
de vit. Const.
cap. 36.*

*f Hilarius ac-
ceptis fidelium
numeris hæ-
reditatibus Ec-
clesiam Arcla-
tensem ampli-
auit. Pros. lib. 2
de vita Con-
temp. ca. 9.*

*g August. ser.
49. de diuer.
h Aliquas cum
hæreditates
recusasse noui-
mus. Possid.
in vita Aug.
ca. 24.*

*i L. 20. De
Epif. Eccle.
& Cler. Cod.
Theod.*

h Euseb. lib.
2. de vita
Constant ca.
39. & lib. 10.
ecc. hist. ca. 5.

i Gretz. De-
fens ca 14 lib.
2. de Rom.
Pontif.

k Epist. 2. Pij.
1. & Epist. Vr-
bani 1.

l Urban. 1.
Epist. citat.

m Cypr. Epist.
34.

vnder the Heathen Emperours also, as the Edict of Constantine set downe in Eusebius, doth manifest: wherein he commaundeth *Restitution^h* to bee made to the Church, of such houses, lands, orchards, and the like, as by the tyranny of others had beene taken away, and with-held from it. Yea, Gretzer (who holds those Epistles which goe vnder the names of the ancient Popes, to bee truly theirs, and no counterfeits) will not deny such Donations of Lands, patrimonies and possessions, to haue beene made in the time of *Vrbane the first*, and of *Pius the first*, that is, an hundred and sixtie yeares before Constantine either was baptized, or made this supposed Donation. For those Popes do expressly mention, *prædialia diuinis vsibus dicata*, the Church lands or Patrimony: and the one of them further insinuates, this custome to haue beene long before his time. For whereas many sold their lands, and brought the price of them, and bestowed that on the Church; it was thought more conuenient, saith he^l, both for the present; and future times, if they would giue, *hereditates et agros*, The lands and inheritances themselves vnto the Church. whereupon Christians gaue their lands and patrimonies to the mother Churches, and the same in each Diocesse was in the disposing of the Bishops, who with his whole Clegie of Presbyters, Deacons, and other Church Officers in that Diocesse, were in common to be maintained therewith. Which same custome, Saint Cyprian obserueth, who mentions^m, *Sportulas Presbyterorum et diuisiones mensurnas*, the stipend & monthly allowance which the Bishops allotted to the Presbyters. Seeing then by the testimonie of those two Popes, it appeares,

inas

that 160.ⁿ yeeres before *Constantine* made this supposed donation, the Church of *Rome* had farmes, inheritances, landes, and patrimonies bestowed vpon it; and one part of their lands, as *Sigonius* sheweth, was this very *Patrimony in the Cottian Alpes*, how inconsequent is this reason of *Gretzer*? The *patrimony in the Alpes*, was giuen to the *Romane See*, long before *Aripert*, and no record appeares by whom: therefore it was giuen by *Constantine*. Why may hee not rather conclude, therefore it was giuen in *Valentinians time*, or in *Pope Pius*, or in *Vrbanes time*? for they both witnesse, that the Church had *patrimonies and lands* then giuen vnto them. Seeing the Records are not extant, to testifie the gift of those *Cortes & Villa*, what more probabilitie is there, that they should be giuen by *Constantine*, rather then by other Christians, either before or after him? The Iesuites reason is much like, as if some noble man in the time of *Edward the first*, (when they were called to shew *Quo warrant*o by what warrant or title they held their landes, most of their evidences being in the Barons warres lost or burnt) should haue thus reasoned, My Auncestors held these Mannors and Lordships, in the time of *King Richard the first*, and long before, and because there appeares not by Records any other title whereby they had them, it is most probable, that they were giuen by *King Brutus* vnto them.

Thirdly the Iesuites reason and prooffe, taken from the fact of *Aripert* and *Litprandus*, doth directly ouerthrow that donation of *Constantine*, which he would thence conclude. For by *Sigonius* it ap-

n Pius papatū
inijt an. 158.
Bin. Notis in
vram Pij. 1.
Constantinū
volunt bapti-
zari an. 324.

o Ecclesia Rō.
opimis agrorū
fundorumque
possessionibus
erat instructa,
quæ per om-
nes fere Euro-
pæ Africæque
prouincias dis-
persæ, Rom.
ecclesiæ patri-
monia dicebā-
tur. In Italia
Patrimonium
Alpium Cottia-
rum, &c. sig.
lib. 1. de regno
Occid. pa. 3.

o Ad ceteras
ecclesias libe-
ralissime do-
navit; erga Ro-
manā præci-
pue munificus
erat, Sig. lib. 2.
de reg. Ital. pa.
55.

p Eamq; Do-
nationem au-
reis litteris ex-
aratam misit.
Sig. ibid. &
Paul. Diac. lib.
6. ca. 28.

q Patrimoniu
Alpiū Cottia-
rum à Rotha-
re adeptum,
restituit. Sig.
loco citato.
Donationem
patrimonij Al-
pium Cottiarū
quæ à Longo-
bardis fuerunt
ablata, restituit.
it. Paul. Diac.
loc. cit.

r Sigon. lib. 3.
pa. 70.

peares that *Aripert* was very liberall^o, and munificent to the Church of Rome, and therefore gaue some great gift vnto it. Now, in restoring that patrimony hee was iust, and not liberall. And whereas both *Sigonius*, and *Diaconus*, call the writing which *Aripert* sent, a Donation^p; they imply, that besides the restoring of that patrimony (which was no Donation, but as they expressly call it, a Restitution) *Aripert* gaue some other lands to the See of Rome. But this in king *Litprandus* is more manifest. Hee restored to the Pope diuers cities, saith *Sigonius*^r, atque insuper patrimonij donauit, and further hee gaue vnto the Pope a patrimony at *Naruinum*, another at *Ancona*; a third at *Auximum*, a fourth at *Humanate*, with the vally of *Sutrium* called *Magna*. Thus *Sigonius*. Had all *Italy* beene given by *Constantine* to the Pope and his successors, neither *Aripert*, nor *Litprandus*, could haue giuen any lands, villages or patrimonies therein vnto him; they should but haue restored them all; seeing then they restored some, as by name that patrimony in the *Alpes Cottia*, and gaue others; it is cleere by the very restitution of the one, and gift of the other, that the whole was not iudged to belong to the Pope, but some parcells onely; and that those (euen that verie patrimony in the *Alpes Cottia*) was giuen not by *Constantine* (for his gift was of the whole countrey, yea of all the westerne prouinces:) but by some other, who gaue lesser gifts either before or after *Constantine*.

The fourth and last defect in the Iesuites reason is, that whereas he was to prooue such a right in the Pope, as *Constantine* is supposed to haue giuen, to

wit an imperiall^l, monarchical^r, a supreme and independent dominion in all Italy and the westerne^u provinces, hee prooves indeed that the Pope had before *Ariperts* time (which was 370. yeeres x after *Constantine*) certaine villages, cottages, or farme houses in the Cottian Alpes (which is a very so- rie prooffe for the right of the whole West, or of all Italy:) but that hee held even that small patri- mony, or so much as those villages or farmes, as an absolute Lord of them, and not as a tenant un- der the Emperour, and with a dependance from him, or with an acknowledgement of him, as an higher Landlord: to proue this, the Iesuite speakes not one word, nor his witnesse *Paulus Diaconus*, nor his master Cardinal *Baronius*. Nay that the patrimonie of the Church paid tribute to the Emperors as an acknowledgement of a soueraigntie and domini- on in them, both ouer the persons and landes of the Clergie: that one saying of *S. Ambrose* doth make euident, *If the Emperour*, saith hee y, *demaund* tribute, wee denie it not: *Agri Ecclesie soluunt tri- butum*: the landes of the Church doe pay tribute. And that the Romane Church was no more ex- empt, then that of *Millane*, *Sigonius* doth wit- nesse, who expressly mentioneth ^z the annuall rent of 200. head of cattell, which the Romane See did yeerely pay to the Emperour (and that but a little be- fore the dayes of *Aripert*) for certaine landes, or a patrimony which that See had in *Brutium* and *Lucania*. Yea *Gretzer* himselte confesseth^a of the dukedome of *Tuscanie*, & *Spoletū*, that notwithstanding the donations both of *Constantine*, *Charles*, and others, yet *ius domini* apud

f. Tribuentes ei dignitatem, & honorificentiam Imperialem. verba Edicti.

r. Viriusque potestatis Monarchia. Nich. 3. ca. Funda- menta, ante cit.

u. Omnes totius Italiae, & Occidentalium regionum pro- uincias, &c verba Edicti.

x. Aripertus 2. regnare cepit an. 705. Sig. li. 2. cit. pa. 54.

y. Amb. Orat. in Auxer. post. epist. 32.

z. Sig. lib. 2. cit. pa. 50.

a. Gret. Apol. pro Bar. ca. de Const. Otho: & lib. 2. cont. Replic. ca. 15.

b Ante Iustis-
niani tempora,
clerici non e-
rant liberi à
tributis quæ
pendi solent
ratione posses-
sionum: Bel. li.
1. de Cler. ca.
28. §. Quarta.

c Absolutam
donationem
complectitur
diploma O-
thonis. Gretz.
Apol. pro Bar.
c1. 20.

d Constit. O-
thon. magni.
apud Bar. an.
962. nu. 7.
Constit. Henr. I
apud Bar. an.
1014. nu. 7.

apud Imperatorem manebat, the soueraigntie, or right of dominion remained in the Emperour. Nor is it likely, that the *Cortes & villa* in the Cottian Alpes, had a greater priuiledge then those other landes in *Lucania*, or in the Dukedomes of *Tuscane*, and *Spoletum*: specially seeing *Bellarmino* confesseth *b*, that till the time of *Iustinian*, (that is, 200. yeeres after *Constantine*) the landes of the Church were tributarie to the Emperours.

I say further, that although by those after donations of *Charles the Great*, of *Lewis* his sonne, of *Otho* the first, and *Henry* the first, (of the truth and validitie whereof I will not heere dispute) although by these, the Pope may haue some title to the possessions, reuennues, and commodities of those Dukedomes, cities, and territories so bestowed vpon him; yet that which they now claime, and which they would perswade *Constantine* and other Emperours to haue conferred, to wit, an *imperiall*, an *absolute* *c*, and *independent dominion in the same*, not any of all those donations doe import; nay they manifestly witnesse the contrary. For in the Charters pretended by *Otho*, and *Henry* (which are of all most ample) this is expressed, That they *d* giue or confirme vnto the See of Rome, those cities, prouinces, and territories, to vse, enioy, and dispose, sauing in those Dukedomes, *nostra in omnibus dominatione, & illorum ad nostram partem, & filij nostri subiectione*, sauing our dominion in them all, and their subiection to vs and our sonne: and, *salua in omnibus potestate nostra*, sauing in all these prouinces and territories, that power which to vs and our successours doth belong, according

according to the covenant, constitution and promise, which was made with Pope Eugenius. What that covenant made with Eugenius was, is, as Gretzer sayth^e, explained in the Charter of Otho, wherein it is said, that none should be consecrated for Pope, untill hee had solemnly made a promise to preserve all Imperiall rights, as Pope Leo is knowne of his owne accord to have made. This Leo, Gretzer tells vs, is Leo the 4th. and hee saith, hee is almost even certaine thereof. I will not strive with him about this point; though it will breed no small doubt touching the truth and credit of the Vaticane Charters, that in the covenants agreed vnto by Eugenius the second, Pope Leo the fourth should be named, Eugenius being dead full twentie yeeres & before Leo the fourth entered into the Papacy. But let vs suppose Leo the fourth to be the man heere named: what promise was that which this Leo made? Gretzer^h out of Gratian, Ivo, Panormitane, and Baronius, tells vs, that hee made promise to the Emperours, *de universis Imperii iuribus integrè et inuiolabiliter conservandis*: to keepe intirely and inuiolably all the rights of the Empire. So both by those Imperiall Charters before mentioned, and by Gretzers owne confession, it is certaine that none were to be consecrated or held for Popes, till they had first made this promise to keepe intirely and inuiolably all the rights of the Empire. Now seeing Soueraignie, or supreme dominion, is one, and even the chiefest of all imperiall rights and royalties, it being, as the Lawyer truly saithⁱ, *forma et substantia*

^e Gretz A-pol. pio Bar. ca. 20.

^f Lib. eod. ca. 22.

^g Eugen. 2. obiit an. 827. Bar. in illum an. nu. 26. Leo 4. coepit an. 847. Bar. co an. iii. 7.

^b Gretz. lib. cit. ca. 22.

ⁱ Couaruv. Pract. quæst. ca. 4. nu. 1.

k Sig. lib. 4.
cit. pa. 90.

Salutem super
eodem Ducatu
nostro in
omnibus do-
minatione, &
illorum ad no-
stram partem
subiectione
Constit. Lu-
dou. Pij apud
Bar. an. 817.
nu. 12.

m Confirmo
tibi Romanu
ducatum, &c.
sicut à præde-
cessoribus ve-
stris usque nunc
in vestra pote-
state tenuistis.
ibi & in Cōst.
Orthonis 1.

n Sig. lib. 7. pa.
177.

lis essentia maiestatis regia, the very forme, substance, and essence of Imperiall dignitie, and regalitie; it is heereby cleere, that this was still reserued to the Emperour, in those Donations of Charles, Lewis, Henry, Otho and others. Yea Charles the Great, to haue expressly reserued this royaltie and soueraignie of dominion to himselfe, and his successours, is euident by Sigonius, who shewes^k, that when Charles, after the ouerthrow of Desiderius (the last king of the Lombardes) and conquest of Italie, diuided it as hee thought good; to the Pope (saith hee) Charles permitted or confirmed the Exarchate of Ra- uenna, of Pentapolis, the dukedome of Perusium, of Rome, of Tuscanie, of Campiania, *iure principatus et ditione sibi retenta*, reseruing and retaining to him- selfe the right of Principallitie and soueraigne do- minion. And although it bee cleere by the Char- ters themselves, that Lewis^l, Otho, and Henry heerein followed Charles, whose grant they^m confirme; yet Sigonius further witnesseth, that in the time of Otho, this right and soueraignie of dominion was acknowledged to bee in the Emperour, not in the Pope. For speaking of those cities that were subiect to the Pope, they esteemed, saith heeⁿ, the Pope as prince of the cōmon-wealth, *Regem verò; ut sum- mum Dominum*: but Otho the Emperour, their Soue- raigne Lord, and vnto him they paid their tributes and performed obeaïence: Thus Sigonius.

Let vs heare the iudgements of those who are learned in the lawes, who of all men are most fit to direct vs in this question, which is, *de iure*, and
not

not onely de facto. Antonius Rosellus, a man noble
 o both for birth and learning, skillfull both in the Ci-
 uill and Canon law, one so farre from partialitie
 on our side, that hee earnestly p defends the donati-
 ons made to the Popes, by Charles, Lewis, Otho, yea
 and euen this also of Constantine; hath at large and
 diligently sifted this point. After long debating
 the matter on either side, in the end hee thus con-
 cludes. Firmiter teneo q I doe firmly hold, for
 those landes and territories which the Pope hath from
 auncient time possessed (and in r which prescription
 is sufficient without any title) that the Donation of
 Constantine, and others is good, for the possession, pro-
 prietic, and vtile dominium, seeing thereby the imperi-
 all right s is not taken away: Sed directum dominium
 est penes Cæsarem, but the direct or supreme domini-
 on and iurisdiction, euen in those places, is in the
 Emperour: Neither is it r, nor can it bee separa-
 ted from the bodie and bones of the Emperours
 person. Habet ergo Papa executionem potestatis, there-
 fore the Pope hath the execution of the power, in
 those territories which are giuen vnto him: but
 hee hath not the dominion or soueraigne power
 in them: that belongs to the Emperours, who in all
 temporal goods, and possessions is the soueraigne prince.
 Againe u, as we daily see that the Emperour giues Duke-
 domes, Earledomes, or Kingdomes, & tamen retinet in
 directo dominio ipsam iurisdictionem, & ius imperij
 in ipsis bonis, aliis commissis, and yet he retaines the
 direct or soueraigne dominion and iurisdiction in
 himselfe, & his imperiall rights, in the goods which
 hee so commits to others: euen so in those goods gi-

o Vir nobilis
 & eruditus.
 Poss. in Anton.
 Roscel.

p Ant. Ross.
 Monarchiæ
 part. 1. ca. 69.

q Ant. Ross.
 li. cit. ca. 71. pa.
 297. & seq.

r Ibid ca. 70:
 pa. 296:

s Iura imperi-
 alia in his bo-
 nis remanse-
 runt, ibid. ca.
 71. pa. 297.

t Directū do-
 minium est in
 offibus Cæsa-
 ris, irremoui-
 bile, vel inab-
 dicabile. ibid.
 pa. 297.

u Ibi. pa. 297.

uen by the Emperours to the Church or Pope, *Ius imperij & iurisdictionem retinuit, & retinet*: The Emperour still held, and doth still hold the imperiall rights or supreme Iurisdiction, *quammis utile dominium eius, etiam exercitium, Pontifici commisit*, although the profit of the dominion, and the exercise of the iurisdiction hee committed to the Pope. Againe ^h,

^h Ibid. pa. 298. The donation to the Pope is good, *quoad proprietatem & dominium particulare, sed non quoad iurisdictionem totalem & ius imperii*, good to passe away the propertie and particular dominion in those lands, but not good to passe away the whole or supream Iurisdiction, or the Imperiall right in them.

The same Rosellus addes two or three other points very worthy obseruing to this purpose. One, that the Pope is not capable of Soueraigne dominion, no not in those very territories which haue been giuen vnto him. Although, saith he ⁱ, the Pope bee capable of the Imperiall right, *quoad subsidium*, in respect of the profit, *non tamen est capax principaliter*, yet is he not capable thereof as the principall owner of it; nay it is, saith he, impossible that in the same person should consist the Imperiall authoritie, and the priesthood, *et ideo impossibile est per viam prescriptionis*, and therefore though the Pope prescribe neuer so long time for his holding those territories, yet it is impossible that by way of prescription, the Pope should either in whole, or in part hold *ius imperiale*, Imperiall or Soueraigne right therein.

An other is, that Emperours being the supream Lords, may vpon iust cause recall any, or all the former donatiōs, & take into their owne hands the possession

session or propertie in those Territories, which the Popes hold by vertue of those Donations. To which purpose he thus saith; *The^m Donations, for passing away the propertie in those goods, is firme, yea it is not renocable by succeeding Emperours, if they haue no cause to renoke it; Cum causa autem posset, but vpon iust cause it may be renoked, by the successours of those Emperours who made the Donations. Now whether the Popes haue giuen, and that oftentimes, many and iust causes, to renoke those Donations, I list not here dispute. Their so often iustling with the Emperours, their vsurping that Imperiall authoritie which belongs not to them, but to the Emperour; their often misusing Emperours in most base and indigne manner, and making them of the Popes Lords, the Popes vassals; these may seeme to any who are not factious on the Popes side, to bee iust causes to resume all those lands, which he either by Donation or vsurpation possesseth. But I leaue this to their iudgement, to whom in right it belongs; and those are the Emperours and secular Princes themselues; as the same learned Lawyer there rightly sets downe: Ifⁿ there happen, saith he, a controuersie betwixt the Pope and the Prince, concerning any meere temporall matter, (and such is this touching the temporall possessions granted to the Pope) I thinke the Emperour himselfe ought to be iudge herein, seeing in temporall matters he is aboue all; euen the Pope himselfe, and, *Ipsē est iudex suae causae*, The Emperour is iudge in his owne cause, as the Law teacheth. So he.*

m Ibid. p. 298.

n Ca. eod. p. 299.

The third is this, that whereas the Popes, to make

" Cum iuramento se astringat ius Imperij & iurisdictionem in illa territoria non exercere. Idem ca. cit. pa. 297.

o Cum iurisdictione non exercere iuraverit, si facit, extra suum districtum se extendit: imo periurus est. ibid. pa. 297.

p Quia hoc iuramentum est personale, certe successor ad ipsum praestandum non est astrictus. Ibid. pa. 297.

q Math. Paris. in Iohan. ann. 1210. pa. 306.

Otho memor sacramenti quod fecerat cum a Papa ad Imperium sublimatus fuerat, quod videlicet, dignitates Imperij conservaret, & iura dispersa pro possibilitate sua revocaret. Ibid. r

Iuravit (Henr. 5.) quod obediret Pontifici, Salvo honore Imperij & Regni, sicuti Catholici Imperatores Pontificibus (iurare) solent, Leo Ostiens. in Chro. Cassin. lib. 4. ca. 42. / Bald. in Proem. de Feud. nu. 32. t. Luc. de Pen. Cod. de omni agro desert. l. Quicumque desertum, fol. 185. col. 2.

sure that authoritie which they vse in the patrimony of S. Peter, cause the Emperour to sweare, that hee will not exercise that Imperiall authoritie which he hath in those lands, but permit the Popes to enioy the same as they have used, (tying the Emperours by this oath, from the exercise of any Imperiall iurisdiction in those territories) the learned Lawyer teacheth, That Emperours indeed, after they have once taken this oath, cannot intermeddle in those lands, but ought by vertue of their oath, leaue the iurisdiction therein to the Pope: but withall he addes, which is worthy remembring, that seeing the Emperour retaineth still the direct Dominion in those lands, which Dominion he cannot possibly passe away to the Pope, his successours need not to take that oath; and not taking it, saith he, they may actually vse their owne Imperiall rights, and iurisdiction in the same, and it were better they would doe so.

They may doe this. And what if they ought also, so to doe? Math. Parisiensis sets downe the oath which Otho the fourth tooke, and he mentions it as an oath which other Emperours were wont to take, as by name Henrie the first did, and that is, to main- taine the dignities and rights belonging to the Empire: yea Baldus their great Lawyer, testifieth the same oath to bee usuall. The Emperour, saith he, when hee is crowned, iurat nihil diminuerе de bonis Imperij, doth sweare that he will not impaire the State of the Empire. And Lucas de Penna more fully, The Emperour, saith he, sweares at his Corona-

tion, iura regni sui, & honorem Coronæ illibata servare,
 to keepe inuiolable the rights of his kingdome, and
 the honour of his Imperiall Crowne. By vertue of
 which oath, the Emperours are strictly obliged, in
 dutie both to God and to the Empire, to take vnto
 themselves, not onely all those large and faire terri-
 tories, which the Pope hath either by fraud or force
 inuaded, decking himselfe with the plumes of their
 Eagle, but specially they ought to resume, that
Dominion or Soueraignie of authoritie, in those verie
 lands, which the Pope now challengeth as his
 owne. For this Soueraignie being the most
 proper and an essentiall priuiledge belonging to a-
 ny Imperiall Crowne, by vertue of this their sa-
 cred oath, they ought viterly to refuse (as the
 Lawyer saith they may) that other coacted oath,
 whereby they are most iniuriouſlie tyed to permit
 that *man of sinne* quietly to enioy their Imperiall
 Possessions, Rights, and Royalties, and tread both
 themselves, and their Crownes vnder his feete. It
 was no maruaile if this whole passage in their lear-
 ned Lawyer, seemed verie distastfull, and wor-
 thy of expunging, to their Romane Censurers,
 who not enduring to see a testimonie so pregnant,
 and preiudiciall to the Popes authoritie, and
 whence so dangerous consequents may be colle-
 cted, to be recorded in the writings of so learned
 a Lawyer, at one blow doe cut off, cashire, and ex-
 punge for euer, that whole passage in his booke,
 that it may neuer see the light, *commaunding* ^x
it wholly to bee abolished, though it containe no
 lesse then 178. lines in a large folio.

x Index Ex-
 purg. iuxta
 Concil. Trid.
 decretum, Phi-
 lip. 2. Regis
 Cathol. iussu
 concinnatus.
 ann. 1571.

The

c Fr. Varg. lib.
de Author.
Pontif. Axi-
om. I. nu. 2.

The like to that in *Rossellus*, is taught by another of their famous Lawyers, *Franc. Vargas*^c, who alledgeth *Baldus*, and diuers other Lawyers, as consenting with him. He sets downe two assertions; The one, that *suprema Principis iurisdictio est prorsus inabdicabilis*, the supream iurisdiction of the King cannot possibly be given away from him: The other, that *it is impossible, that the Emperour should make any, vel parem sibi, vel superiorem*, either equall or superiour to himselfe: for, as *Baldus* saith, *Lex regia contradicit*, that is contrarie to the law or nature of a King. Then out of doubt, neither *Charles*, nor *Lewis*, nor *Otho*, nor any other Emperour either did, or could by any of their Donations, passe away their Soueraigntie to the Pope.

d Bald. in
Procem. de
Feud. nu. 32.
33.

The words of *Baldus* are very remarkable, hee speaking of this Donation of *Constantine*, and expressing with his owne, the iudgement of the Doctours of Law, saith^d thus; *They determine that this Donation, quoad expropriationem territorij, dignitatis, et iurisdictionis, non valere nec possibile esse*; neither is, nor possibly can be of force, to passe away either the proprietie, or supream Dominion in those territories, or the Imperiall dignitie and iurisdiction ouer them. *The commodities, profits, et utile dominium, may be granted*, saith he, *salua semper ab Imperio, recognitione et fide*; alwaies reseruing and keeping safe to the Emperour, recognition and feoltie, to hold them from him: for to say, that the Emperour would by his Donation, mutilate, or cut away the members of the Empire, *est species fatuitatis*, is a kind of follie. Thus *Baldus*; by whole cleere testimonie,
Gretzer,

Gretzer, Marta, Steuchus, Albanus, Iacobatius, and al that plead either for the Charter, or for the Donation, or that an absolute Dominion was giuen by *Constantine* to the Pope; they all by the iudgement of *Baldus*, are a consort of fooles.

Aretine not onely assents to *Baldus*, but much commends his iudgement herein. *Eleganter tradit Baldus*, saith he ^a, *Baldus* doth very well teach; That the Emperour, *non potest dare quotam Imperij*, cannot giue away any quotient, neither a third, nor a fourth part, nor halfe of his Empire; but he may giue some goods belonging to the Empire. whereby *Baldus*, saith he, meanes that the Empire being an entire and vniuersall power, the Emperour by giuing ought, ceaseth not to bee vniuersall Lord of all belonging to the Empire. Then by *Aretines* iudgement, neither *Constantine*, nor any other Emperour, by any Donation of Lands and Territories, either doth, or can passe away his supream and Imperiall right in and ouer them.

Lucas de Penna, is very pregnant in this point; *Imperij Regalia*, saith he ^b, *sunt inalienabilia*, the Royalties of the Empire cannot be giuen away, nor alienated from the Empire. Whereupon hee inferres, that though the Emperour should sweare that he would not reuoke such royalties, as were alienated to the preiudice of his Crowne and Dignitie; *posset tamen ea, non obstante iuramento, reuocare*; yet notwithstanding this his oath, hee might recall such grants and alienations. And he giues that reason, which before was touched, because the Emperour sweares at his Coronation, to keepe safe the honours and

Z

rights

^a Aret. in Rubric. ff. de verbor, obligat.

^b Luc. de Pen. Cod. de omni agro deserto, l. Quicumque desertum. fol. 184. & 185.

rights of his kingdom: but by alienating his demaines and Territories (much more his Regall Soueraigntie and Dominion) he doth not preserve but impair the Imperiall rights. Thus he. By whose iudgement, neither was by any of those Donations the Soueraigntie and Royaltie past away from the Emperour; and if it were, yea, and that also by an oath, yet seeing such an oath was vnlawfull, and contrarie to the Imperiall oath taken at his Coronation, it can binde none, nor can it be *vinculum iniquitatis*, a band to tie him to doe wrong, or contrarie to his lawfull oath: and therefore notwithstanding such an vnlawfull oath, Emperors (as he thinks) may, and ought to reuoke such grants, and take from the Pope their Imperiall rights and royalties, which he now claimeth and vsurpeth.

Albericus de Rosate is abundant in this cause. Let vs see, saith he^x, whether Constantines Donation could be of force to the preiudice of his Successours. *Accursius* holds it could not: so doth *Ioh. de Parisijs*; And he giues this reason thereof: Because none being deputed to an Office, may doe ought against his owne Office. But it is against the Office deputed to the Emperour, to impair his Empire, or cut and take away any part from it. For by the same reason, that hee cuts away one part, hee may cut away also another: and so may his Successours: and so the Empire should at last be brought to nothing, and utterly destroyed; which is against the publique good, and the end why the Empire is ordained. *Ex quo verè credo*. Whereupon I do truly beleue, that the foresaid Donation, *de iure*, cannot be of force to preiudice the Empire, or the Successours.

But

But may not the Church, saith he, prescribe in this matter? To this *Albericus* answers by three diuers steps and degrees. First, saith he, *For corporall matters, there is no doubt, but longissima prescriptione, by most long prescription of time, the Church may defend it selfe, praestitis tamen tribulis & censibus*, yet so that it yeeld tribute, and due pensions as an acknowledgement of the supream right and dominion in the Emperour. Secondly, *For y those things which are of meere or mixt Empire, Praescriptio dat tantum utile dominium, directum non tollit*, Prescription doth onely giue the vsfull or profitable dominion (to the Pope) but it doth not take away the direct or supream dominion from the Emperour. Again, *Contra principem non nisi quoad utile dominium praescribitur*, Prescription against the Emperour, is onely of force, for the profitable dominion, not for the direct or supream, because the Pope in vsing the dominion, doth it as the Emperours minister, and in the Emperours name, and so the Soueraignie doth rest in the Emperor. Thirdly, may not by the Canon Law, prescription, or long possession bee good for the Popes right in this cause? To this *Albericus* ² answers, that it is least auailable by that law. For by the Canon Law there is required to a forceable prescription, *Titulus, et bona fides*, both a good Title, and also good dealing. Both which, saith hee, seeme to be wanting in this case; for there is a Title pretended, where there is no Title at all, *quia datus per eum qui dare non potuit*, because the Title was giuen to the Pope, by him who could not giue it: and because the alienation is made contrarie to Law,

y Alber. de
Iurisdic. omni.
Iud. l. finali.
§. per iniquum
nu. 4. fol. 146.

2 Alber. de
Quadriennij
praescript. loco
ante cit.

as we haue shewed. *Bona fides* also is heere wanting, because the Pope and their successours knew, *res esse alienas, hoc est, Imperij*, that the things giuen vnto them were not *Constantines*, but the *Empires*. Thus *Albericus*: shewing plainly both by reason, by the Ciuill, and by the Canon Law, that such Donations of an absolute and Monarchall Dominion as they pretend to be made by *Constantine, Charles, Lewis, Henry, and Otho*, are of no force at all, nor can be of validity, neither by vertue of any *Donation*, nor of any *Prescription*.

^a Boet. Epon.
Heroic. quæst.
9. 3. nu. 43.

^c Ibid. quæst.
5. nu. 19.

^d Ibid. nu. 27.

^e Ibid. nu. 34.

Boetius Epon doth professedly, and at large discusse this point, and thus writeth ^b. The *Donation of Constantine* did no way concerne the alienating or giuing vp of the *Romane Empire*, but onely the alienating of all the places in *Italy*, and in the whole west. *Constantine* ^c did not abdicate his *Empire*, or giue it to the Pope, *ne per Occidentem quidem*, no not in the West, nor in *Italie*, nor in the verie *Cittie of Rome*. He honoured the Pope as much as hee could, *citra Imperij vel abdicationem, vel alienationem ullo modo*, without either abdicating, or any way alienating the *Empire*. Hee ^d gaue to the Pope a certaine right of *iurisdiction* and rule in the *western Regions*, *Imperio Romano inferius atque minutius*, but inferior and lesse then *Imperiall* authoritie. Hee ^e gaue to the Pope, *Imperium honorarium duntaxat, & secundarium, sed minime supremum*, an honorable and secundarie gouernment, but not the *supreame*, That *supreame* authoritie, *in solidum penes Constantinum remansit etiam in Occidente*, did remaine intirely vnto *Constantine* (and so to his successours) euen in the West.

An

And in his commentary, which for the honour and eredit of *Constantines* Donation hee hath made vpon it, hee^f sets this downe with a *memorandum*, *Notabis hinc*, obserue hence, that the Empire or Soueraigntie in Italy, and in the west, was not transferred by Constantine to the Pope, and very often doth hee repeat the like.

^f Boet. Epist.
Gloss. in
cap. Constantinus.
post. i
quæst. 5. nu. 211.

Didacus Couarruias, speaking of the Soueraignty or supreme iurisdiction which belongs to a King or Emperour, saith *g*, *nullo modo à rege alienari potest*, it can no way be alienated or giuen away by the King, though in giuing landes, cities, or territories, the King use neuer so ample and abundant wordes: and he giues an euident reason heereof, because this Soueraignty is essentiall to regall maiestie; and therefore cannot be seuered nor giuen or taken away from it.

^g Couarru.
Prætic. quæst.
ca. 4. nu. 1.

Many others might be added, as by name *Guilel. Benedictus*, *Carolus Degraffatus*, and *Felinus*; all which teach the same, as *Vargash*, and *Couarruias* doe witnesse. But I will heere onely adioyne the testimony of their *Hier. Balbus* both a Lawyer and Bishop, who in his booke dedicated to *Charles* the first, in many places insists vpon, and diligently discusseth this point. Hee first shewesⁱ, that this Soueraignty of temporall authoritie, was not in the Pope, but in the Emperour, untill the time of *Phocas*: untill then, that Emperours had the (supreme) power in Rome: This is, saith hee, a most certaine argument: Because Pope *Boniface 4.* desiring to build a Church in honour of the blessed *Virgin*, in that place where the *Pantheon* stood, *necesse fuit ei facultatem obtinere à Phoca*, hee was of necessity to obtaine leave of *Phocas* so to doe.

^h Varg. & Couarru.
loc. cit.

ⁱ Hier. Balb.
lib. de. Cord.
nat. pa. 83.

The Pope, saith he, being then, not Dominus sed Inquilinus, not Lord, but tenant vnder the Emperour, *omni ditioe carebat*, wanted all temporall dominion in the citie of Rome, so that hee could not so much as build a Chappell, *sine iussu Imperatoris*, without leaue, allowance and licence from the Emperour. Then hee shewes^k the like for the next 800. yeares. The first of the Popes, saith he, *qui urbis dominatum sibi vendicare tentavit*, who attempted to challenge the Soueraigne dominion of Rome, was Boniface the 9. in the yeare 1400. Yet Balbus is of opinion that hee challenged it only, and obtained it not. For of Charles the 5. in the third place he expressly saith^l, and saith it to the Emperour himselfe, that hee was *primus ex Imperatoribus*, the first Emperour who gave to the Pope the citie of Rome, and other adioyning cities, and subiected them to his power and dominion. *Fecisti hoc Carole Auguste*, thou O Charles (the fift) hast done this; who being, and being called the King of the Romanes, *omnem Romanae urbis iurisdictionem a te abdicasti*, hast abdicated and past away from thy selfe to the Pope, all the Iurisdiction of the Romane city. Thus Balbus. Vpon whose testimony it followeth that the soueraigntie of Rome was by no Emperour, *de facto*, past away or giuen to the Pope till the time of Charles the fift, that is, till about the yeare 1520. And if *de facto*, it was then done by him, yet, by the former testimonies it is cleere and euident, that *de iure*, it could not be done, and that the grant is not only of it selfe inualid, but such also as may by any of his successours be, and that iustly reuoked. And let this suffice to haue declared the manifold defects and in-

confe-

^k Ibid. pa. 84.

^l Ibid. pa. 86.

consequents in that poore reason of *Baronius* and *Gretzer*, that because the Pope had a patrimony in the *Cottian Alpes* before *Ariperts* time, therefore *Rome* and *Italy*, and the *Westerne Prouinces* were giuen by *Constantine* vnto him, and hee was made the supreme, Imperiall, and independent Lord, or Monarch thereof.

C H A P. IX.

Three reasons to prooue that Constantine neuer made any such Donation as they pretend, either by word or writing.



THE reasons of *Gretzer*, and his acute Logician, being now cleerely refuted, it were not hard by many euident proofes to refute the position it selfe, which hee and *Baronius* maintain, that though the *Charter* be counterfait, yet the *Donation of Constantine* is true, and to be so esteemed: Among many, I will rather point at, then handle two or three reasons, to manifest that *Constantine* made no such Donation at all, either by word, or writing.

The first, is the testament of *Constantine* wherein hee disposed the whole Empire and diuided it among his three sonnes. *Constantine* in his testament (saith *Sozomen*^a) diuided the Empire to his sonnes, the *westerne* part hee assigned to *Constantine* and *Constans*; the *Easterne* to *Constantius*. *Constantine* and *Constans* (saith *Zosimus*^b) held all beyond the *Alpes*, with *Italy*, *Illyricum* and *Africke*: to *Constantius* was giuen whatsoeuer was in *Asia*, the East.

^a *Sozom.lib.*
2. ca. 32.

^b *Zosim.lib.*
2. pa. 35.

c Zonar. to. 3.
pa. 83.

d Deinde quæ
videbatur, ex-
trema quoque
voluntate sua
disponebat. Li-
beris suis regni
hereditatem
tanquam patri-
monium relin-
quebat. Euf. li.
4. de vit. Cōst.
ca. 63.

e Liberis de
successione
Romani orbis
testamento hæ-
redibus scrip-
tis, &c. Ruff.
lib. 1. ca. 11.

f Constantini
partibus impe-
rij ad occiden-
tem lris præ-
fecit. Constan-
tium, &c. Soc.
lib. 1. ca. 25.

g Facto testas-
mento, tribus
filijs consti-

tutis hereditibus, est defunctus. Cass. triper. hist. lib. 3. ca. 12. h Imperio filijs
iam diuiso, Constantino & Constanti occidentales partes designauerat, Nic. lib.
8. ca. 54. i Constantius accepto testamento imperium Orientale iniiuit. Sigo. lib. 5. de
occ. Imper. pa. 73. k Constans in Italia, Constantinus in Gallia imperium ex testa-
mento patris inierunt, ibid. l Ibid. m Bar. an. 337. nu. 51.

East and Egypt. To Constantine and Constans was at-
tributed (saith Zonaras^c) Italy and Rome it selfe, A-
fricke, Sicily, the Cottian Alpes, cam Gallijs, with the
countrie of the Galles; to Constantius that which was in
the East. And though Zozimus affirme that the sons
diuided the Empire among themselues, yet that
they did it by the designement, and according to
the testament of Constantine, Eusebius^d, Ruffinus^e, So-
crates^f, Cassiodore^g, Nicephorus^h, and many more
doe expressly witnesse. To omit others, their owne
Sizonius doth declare, that to Constantiusⁱ the East
was giuen by the testament of Constantine; to Constan-
tine^k and Constans Italy and the Galles, or Westerne
Prouinces: who further addes^l, that when there was a
difference betweene two of the brethren about the
boundes, Constantine the eldest, demaunding of Con-
stans, to haue Italy and Africke, Constans answered
him, se testamento patris stare velle, that hee would
stand to his fathers testament, and would defend
that being his last will. Vnto all which adde
the acknowledgement of Baronius. As soone, saith
hee^m, as Constantine was dead, each of his sonnes, re-
lictam sibi ex patris testamento Imperii partem festinus
accepit, tooke that part of the Empire, which by their
fathers testament was left vnto them: and Constan-
tine with Constans to haue taken Rome, Italy, and the
West, himsele doth declare.

Is it credible, that if *Constantine* had formerly made either by word or writing, an absolute Donation of *Rome, Italy*, and the *Westerne Prouinces* to the Pope, and that so solemnly, that as *Leo 9.* saith, hee decreed that donation to abide firme and inuiolable, in *finem mundi*, vnto the end of the world; is it credible, I say, that so pious and prudent an Emperour would within twelue yeares after doe contrary to his owne act? especially in his last will and testament, wherein hee would rather haue testified his religious affection and loue to the Church, by an addition of some other gift, then leaue so eternall a blemish vpon his name of inconstancy, of iniustice, of impietie, of sacriledge, and of making his owne children inheritours of that which he knew was neither his to giue, nor which they without open iniustice, impiety, and sacriledge might accept, hold, or possesse.

The second reason is the perpetuall possession and dominion which the Emperours had of *Rome and Italy* with the gouernment thereof; which continued still in them, not onely after *Constantines* time, but euen while hee liued, vntill it was vniustly taken from them, first by the Popes, and then confirmed by *Pipine, Charles the Great*, and others. In the 20. yeare of *Constantine*, the very next after this supposed Donation, was *Seuerus* ⁿ the *praefectus urbis*, President of *Rome*, appointed by *Constantine* to gouerne it with the cities belonging thereunto, by the Imperial authority as it formerly had bin. The next yeare after, was *Maximus* ^o; the 2. next yeares was *P. Anicius Iulianus*; next after that *Optatianus*, & through-

A a

out

ⁿ Ad Seuerum
Præf. Vr. Iulia-
no & Paulino
Coff. l. 2. de
Iudicijs, Cod.
Theod.

^o Ad Maximū
P. V. Constan-
tino A. 7. &
Constantino
Cxl. Coff. l. 2.
ad legem Cer-
neliā de falso.
C. Theod.
p. Vt restatur
Onuph. com-
ment. in Fast.
lib. 2. pa. 283.
284.

out all *Constantines* time, and euery yeare he had his lieutenants and deputies to gouerne the citie of *Rome* vnder him, and in his right. It were easie to expresse almost in each yeare the seuerall *praefecti orbis*, vnder *Constans*, *Constantius*, *Valentinian*, *Theodosius*, and other Emperours, for more then an 100. yeares after *Constantine*. After the time of *Valentinian* the younger, when the *Westerne* Empire by reason of the irruptions of the *Gothes* and *Vandalls* began to decay, that the supream government of *Rome* and *Italy* still remained in the Emperour, his appointing the Kings of *Italy*, and after them of the Dukes of *Rome*, & Exarches of *Rauenna*, is an euident prooffe.

q Sigon. lib.
14. de Occid.
Imp. pa. 234.

r Sigon. lib.
cod. pa. 240.
& 241.

f Sig. lib. 15.
pa. 260.

t Ibid. pa. 261.

Leo the Emperour (saith *Sigonius* q) sent *Maorianus* into *Italy* to take the government and Empire thereof. This was about the yeare 457, and within a yeare or two after *Rome* had beene sacked by *Genfericus*: againe^r, the Senate intreated *Leo* the Emperour, that hee would send in those troublesome times, a Gouvernour, or Emperour into the west, and hee gaue to *Anthemius* the dignitie of the *westerne* Empire. Againe, when *Odoacer* the *Herule*, had inuaded the kingdome in the West, *Zeno* the Emperour gaue^f to *Theodoricus* the *Goth*, *Italy* and the government thereof, and hee committed vnto him the people of *Rome*, the Senate, cum ipsa urbe ac tota *Italia*, with the citie it selfe and all *Italy*: by vertue of which graunt *Theodoricus*, and some few of his successours, had right (but yet with a subordination to the Emperour) to the *Italian* kingdome; and heereupon the *Romanes* receiued^t *Theodoricke* for their King, and said they would obey him, vt iusto domino, as their lawfull Lord (to wit, vnder the Empe

Emperour) for they had already knowne the Emperours pleasure to be such. Thus saith Sigonius, and this was about the yeare 500.

When after this, *Iustinian* the great (for so is he, and that worthily called:) had expelled the Gothes and Vandalls out of *Italy*, how hee made imperiall lawes whereby hee ruled it as the other parts of his Empire; how hee substituted *Narses* to bee vnder him, and in his name the gouernour thereof; how after that, the Exarches were sent from the Emperours, who as deputies held (so farre as they were able by reason of the Lombardes intrusion and violence) the rule and possession of *Rome* and *Italy*, is not vnknowne. *Longinus* the Exarch, saith Sigonius^u, *nouam Italie administrationem indixit*, set downe a new kinde of gouernment for *Italy*, hee set ouer euerie citie their seuerall Dukes and Iudges to administer law vnto them, and this hee did specially at *Rome* and *Rauenna*. Againe^x, *Mauritius* the Emperour sent *Smaragdus* to be Exarchate of *Rauenna*, *Gregory* to be the Duke of *Rome*, and *Castorius* the captaine of the souldiers and garrisons that there were kept, who with great ioy were receiued into the citie: Againe^y, *Iohn* the Exarch, *iudices Romam ad ius dicendum miserat*, sent Iudges to *Rome* for administration of right: and very often the like, yea that both *Rome* and *Italy* in right belonged to the Emperour and was subiect to his gouernment, vntill the time of Pope *Gregory* the 2. is euident by that which out of *Paulus Diaconus*, *Zonaras*, *Anastasius*, *Sigonius* and *Baronius* was shewed; they with one consent teaching that by the meanes of that *Gregory*, *Leo* the Emperour was depriued

^u sig. li. i de regno Ital. p. 5

^x Lib. cod. pa. 12.

^y sig. lib. 2. pa. 50.

3 Paul Dia.
hist. lib. 21. pa.
665.

4 Ibid. pa. 663

(vnder colour of pietie, but in truth, perfidiously and traiterously) of the Westerne dominion: the Pope, as *Diaconus* saith, causing Rome and Italy to forsake the Emperours obedience: and againe^a, He removed Rome and all Italy, and the right both of the common weale and of the Church in the westerne parts, ab obedientia Leonis & Imperij, from the obedience of Leo and from the Empire. The Romanes and others at that time adhered to the Pope, and so by this traiterous meanes hee got the possession of much of that, which afterward by *Pipine* and *Charles the Great* was confirmed vnto him. And that was done by *Gregory* about the 730. yeare after Christ, vntill which time, Italy, and Rome remained in the Emperours possession and subiect to his dominion.

Can it bee imagined that *Constantine*, if hee had made such an absolute and solemne Donation of Rome and Italy to the Pope, would immediately, euen the next yeare after that, and all his life time, haue continued the possession, rule, and gouernment thereof by his lieutenants in such sort as hee had done before? or may we thinke that both himselfe, *Constans*, *Theodosius*, *Valentinian*, and other most pious and religious Emperours, would haue vsurped that gouernment and intruded themselves into *S. Peters* patrimony? Or if all those Emperours would haue beene so vniust and impious, may wee thinke *Syluester*, *Iulius*, *Leo*, *Gelasius*, *Gregory*, and other Popes, men of high courage to defend their rights, that they would haue purvp so great indignitie, without once so much as checking the Emperours for so open wrong, sacriledge and vsurpation?

Or

Or may not the silence of so many Popes, and continued possession by so many Emperors, be thought a iust reason to condemne that pretended Donation?

The third prooffe that *Constantine* made no such Donation, is the testimony of their owne Writers, whereof though it were easie to produce a long Catalogue, yet I will heere cite but a few. The first, is Bishop *Canus*, who thus writes ^b; *Ensebius, Ruffinus, Theodoret, Socrates, Sozomen, Eutropius, Victor, and other Authors of good credit, who haue most diligently written all the Acts of Constantine, not onely doe make no mention of this Donation; but further they declare, that he so deuided the Romane Empire among his three sons, vt Italia unicorū tota contigerit, that all Italy was allotted to one of them. So Canus. And to him accords, one of their later and most earnest defenders of the Popes Regalties, Alex. Carerius, who thus saith* ^c, *Of this Donation of Constantine, Compertum est, it is certaine, that nothing is read in any approoued Historian, specially in those, who writ in that or the next Age. Ensebius doth not mention it, nor Hierome, nor Augustine, nor Ambrose, nor Basil, nor Chrysostome, nor Ammianus, nor the tripertite Historie, nor Damasus, nor Bede, nor Orosius. So Carerius.*

The second is Cardinall Bellarmine, who among other reasons, why the Emperours consent was required in calling the foure first generall Councils, giues ^c this, *That the Pope in those daies was in his temporalities subiect to the Emperour, & Dominum suum temporalem eum agnoscebat, and acknowledged the Emperour to be his temporall Lord; and because*

^b Mel. Can.
lib. 11. ca. 5. §.
Quod deinde.

^c Car. lib. 2.
ca. 21. §. Ac-
cedit.

^d Bell. lib. 1.
de Conc. ca.
13. §. Secunda
& §. Quarta.

the Emperours at that time, *orbis terra imperarent*, did rule ouer the whole world, there could no Councell be called, *nisi in vrbe aliqua Imperiali*, but in some cittie of the Emperour. So Bellarmine; who had he knowne that Constantine had made either by word or writing, such a solempne Donation of Rome, Italy, and the Westerne Prouinces, to Syluester and his successours for euer, hee needed not to haue complained of want of Cities, where to hold a generall Councell without the Emperours leaue or consent: he might haue called the Bishops to Millaine, to Rauenna, to Capua, to Arles, to a thousand moe, euen to Rome it selfe; but the reason why he did not this, saith the Cardinall, was because Rome and all those Citties, were the Emperours, and in the Emperours Citties, without his leaue and consent, a Councel could not be called.

^d Nic. Cusan.
lib. 3. de Con-
cor. Cath. ca.
2. & seq.

^e Idem cap. 2.

^f Ibidem.

The third is Cardinal Cusanus^d, who at large hath handled & examined this argument touching Constantines Donation, and by many reasons refuted the same. *Ex istis constat*, by these it is manifest, saith he^e, that Constantine gaue not to the Pope, Rauenna, Rome, and the West, seeing the Emperours vnto the time of Aistulphus, held a continued possession of them, and that pleno iure, by full right. Againe, we reade, saith he^f, that the Popes do confesse the Emperours, *Domino suo esse*, to be their Lords, and Pope Agatho writes to Constantine the Emperor, who called the sixth Synod, that Rome is, *ipsius Imperatoris seruilis vrbs*, a seruite cittie, and subiect to the Emperor. In like manner, Pope Boniface writes to Honorius the Emperor, that Rome is the Cittie of his clemency; and to be short, saith he, the contrary

contrary is no where read, but that unto the time of Pipin, the Emperor remained in possession of those places before named; and then he concludes, *Hæc credo vera esse*, I beleue these things to be true, notwithstanding the famous opinion to the contrary, touching Constantines Donation. So Cusanus.

The fourth is Iacob. Almane, who intreating of the Canon Constantinus, where this donatiō is expressed, he not onely reiects it as being of no authority, but further addes; that Constantine could not, if he would, giue the Western Empire to the Pope, and if he had done it, yet his Donation could not binde his successors; and for each of these he giues seuerall reasons.

The fift is one vnworthy of naming, being the most impudent proctor that euer the Pope had, who saith^h, *Non semel risi eos*, I haue often laughed at those, who are so earnest for this donation of Constantine, the Charter of which we beleue to haue beene made by the fraud of some Grecians, *ad faciendam Romanæ Ecclesiæ inuidiam*, to make the Romane Church to be enuied, nor do we care much whether there were any such Donation or no.

The sixt and last, is Aeneas Silvius, who afterwards being Pope, was called Pius 2. He in a Dialogue written when he wasⁱ Cardinall, doth professedly refute this fable of Constantines Donation, calling the professors of the Law, *stolidos*, very fooles for struing so much about this Donation, whether it were of force or no, *cum constet eam ne per somnium quidem in mentem Constantino venisse*, Whereas it is verie certaine, that it neuer came into Constantines minde, no not so much as in a dreame.

g In capite illorum canonum, tãquam non habentiũ authoritatem ponitur pates. Iac. Alm. lib. de porest. eccl. & laica. §. Doctor iam.

h Gal. Sciop: in Ecclesiast. cap. 51.

i In Dialogo, quem adhuc Cardinalis scripsit. Marti. ca. 30. cit. nu. 34.

This

d Aeneas Sil.
in uehitur con-
tra miseros
Legistas qui
tantum la-
borarunt an
donatio facta
Siluestro va-
luerit, cum
nunquam fa-
cta fuerit.

Card. Iacob.
lib. 10. de

Conc. Art. 8.
ca. ult. nu. 15.

& idem ait
Couar. lib. 4.

Variar. Resol.
ca. 16. p. 1. 69.

& Hier. Balb.
lib. de Coro-

nat. pa. 80.
e Mart. loc.

cit. nu. 42.
f Conscriptit

iuenis, in mi-
noribus, Ibid.

g Index libro-
rum prohibi-

torum autho-
ritate Pij 4.

primū editus,
a Sixto 5. au-

ctus, a Clemē-
te 8. recogni-

tus pa. 2.
h Bulla Re-

tract. Pij 2.
tom. 4. conc:

pa. 512.
i Mart. ca. cit.

nu. 42:
k Nam Pon-

tificatū iniit
aa. 1457. Bin. in vit. Pij. 2.

l Ioh. Stella in vita Pij. 2. m Bin. in vita Pij. 2:

This to haue beene indeed written by *Aeneas Silvius*, not onely others d testifie, but D. *Marta* himselfe professeth e, who would gladly excuse this, in saying, that *Aeneas* f writ it when he was but a young man, and that being made Cardinall and Pope, he forbade those his bookes to be read, adding; that this is to be seene in the Index, to wit, *librorum prohibitorum*. *Marta* deludes herein, both himselfe and others. For in the Index g, are onely forbidden those things of *Aeneas Silvius*, which himselfe recalled in his Bul of Retracting on, and in his Bull, he retracts indeed, whatsoeuer h he had writ about the superioritie of a Councell aboue the Pope, and against the supream authoritie of the Pope: but that euer he retracted his condemning of this counterfeit Donation, *Marta* will neuer be able to proue, vnlesse it bee against the authoritie of the Pope, & dignitie of their See; that falshood should not be counted truth, and a forged writing, should not be held for a true and authenticke deed. And *Marta* might easily haue perceiued this. For *Aeneas Silvius* was not a young man, when hee writ that Dialogue; He writ it, as *Marta* i confesseth, an. 1454. which was but three yeares k before hee was Pope, at which time he was 54. yeares old; for hee liued l in all but 64. and hauing beene Pope but seauen yeares at most, he dyed m ann. 1464. So his writing of that Dialogue at that age, can no way come within the compasse of those bookes which hee writ being a young man, and which onely are prohibited; and prohibited onely so farre also, as they speake against the Popes supremacy.

So both by euident realon, and by the cleere confession of their owne Writers, it doth appeare, that *Constantine* neither by word, nor writing, made any such Donation to the Pope, as they now pretend and claime from him: yea those forenamed, and many other of their Writers, though they knew right well what an hard censure of heresie^z, not only *Panormitane*, but Cardinall *Iacobatius* also, had pronounced against them, yet chose rather by yeelding to the euidence of truth, to be esteemed for little lesse then hereticks, then with the title of Papal Catholikes, to approue such a false, fictitious, and forged Donation.

^z Vt supra
ostensum est,
cap. 7.

CHAP. X.

Seuen witnesses alledged by Doctor Marta, for prooffe of Constantines Donation examined: namely, the first Nicene Councell, Eusebius Cæsariensis, Hierom, Pope Damasus, the Acts of Siluester, Pope Gelasius, and Isidore.



Would gladly here haue dismissed both this Charter, and Donation of *Constantine*, as vnworthy of any further discourse or refutation, but that their continuall exclaiming, that none^a haue euer as yet euidently disproved the same; and the manifold reasons and authorities alledged by *Aug. Steuchus*, by the *Gregorian Glossators*, by *Boetius Epon*, by Cardinal *Albanus*, sitit qui hanc donationem euertere potuerit. Ibid. pa. 114. & saepe alibi.

^a Nam donationem Constantini fictitiam esse, nemo hactenus euidenter demonstrauit, Gretz. Append. 1. ad lib. de magnific. princ. pa. 89. hactenus nemo ex-

Bb

by

b Mart. tract.
de iurisd. part.
1. ca. 30. nu. 20

by Cardinall *Iacobatius*, and specially by their great Neapolitane, *Doctor Marta*, do enforce me to enter into a farther examination of this cause. And seeing *Marta* is the latest, and withall most accurate in handling this matter, who hath raked together almost all, that any of the other hath pleaded for this Donation, and he so triumpheth in his proofes, that he feares not to say ^b, that none may hereafter so much as doubt of the truth and validitie of this Charter, it may suffice to go *pedetentim*, with him, adding here and there, what others doe alledge, where *Marta* overslippeth any prooffe which is by them produced.

c Verba donationis Constantini sunt ista; quam intendimus comprobare. Mart. loc. cit. nu. 1. d Ibid. nu. 2.

e Bar. an. 324. nu. 117. & seq. f Non desunt invidi, &c. & malignorum detrahentium iuribus Ecclesie. Ibid. nu. 2. 3.

g Ibid. nu. 3. 4

First of all, I wish you to observe the wisdoms of *Marta* in this cause. He vndertaking and proposing ^c to prove this Charter to have bin truly made by *Constantine*, after he hath verbatim set downe the same, (not changing or correcting so much as those manifest & grosse errors of the name of *Constantinople*, and date of the Charter) immediately after ^d saith; Of this donation, the most wise Cardinall of our times, *Baronius* writeth in his *Annales*, an. 323. (he should have said 324. ^e) but some malignant ^f persons, envying the greatnes of the holy Church, still affirme that it is a vaine figment. And then having set downe one of those reasons wherby others prove it to be a forgerie, he addes ^g; To this argument of these slanderers, most graue men have answered, and among others Cardinall *Baronius* in the place alledged. Thus *Marta*. Let any but peruse *Baronius*, and he will euen admire to see the most shamefull dealing of *Marta* herein.

1. *Marta* would perswade you, that *Baronius* doth defend

defend as himselfe doth, the truth of this Edict: whereas it is as cleere as the sun, that *Baronius* in that very place cited by *Marta*, calls it ^h a falsified Edict; and else where ⁱ in plain tearmes, saith, *The Donation which is set downe in this Edict or Charter, penitus esse commentitia. prorsusque falsa conuincitur*, is conuinc'd to be vtterly fictitious, and altogether false.

2. *Marta* saith, that *Baronius* answeres the reasons of malignant persons brought to proue this Edict to be a forgerie. An vntruth so manifest, that there is not one syllable in that place of *Baronius*, tending to that purpose. Nay, *Baronius* is so far from answering such reasons, that he himselfe brings ^k some euident proofes, *ex quibus*, by which, as he saith, *This Edict is conuinc'd to be vtterly false, and a very figment*. *Marta* to defend this lying Edict, makes bold to belie and slander their great Cardinal, but lies must euer bee supported by lies.

3. *Marta* commends ^l *Baronius* for a most wise man in handling this matter. Now if *Baronius* professing, prouing and proclaiming this Edict to bee vtterly fictitious, and altogether false, be most wise; what must be thought of *Marta* himselfe? who contrarie to the most wise Cardinal professeth, and striues to proue the same Edict to be most ^m true.

4. *Marta* tels ⁿ you, that none may doubt but that the Edict was truly made by *Constantine*, whereas his most wise Cardinal tels him, that it was not made by *Constantine*, but forged ^o by some of the *Grecians*, neere hand 700. P. yeares after *Constantine* was dead. Is not *Marta* now a very wise man, to produce *Baronius* for a defender with him of this Edict of Donation?

^h Ex depranato illo à Græcis mutuato edicto. Bar. an. 324. nu. 118.

ⁱ Bar. an. 1191. nu. 52.

^k Bar. ibidem: l. sapientissimus nostri temporis Cardinalis, Baronius, Mart. loco cit. nu. 2.

^m Donatione fuisse verissimam. Mart. ca. cit. nu. 26. & nu. 39.

ⁿ Mart. ca. cit. nu. 20.

^o A Græcis mutuato edicto. Bar. ann. 324. nu. 118. arte Græcorum accessit. Bar. an. 1191. nu. 53. Hoc editum à Græcis, perfida donatione acceptum ait Bin. Not. in Edict. S. Editum.

^p Bar. ann. 1191. nu. 53.

^t Mart. loc.
cit. na. 2. & 3.

^x Bar. an. 324
nu. 118.

^y Bar. an. 1191
nu. 52.

^y Bar. an. 324.
nu. 119.

^z Bar. ann.
1119. nu. 61.

^a Apud Mar-
tam. loc. cit.
nu. 2. & 3.

Fifely, *Marta* teacheth ^t, that this Donation was made for the honour of the *Romane Church*, and that therefore they who write against the Edict, doe enuiously seeke to impair the dignitie and ampliude of that See. *Baronius* tels him the quite contrarie. The ^u rightfull possession of the Church, *ambigua potius redditur, quam probatur*, is rather made doubtfull then prooued by this Edict; and this, he saith, is manifest to euery one that diligently lookes vpon it. Againe ^x, The *Grecians* are known to haue made this Edict, *non Latinarum amore sed odio; inque odium Romanæ Ecclesiæ*, not for any good will, but in hatred to the Church of Rome, that what shee possesseth might be thought to bee giuen by *Constantine*. *Ab sit y vero, ut ab homine eiusmodi*, but farre be it from the Church to challenge her dignitie from such a man as *Constantine*. Now whereas *Marta* accounteth and calleth those that iudge this Edict a forgerie (one of the which is his most wise Cardinall) *enuious and malignant detractors of the Church*: I hope some good friends of the Cardinall will admonish *Marta* of so foule a slander: or if they will not, yet the Cardinal himselfe doth in some sort cry quittance with him; *I haue*, saith ^z he, *demonstrated this* (touching this counterfeit Edict) *against those who haue this Edict in such high esteem, ut stultè timeant*, that they foolishly feare, if the Edict be ouerthrowne, that then the whole Church will fall with it. So *Marta* for making such reckoning of this forgerie, hath purchased at his most wise Cardinals hands, the honor to be esteemed a foole.

In the next place *Marta* vndertakes to answer that reason which is brought ^a against the donation,
for

for that Eusebius, Theodoret, Socrates, and others make no mention thereof. To this Marta, saith ^b, he will answer *cumalatiue*, more fully then others before him haue done; and his answers are two. The first, *that it is a ridiculous argument, being drawne, ab authoritate negative*. But Marta heerein demonstrates himselfe to be indeed ridiculous; for the argument is not barely *negative*: They doe not mention this, therefore it was not done; but the force of it is *affirmative*, in this manner, Eusebius, Hierom, Ambrose, Socrates, Theodoret, Sozomen, and others, are not only silent of this donation, but they affirm that, whence it is cleere that Constantine neither did nor could make any such donation: for they testifie and affirme, that Constantine was baptized at Nicomedia, and by Eusebius Bishop of Nicomedia, and that but a little before his death: and therefore from their testimony, it certainly followeth, that hee did not make this Edict of donation after his baptism by Siluester, nor at Rome, nor ten yeares before he died, as in the Edict it is said that hee did. If Marta knew not this to bee the effect of the reason, he was too supine, negligent, and carelesse; if knowing it, hee thought it either negative, or ineffectuall, hee is too ridiculous.

In his other answer, Marta vndertakes to giue ^d a reason why in those auncient Historians there is scarce any mention at all of this Edict; the reason, saith he, ^e is this: This Edict was made in *ultimis temporibus Constantini*, in the very last time of Constantine; and Constantines successors did with all their might endeavour, that there should remaine no mention of this Donation in any monuments, but that the memory of it

^b Ibid. nu. 4.

^c Argumentū est deridendū, &c. ibi. nu. 5.

^d Cur in antiquis historiis, tam rara monumenta extant de hac donatione, Mart. loc. cit. nu. 7.

^e Summa operirebantur, ne vlla huius concessionis mentione in rerū gestarum monumentis haberetur; verū deleta eius prorsus memoria, nullo vnquam tempore posteris innotesceret, Mart. ibid.

should utterly bee blotted out, that at no time it might come to the knowledge of posteritie; and for this cause, *scriptores, ne Principibus odio essent, omiserunt*: Historians and Writers omitted it, least they should incur the hatred of Princes. Thus *Marta*: In whose words there is neither truth, nor so much as any likelihood thereof. First, it is a palpable vntruth that *Constantine* (admitting hee made this Edict) made it in his last time: for by the consent of those who thinke the Edict to be true, *Constantine* made it the fourth day after hee was baptized: which was as they teach, *An. 324.* and therefore tenne yeares full before hee died. Againe, by *Martas* owne confession it followed the leprosie of *Constantine*, and the cure thereof by baptism receiued at *Siluesters* handes; was *Constantine* a leper till his last time? was hee not cleansed and baptized before the *Nicene* Councell? which was tenne yeares before *Constantines* death. Or how could *Silvester* baptize him in his last times, seeing before *Constantines* last times, both *Silvester* and *Marcus* his successour were dead, *Iulius* being Pope eight or nine monethes before *Constantine* died. Further what notorious iniustice and fraud, doth *Marta* impute to the most religious Emperors, who succeeded *Constantine*? who first would seeke to wrong the Pope and the Church, in withholding from them that which *Constantine* had giuen; and, which is worse, would seek for ever to suppress & smother the right, quite abolishing all mention & memory of that Donation? And of what base and abiect mindes doth *Marta* make all the Writers and Historians of those times to haue bin, who for feare of the Emperors,

f Vt ante ostensum est
ca. 7.

g Bar. & Bin.
vt ante ostensum est.

h Mart. loc.
cit. nu. 13.

i Iulius Papa
factus 26. Octob.
an. 336.
Bar. eo an. nu. 65.
Constantinus obiit 20.
Iulij an. 337.
Bar. eo an. nu. 1.

rors, would not so much as mention the Popes right? Had the Pope no Writers, nor Historians that durst speake for the truth? for his right? or what needed they feare the Emperor, when they had the patronage of the Pope, who was now a greater Emperor, as *Steuchus*^k calls him? Or would both the Emperours, the Nobles, and Commons, with all Historians, and Writers seeke to doe so open iniustice, when *Constantine* had so straightly coniured them all, saying, *wee*^l charge before the liuing God, and by his terrible iudgement, all the Emperours our successours, all our Nobles and Senators, and all the people in the whole world, which are subject to our Empire; that it shall not bee lawfull for them by any meanes to gaine stand, infringe, or any way conueller, to weaken this our graunt to the *Roman* Church and to all the Bishops thereof. Or if any (which wee beleene not) shall be a violator or contemner hereof, let him bee subject to eternall condemnation, and let him feele the holy Apostles, *Peter* and *Paul* to bee enemies to him, both in this life, and in the life to come, and being burnt in the lowest hell, let him fall with the diuell and all the wicked ones. Would they notwithstanding all these coniurations, and direfull imprecations of *Constantine*, doe so open wrong to the holy Church? would both Emperours and Historians conspire in so great iniquitie? Say they would, yet what wit or iudgement may wee thinke had they, if (as *Marta* saith they did,) they had endeouored to suppress this Charter? Had it bin made in the presence or with the knowledge of some few, they might haue thought
the

^k *Steuch.*
pa. 187.

^l *Edict. Con-*
stan. apud Fin.
to. 1. pa. 298. a.

11b pa 297.a.

m Huius imperialis decreti nostri pagina proprijs manibus roborantes &c ib. p. 298.a.

n A patribus fide dignis tradita sunt. Mart. to. cit. nu. 6.

o Mart. nu. 22.

the concealing thereof possible : but these things were not done in a corner, but as the Edi^{ct} testifieth, *it was made with the knowledge and consent of all Constantines Lords and Nobles, of all the whole Senate of Rome, and of all people subiect to the glory of the Roman Empire?* Was not this, thinke you, a wise and worthy conceit in *Marta*, to imagine the Emperours would strive to suppress, and Historians to conceale that Donation and all memory thereof, which was publickly knowne (if the Edi^{ct} say true) to all the Nobilitie and Commons, to all both Clergie and Laity, even to all people in the Empire? and which being sealed ^m and ratified by *Constantines owne hand*, was given to be kept in the Popes Registry? Hath not *Marta*, for this his wise conceit, wel deserved the Cardinals liuery, which he hath so dearely purchased?

Marta hauing now told you not onely that ancient Historians and Writers did, *but why they did omit and durst make no mention of this Edi^{ct}*, in the next place, like the Esopicall Satyre, he will tell you and proue also the quite contradictory, *that many ancient Writers, yea holy Fathers* ⁿ *also, such as are worthy of credit, doe mention the same:* and therefore in a vaunting manner hee ^o saith, *Habemus plurimos sanctos Patres*, Wee haue very many holy Fathers, *Historians, Emperours, Lawyers, and sacred Canons for witnesse of this Donation.* Let vs then heare and examine those witneses, by which you shall see the faire and honest dealing of *Marta*.

The most ancient, and withall most honourable witnesse which he produceth, is the *first Nicene Council*,

cell; of which *Marta* saith p, *The truth of this Donation doth especially appeare by the Nicene Councell.* No, ^{p Mart. cap. cit. nu. 21.} that appeares not, but the extreame folly and falsehood of *Marta* doth evidently appeare thereby. But first see the wit of *Marta*; Hee told q you *this Charter of Donation was made, in ultimis temporibus*, in the last times of *Constantine*, those were his 30. and 31. yeares; and heere hee tells you that the *Nicene Councell* is a witness thereof. Now it is certaine, that the *Nicene Councell* was held in the twentieth yeare ^{q Ibid. nu. 7.} of *Constantine*. So that by *Marta's* account, the *Nicene Councell* should testifie this Donation to haue been extant nine or tenne whole yeares before euer it was made or thought vpon.

r Eodem tempore (finito Niceno concilio) vigesimus Constantini annus cōpletus est. Eusebi lib. 3. de vit. Const. ca. 14.

See next the truth of *Marta*: where, I pray you, doth the *Nicene Councell* beare witnes of this Donation? Not in the Acts thereof: for of them there is no more extant, but that which in *Eusebius*, *Athanasius*, *Socrates*, *Theodoret*, and other ancient Writers is recorded. In none of which there is any mention at all of this Donation. Not in the Decrees or Canons: They are extant and in euery mans hand, and in them there is not one word touching this Donation.

Heare now I pray you, the wise answer of *Marta*: because by the Acts of this Councell, the Donation did ^{p Mart. cap. cit. nu. 21.} specially appeare, *propterea toto conatu insidiati sunt isti mali homines*, therefore did those wicked men endeavour with all their power to falsifie and suppress the *Nicene Decrees*, *ut illius memoriam penitus abolerent*, that they might vtterly abolish the memory of this Donation. By this *Marta* would perswade you that

this Donation is testified in some of the *Nicene* Canons which were suppressed and lost. But if these Canons be lost, how knowes *Marta* that this Donation was mentioned therein? Or why may not another say that *Constantine* made the same Donation to the Bishop of *Bizantium*, and prooue it by those *Nicene* Canons which are lost? How can *Marta* refute this, but hee must withall condemne his owne folly in alleadging for his prooffe the Canons which are perished? Againe, who were those wicked men that did abolish the *Nicene* Canons wherein this Donation was mentioned? That *Arrians* and *Heretickes*, to the end they might abandon the faith, laboured to falsifie the *Nicene* Canons, hath beene often said and by many: But that euer any man falsified or suppressed any of those Canons to this end which *Marta* hath deuised, that so they might abolish the memorie of *Constantines* Donation, none, as I thinke, so much as euer dreamed thereof before *Marta*, nor any I hope, will euer abette him in so foolish a conceite.

Now whereas *Marta* will needes vndertake to prooue some of the *Nicene* Canons to bee lost, though his labour therein be altogether vaine, (seeing hee cannot, nor so much as once goes about to prooue that this Donation was mentioned in any of the lost Canons) yet is it worthy observing, what rare proofes hee brings of this vnttrue assertion, also. It is testified, saith hee, by *S. Athanasius* in his Synodall Epistle to Pope *Felix*, wherein hee requests the Pope to keepe safely the *Nicene*

Testatur
sanctus Atha-
nasius, &c.
Mart. ibid.

cene Canons. And the same Fælix an holy martyr, testifieth that many of those Nicene Canons were abolished by heretickes, as may^u bee seene in the Decrees of Fælix in the Epistle of the Sardican Councell. Thus hee. *Marta* sure was scarce his owne man when hee writ these things. First, the authors whom he alleadgeth are not St. Athanasius, nor St. Fælix; but Sr. forgerer, and Sr. foole, the onely fit witnesses for *Marta* in this cause. The former^x was writ by Athanasius from a Synod at Alexandria, of which Baronius^y saith truly, that there was no place where, no time when that Synod could bee held. Besides, in that Epistle the sottish forgerer makes Athanasius to say^z, that hee receiued Episcopall consecration at Rome, and by the handes of Pope Fælix, and in the fourth Indiction: whereof not one sillable is true; for Athanasius was created Bishop not at Rome, but at Alexandria twentie yeares before Fælix, as the holy Councell^a at Alexandria, wherein were diuers Bishops that were present when Athanasius was consecrated, doth testifie: Besides, there is no yeare of Fælix Popedome, which falls out in the fourth Indiction, as by the Fasti^b is euident. But that which convinceth *Marta* to haue doted, in alleadging these forged writings, and whereby, (had hee not beene blinded with error) hee might easily haue perceiued both those Epistles to bee vndoubtedly forgeries, is that which himselfe addeth, that the Decrees of Fælix, are to bee seene in the Epistle of the Councell at Sardica. For

^u Vt in eius decretis videre licet ca. 2. in Epistola Concilij sardicenis. ibid.

^x Extat apud Bin. pa. 490.

^y Nullus plane locus, vel tempus cogendæ Synodi potuerit esse, Bar. an. 357. nu. 66

^z Significamus paternitati vestræ, &c. Athan. Epist. loc. cit. pa. 492

^a Epist. Synodi Alexandrinæ apud Athan. in Apol. 2. pa. 193. & seq.

^b Indictio omnium prima fuit 7. anno Constantini. O. nuphr. in Fast. anno vrbis 1064. Bar. an.

² 12. nu. 110. ita annus ille quo Fælix fuit papa, nempe 357. (sedit eo tantum. Bar. eo 2. nu. 67.) est Indictionis 14.

Concilium
Sardicense ha-
bitum anno
Iulij Papæ 11.
& Christi 347.
Bar. eo an. nu.
1. Fœlix autē
non fuit Papa
ante an. 357.
vt ex Bar.
patet.

Mart. lib. cit.
c. 15. nu. 6. & 7.
Epistola
Marci extrat a-
pud Biniū to.
1. Conc. p. 346
Extat ibid.
pa. 345.
Nam Conc.
Tyrum habi-
tū est tempore
Siluestri. Bar.
an. 335. nu. 1.
Ex isto Con-
cilio Athanasi-
us rectā pro-
fectus est con-
stātinopolim;
inde à Con-
stantino mis-
sus in exilium
in Galliā, ibi-
que moratus
ad obitū Con-
stantini, vt li-
quet ex Apo-
logia 2. Atha-
nasi pa. 319.
& seq.
g Athan. a-
pud Bin. pa. 345.

the *Sardican* Councell was held in the time of Pope *Iulius*^b, long before *Liberius* (to whom *Fælix* succeeded) entred into the Papacie. Is not this now wittily done of *Marta*, to alledge an Epistle of Pope *Fælix* mentioned in the *Sardican* Councell, when the *Sardican* Councell by many yeares did precede the Popedome of *Fælix*? Againe, if both those forgeries were indeed true authors, yet is *Marta* his vntruth most euident, for in that Epistle of *Athanasius* there is no request made to *Fælix* (as *Marta* saith there is) for preserving the *Nicene* Canons: neither in that Epistle of *Fælix* (which is an answer to the former of *Athanasius*) is it said that any of the *Nicene* Canons were perished. So not onely the authors whom *Marta* produceth are forgeries, but that which hee citeth out of those forgeries, is also forged.

Marta further alledgeth^c for the losse of some *Nicene* Canons, an Epistle of Pope *Marcus*^d writ to *Athanasius*, and the Epistle of *Athanasius*^e also to *Marcus*. In both which it is indeed affirmed, that very many of the *Nicene* Canons are wanting. But the very same doome must be giuen of these, as of the former. All feathers of one wing, all of them base & bastardly writings. *Athanasius* was not at *Alexandria*, but in banishment at *France*^f at the time of Pope *Marcus*, where hee liued both at ease and in great honour with *Constantine* the sonne of *Constantine* the Great; and yet the forgerer makes *Athanasius* to write^g to him from *Alexandria*, and write of the heauy^h persecution which he there daily suffered. And that Epistle of *Marcus*

^b Quanta & qualia quotidie patimur audistis. ibid.

was

was written ^l on the twenty third day of October, when *Nepotinus* was Consul; whereas *Marcus* is acknowledged to have died on the seventh day ^m of October in the same Consulship. Or if it seeme nothing to *Marta*, that such an holy Pope as *Marcus* was, should rise out of his graue, to write newes about the losse of the *Nicene* Canons, yet hee might have learned of *Possesine*, of *Bellarmino*, and diuers others, that these Epistles are undoubtedly forged; *Sine dubio non sunt Athanasij & Marci*, saith *Possesine* ⁿ. These two Epistles without all doubt, were not written by *Athanasius* and Pope *Marcus*. *Constat eas esse supposititias*, saith *Bellarmino* ^o. It is certaine that these two Epistles are counterfeits. Then it is certaine also, that *Marta* strives by forgeries to maintaine this forged Donation.

But to put *Marta* out of doubt, that none of the *Nicene* Canons are lost or perished, the *African* Bishops and their whole Councell is a witnesse about all exception. For when Pope *Boniface* and *Zosimus* alleged ^p a counterfeit *Nicene* Canon, the *African* Bishops to conuince (as they did ^q most cleerely) the false dealing of those Popes, sought out with great labour and charges, the ancient and authentick copies of the *Nicene* Canons, and hauing obtained ^r them both from *Alexandria*, and from *Constantinople*, they found them for number, and sence to be the very same ^s which themselves formerly had, and which are extant in the *Tomes* ^t of the Councels, in the *African* ^u Synod, in the *Codex* ^x *canonum Romana Ecclesie*, in the *Codex* ^y *canonum Iustelli*, and in many other places. Seeing then those twentie Canons are all which the

^l Epist. Marci in fine.

^m Marcus fedit tantum 8.

mens. Hier. in Chron. an.

331. Obijſſe autem 7. die

Octob. testatur Martyrol:

Rom. & Vſuard. in illum diem.

ⁿ Posses. in Appar. verbo

Athanasius.

^o Bell. lib. de Eccles. scrip.

in Athanasio.

^p Conc. Carthag. 6. apud Bin. to. 1. pa.

616.

^q Ut liquet ex Epistola Conc.

Africani ad Celestinum.

Conc. Afric. ca. 105.

^r Epistolæ Attici, & Cyrilli. ibid. ca. 102.

& 103.

(Bin. Nor. post cap. 104.)

Conc. Afric. pa. 645.

^t Tom. 1. Conc. apud Bin. & alios sub titulo,

Canones Concilij Niceni.

^u Apud. Bin. to. 1. pa. 617.

^x Pag. 1.

^y Pag. 30.

Nicene Councell set downe; and seeing in none of them there is any one syllable touching this Charter or Donation of *Constantine*, it is cleere that *Marta* in pretending the *Nicene* Councell as a Witnesse of this Donation; belies all those 318. holy Fathers, and was foolishly guld by *Steuchus*, when he aduentured to say that the *Nicene* Councell doth testifie the truth of this Donation.

^a Apud Bin.
to. i. pa. 321.
& seq.

^a Fran. Turrian.
præfat in
Canon. Conc.
Nicen.

^b Al. Pisan.
in præfat. ad
Nicen. Conc.

apud Bin. pag.
321.

^c Mart. ca. 15.
nu. 8. 9.

^d Steuc. pa.
119. & 122.

^e Steu. ibidem.
pa. 122. Illa
quæ Imperator
suo priuilegio
edidit, redolere
mentē ipsius
Concilij, vocem
illam Constantini
esse vocem totius
Concilij, quæ
percepit, modò
apud se sit.

Besides all which, there are extant ^z eightie Canons, bearing the name of the *Nicene* Councell, together with the Acts of that Councell, translated out of *Arabicke*, and commended both by *Turrian*^a, by *Alphonsus Pisanus*^b, and by *Marta*^c himselfe, that he needed not to complaine of the want of *Nicene* Canons. And yet in no part of all those Acts, in none of all those eightie Canons, is there any mention or memorie of this Charter, or of this Donation. Seeing then neither the 20. true, nor yet the 80. pretended *Nicene* Canons, will helpe *Marta* in his plea for this Donation, it is too apparent, that *Marta* & *Steuchus*, without any shame strue to vphold this forged Charter by belying that ancient and most holy Councell as being a witnesse thereof.

Nay the insolencie, and impudency of *Steuchus*, (the blind guide^d of *Marta*) is most intollerable. He shames not to say, that if one be in his wits, hee must confesse the voyce^e of *Constantine* in this Edict, to be the voyce of the whole *Nicene* Councell; that this priuiledge, *natum est à Concilio Niceno*, had his birth from the *Nicene* Councell; adding in a vaunting, or rather a franticke manner: *Is there any Parthian or Turke, or enemy to Christianitie, so blinde and impious,*
that

that doth not see the *Nicene Councell*, complecti *Donationem*, to containe this Donation, & totum illud editum fluere ab illo Concilio, and that this whole Edict doth flow from the *Nicene Councell*? and this hee saith, is *irrefragabile testimonium*, an vnanswerable testimonie for the truth and antiquitie of this Charter. If *Steuchus* could haue forborne raving, hee might haue knowne that other manner of men then *Parthians*, or *Turkes*, and enemies to Christ, could not see this Edict to flow from the *Nicene Councell*. Nay to haue seene, that it could not possibly flow from thence. For the Author of the Acts of *Silvester*, (one much esteemed & magnified by *Steuchus*) saw that this Charter was made the fourth day^f after *Constantine* was baptized: Pope *Nicholas* the third saw the same, when he said g, and that in a decretall Epistle, that *Constantine* on the fourth day after his baptism, with all his Nobles, and all the Senate, and all the people did grant, per pragmaticam sanctionem, by a pragmaticall sanction, the Monarchy of Rome to *Silvester*, and his successours. So either the Pope was more blinde and impious then any *Turke*, or else *Steuchus* himselfe was besotted and blinded with folly, who thought hee saw this Edict springing out, and flowing from the *Nicene Councell*, which the holy Pope saw to be made and deliuered into *Silvesters* hands, an whole yeare^h before the *Nicene Councell*. So this is indeed an *irrefragable argument*, but not of the veritie of *Constantines* Charter, but of the vanitie of *Steuchus*, and of his most childish folly.

f Acta Siluest.
apud Bar. an.
324. nu. 60.
g Tit. de elect.
& electi po-
test. ca. Funda-
menta. in
Sexto.

h Nam Con-
stantinus bap-
tizatum po-
nunt an. 324.
idque ante 30.
diem Maij,
nam tum fini-
tum erat Conc.
Romanum se-
cundum Con-
cilium Nicenū
inchoatum est
24. die Iunij,
anno 325. Bin.
Not. in Conc:
Nic. S. Paulino

The

i Mart. cap.
cit. nu. 19.

k Steuch. lib.
cit. pa. 94. &
95.

l Not. in cap.
Constantinus.
m Ant. August.
li. 1. de Emen-
dat. Gratian.
dial. 6. pa. 53.

n Bar. ann.
1191. nu. 52.

o Possen. in
Euseb. Casari-
ensi.

p Couar. lib. 4
Variar. Resol.
cap. 16. nu. 8.

q Mart. cap:
cit. nu. 7.

The next ancient witnesse produced by *Marta*, is *Eusebius Casariensis*; of him *Marta* saith ⁱ, That in his bookes called *Enneades*, *Eusebius* writ the life of *Silvester*, relating all those things which at Rome are reported of *Silvester* and *Constantine*, of his *Leprosie*, of his *Baptisme*, of his *Font*, of his *Donation*. The like saith *Steuchus*, out of whom *Marta* borrowed it. This whole *Historie*, saith he ^k, is written by *Eusebius*, one who lived in *Constantines* time. The same *Eusebius* is alledged also by the *Gregorian Glossators* ^l, and by *Anton. Augustinus* ^m, as prouing the truth of this *Edict*.

Truly this *Eusebius* is a very fit witnesse for *Marta*, *Steuchus*, and the *Gregorian Glossators*, a most base and vile Impostor, calling himselfe by the name of *Eusebius*, not knowne to the world till 1000. yeares after *Christ*, as their owne most wise Cardinall doth tell them, who thus writeth ⁿ; After the 1000. yeare, some of the *Grecians* counterfeited those Acts, and published them, sub *Eusebij nomine*, vnder the name of *Eusebius*. Of the same Impostor *Possene* saith ^o, The Author of those Acts, is falso ascriptus *Eusebio*, falsely ascribed to *Eusebius Casariensis*. There are many tokens, saith *Couarruias* ^p, by which I doe easily beleue and constantly affirme, that *Eusebius Casariensis* writ not those Acts of *Sylvester*. Yea *Marta* himselfe was conscious, that this author was not the true & ancient *Eusebius*. For had *Eusebius* writ this, why doth *Marta* say ^q, That *Historians* omitted the mention of this *Edict*, and durst not for feare of the Emperours, mention the same in their bookes? Besides all this, the true *Eusebius* doth vndeniably conuince that Authour to be

be a lying forgerer. For the true *Eusebius* doth expressly, and for a certaintie affirme, that *Constantine* was not baptized either at *Rome*, or by *Silvester*, but at *Nicomedia* p, by *Eusebius* Bishop of *Nicomedia*, and that but a little before his death, which was when both *Silvester*, and his next successour q were dead. It was needfull, but very shamefull for *Marta*, *Steuchus*, and the *Gregorian Glossators*, to support the forged Donation by a forged *Eusebius*, known also by *Marta* himselfe to be such.

The next witnesse alledged by *Marta*, is r Saint *Ierome* in his *Commentarie*, in *Psal.* 138. and in his *Epistle to Eustochium*, which begins, *Sapissimo rogatu*. I am of a strong opinion, that *Marta* in writing this defence of *Constantines* Charter, had vowed to maintaine that one forgerie, by diuers other forgeries and lies. Saint *Ierome* vpon that *Psalm*, neither names *Constantine* nor *Silvester*, nor the Donation, nor the Charter of *Constantine*. That citation must passe for an euident vntruth of *Marta*, and a belying of Saint *Hierome*. The *Epistle to Eustochium* is a meere forgerie ascribed to Saint *Hierome*; whereof there are most euident proofes. In it Saint *Hierome* is made to say s, That *Constantine* was baptized by *Silvester*, whereas the true Saint *Hierome* so plainly deliuers the contrarie, namely that *Constantine* t was baptized by *Eusebius* of *Nicomedia*, and that a very little before his death; that *Martas* Master, *Aug. Steuchus*, for this very cause, with great scorne and indignation reiects Saint *Hierome*, saying u, *I care not what Saint Hierome writes*. In that counterfeit *Hierome* *Constantine* saith of himselfe, that till he was

D d

baptized

p *Euseb. lib. 4. de vita Constant. ca. 62.*

q Nam *Marcus* obiit 7. Octob. ann. 336. Bar. co, anno nu. 61. *Constantinus* obiit 21. die Iunij, ann. sequenti. Bar. an. 337. nu. 41

r *Mar. cap. cit. nu. 23.*

s Per *Sylvestrum* patrem baptizatus est *Constantinus*. Hier. loc. cit. t Hier. in Chron. ad an. 31. *Constantini* u Nihil morabor quid *Hieronimus* scripserit. *Steuch. lib. cit. pa. 156.*

* Hier. in
Chron.

34. Nonas Sep-
tembris, Dio
Cass. lib. 51.

* Tum (mor-
tuo Augusto)
immortali-
tatem ei tri-
buerunt. Dio.
lib. 56. in fine.

* Suet. in
Augusto. 100.

* Temporibus
Ioh. Chry-
sostomi prædictæ catenæ erant repertæ.

baptized hee worshipped the Heather gods, and obser-
ued their Heathenish festiuities. A most false and
slandrous imputation laid to Constantine, whereof
the true Saint Hierome cleares him, saying of the
twentie sixt yeare of Constantine, (sixe yeares be-
fore he was baptizd, by Saint Hieromes testimo-
nie) *Edicto * Constantini Gentilium templa eversa sunt,*
the Temples of the Gentiles were pulled downe
by the Edict of Constantine. In that forged Hierome;
it is said, that Augustus Cesar after the ouerthrow
of Antonius at Actium, returned with tryumph to
Rome on the first day of August; and then was recko-
ned among the Gods, and the name of the moneth which
before was Sextilis changed to August; and that the
solemnitie of that first day of August, in memorie of
that victorie, was obserued till Constantine was bap-
tizd, and then Constantine changed it to the honour
of Saint Peter ad Vincula. Not one word of all
which hath any colour of truth. For by the true
and most exact account of Dio Cassius, and others,
Augustus obtained the victorie at Actium, not
on the first of August, but on the second y day of
September; nor was Augustus reterred into the num-
ber of the Gods till he was dead, as both Dio ² and
Suetonius ^a declare. Nor did Constantine ordaine
the solemnitie of the first of August, in honour
of those bands of Saint Peter, which is the maine
point that the forged Saint Hierom aymes at. For
those two fetters of Saint Peter, which gaue occa-
sion to that festiuall celebratie, were not found till
the time ^b of Chrysostome, nor brought to Constanti-

Bar. Notis in Martyr. Rom. August. 1.

nople

nople or Rome, till the time of Theodosius the younger, and Eudocia ^c his wife, more then ^d an hundred yeares after Constantines death, and more then eigh-
teene after the death of Hierome. At that time one of those two bands wherewith Peter was chained by Herod, being stayed ^e by Eudocia at Constantinople, the other was sent to Rome, to her daughter Eudoxia, who in honour of those bands, erected a Church at Rome, called Saint Peters ad vincula, at the dedication of which, vpon the first day ^f of August, the chaine of Peter, which came from Hierusalem, was laid in it, and with that another chaine also of Saint Peter, wherewith he was bound at Rome by Nero: those two being (as they ^g report) miraculously and inseparably linked together, vpon this occasion, so long after the death of Constantine, there was instituted a yearely celebratie to bee obserued on the first of August, in remembrance of those bands of Saint Peter, as Sigebert ^h, and after him Baronius doth at large declare.

If these be not sufficient demonstrations of the forgerie of Martaes Hierome, let him consider what Erasmus his censure is, of that verie Epistle which Marta alledgeth ⁱ, *Planè sapit impostorem*, it plainly sauoureth of forgerie, and in his Preface ^k, he calls those Epistles *Pseudepigrapha*, Bookes falscly ascribed vnto Saint Hierome,

secratae, in earumque nomen, dicta basilica dedicata. Bar. ibid. nu. 7. ^g Ambas has catenas, simul collatas, sibi inuicem diuino miraculo copulatas, vt ex duabus vna efficeretur, tradunt. ibid. ^h Sigeb. an. 438. ⁱ Eras. annot. ante Epistolam illam ad Eustochium. tom. 4. pa. 202. ^k Præf. ante tom. 4. Hier.

^c Harum (catenarum) altera Constantinopolim est delata, ab Eudocia Augusta; altera ab eadē Romam missa ad Eudoxiam eius filiam. Bar. ibid. & ann. 439. nu. 4.

^d Nam Constantinus obiit an. Chr. 337. Eudocia autem Hierosolimis (vbi vincula accepit) redijt, anno Chr. 439. Hieronimus autem obiit. anno Chr. 422. vt ex Prosp. in Chron. liquet.

^e Bar. an. 439. nu. 4.

^f Quarum memorix Kalendæ Augusti fuere à Rom. Pontifice con-

^m Bar. not in
Mart. Rom.
Aug. 1.

ⁿ Bell lib. de
scrip. eccles. in
Hieron.

^o Poss. u. Ap-
par. in Hier.
p. 752.

^p Mart. ca. cit.
nu. 26.

^q Eadem do-
nationis for-
ma scripta est
in libro Pon-
tificali Dama-
si Papæ. ibid.
nu. 20.

^r Not. in Cap.
Constantinus.
lib. 96.

adding that *some of them* (& this is one of the worst)
Nec umbram ullam Hieronimiani pectoris referunt:
haue not so much as any shadow of *Ieromes* lear-
ning. Let him consider what *Baronius* writeth of
the same Epistle. There is, saith hee ^m, an Apocryphall
writing going vnder the name of *St. Ierome* vnto *Eusto-*
chium, concerning the bands of *St. Peter*, wherein the
lying author saith, that the celebritie for those bandes
was instituted by *Siluester* and *Constantine*, *que scrip-*
tio ob omnibus improbatur, which writing is reiected
of all men: Or what *Card. Bellarmine* saith of the
same Epistles, Of ⁿ a truth there is nothing in these
Epistles (set in the fourth Tome by *Erasmus*, a-
mong which this to *Eustochium* is one) which is
worthy either of credit, or of *St. Ieromes* learning.
For which cause *Possennine* ^o reckons this, with other
treatises, among those which are falsly ascribed to *St.*
Ierome. So foolish was *Marta* in citing this Epi-
stle, that hee bewrayes to all, his purpose to haue
beene plainly this, by false, fabulous, and forged
writings, to vphold that false, fabulous, and forged
Donation.

Their next witnesse is Pope *Damasus*: Hee,
saith *Marta* ^p, beares witnesse to this Donation,
yea expresseth the very forme ^q of it in his Pontifi-
call. The Gregorian Glossators intend the same,
when they say ^r, that this Edict is found, in antiquis-
simis Pontificalibus, in their most ancient Pontifi-
calls, or writings of their Popes liues. Of
which kinde there is none so ancient as *Dama-*
sus: *Steuchus* speaks more plainly. *Damasus*,
saith

saith hee^f, writ the lines of the Popes, and when hee comes to Silvester, hee there writes of the baptisme of Constantine, *Totumque edictum donationis explicuit*, and hee there explaineth the whole Edict or Charter of Constantines Donation. Truly these men as they began with vntruths, so without all shame they proceed therein. Doth Pope Damasus beare witnesse to this Charter? Doth hee expresse and explicate the whole Edict? Let any man but looke vpon that life of Silvester, which falsely beares the title^t of Damasus, and hee will admire the impudency of these men. There is not one word spoken of this Edict, nor of this Donation. Further, there is another, and that a large Tract adioyned to the life of Silvester, and which is also (though falsely) fathered vpon Damasus, intituled, of the Magnificence^u of Constantine. Heere, if any where, either in the true or counterfaite Damasus, it was most likely that this Edict should haue been explained, at least mentioned. But to see the vile dealing of these men, and their downe-facing the truth, there is not in this Tract neither, which is a large enumeration of the Magnificent gifts of Constantine, any mention or signification of this Edict, or Donation of the citie of Rome, of Italy, and the Westerne Prouinces. If this be not enough let them heare their owne Carerius, who tells^x them in plaine termes, that in Damasus there is no mention of this Edict. The like doth Card. Cusanus, This is not, saith he^y, found in the lines of Popes written by Damasus. And againe, it is not found in the historie of Silvester, which Damasus made. Let them heare their most wise Cardinall, who

^f Steuch. lib.
cit. pa. 149.

^t Vita Silue-
stri, ex libro
Pontificali
Damasii Papæ.

^u Ad finem li-
belli de Muni-
ficentia Con-
stantini, sic
additur. Hæc
Damasus. Cæ-
terum neque
illius libelli,
neque vitarum
Pontificum,
Damasus au-
thor est, ait
Bellar. lib. de
ecc. Scriptis.

^x Alex. Carer.
loc. cit.

^y Cusan. lib. 3.
de Conc. cath.
ca. 2.

2 Bar. an. 1191
nu. 53.

Speaking of the ancient Popes, such as *Leo* the first, *Felix*, and others before them, saith ², *caruerunt hoc Edicto*, they had not this Edict. By all which it is certaine that Pope *Damasus* is not, as *Marta* and *Steuchus* boast, a witnesse of this Donation, but hee is an vndoubted witnesse of their perfidious dealing and falsification.

4 Mirabilis
hominis im-
pudentia, qui
neget in histo-
ria siue gestis
Siluestri quo-
rum meminit
Gelasius, ha-
beri donatio-
nem, seu priui-
legium. Aug.
Steuch. lib. cit.
pa. 44.
6 In registris
& Actis silue-
stri quæ sunt
in Vaticano,
Donatio fuit
annotata. Mar.
loc. cit. nu. 8.

Next to Pope *Damasus* follow the Actes of *Silvester*, euen those which are mentioned by *Gelasius*, as *Steuchus* ^a and *Marta* ^b assure vs, as also that this Donation is set downe therein. Now because these Actes are indeed the best, fairest, and most ancient euidence that is or can bee brought for this Donation; and because they are the maine foundation, not onely of this Edict, but of those other fables touching the persecution, leprosie, and baptisme of *Constantine* by *Silvester*; and because so many Writers in all ages since Pope *Hadrians* time, being either too credulous in beleeuing, or else too crasie in seeming to giue credit to those Actes, haue beene most shamefully gulled, and miserably misled into many errours and vntruthes by those Actes; I may not let this one witnesse of all other passe without a strict and diligent examination in this place. And although that which I haue formerly said touching the persecution, leprosie and baptisme of *Constantine*, (of all which the Author of those Actes was the deuter) bee so many demonstrations that the author of them was a most impudent fabler; yet omitting all those, there are other euidences by which at this time I will make manifest the same.

Among

Among all, I will principally insist on that one passage therein, which concernes the first Roman Synod vnder *Silvester*. This Synod, as those Actes^c declare, *Constantine being converted to the faith, called of purpose, that his mother Helena might also be converted.* For the better effecting whereof, Pope *Silvester* before *Constantine* and *Helena*, disputed in that Councell with the Iewes, so stoutly defending the Christian faith, that the Iewes^d were both by reasons confuted, and by miracles confounded at that time.

This part of the Actes I the rather make choise of to examine, because Pope *Hadrian*^e hauing by his Pontificall authoritie confirmed that narration, euen in his Epistle to the Emperour *Charles* the Great, and *Baronius*^f, and *Binius*^g, hauing set it forth as an ancient, and holy Councell; it will heereby appeare, not onely how false and fabulous the author of these Actes is, but how their Popes, and their Proctors take a pride in pestrering the Church with such chimericall Councells, and fabulous writings, as haue neither truth, nor any realitie in them at all.

Let vs first examine the time of this Councell. That is set downe in the Actes^h of *Silvester* to haue beene, when *Constantine* was the first time Consull, and *Crispus* his Colleague: And that was in truth neuer. For there was no yeare, wherein they two were Consulls, as by the Fasti, both Greeke, and Latine is euident. *Baronius* heere takes vpon him to play the Criticke, and tellsⁱ vs that *Constantines* name is inser-

^c Acta Siluestri apud Bar. an. 315. nu. 11. & apud Hadrian. 1. Epist. 3. ca. 53. & apud Antoninū par. 2. hist. ca. 1.

^d silvester cū Episcopis tam per sacram scripturam quā per miracula victores effecti sunt Had. loc. citat. Idem habet Antonia.

^e Loc. cit.

^f Facta est Synodus in vrbe Roma, &c. Bar. an. 315. nu. 10. Concilium facere consenserunt ex Hadriano ait Bar. ibid. nu. 17.

^g Concilium Romanum 1. sub Siluestro. & hoc Concilio Romæ ha-

bita est disputatio, &c. Bin. to. 1. Conc. pa. 279. ^h Apud Bar. an. 324. nu. 97. ⁱ Errore librariorum contingere potuit, vt loco Licinij, Constantini nomen sit positū. Bar. ibid.

ted.

k Bar. an. 315.
nu. 10.

l Constanti-
no & Licinio
4. Consulatum
agentibus, qui
est Christi
315. & Silue-
stri 2. & Con-
stantini 10.
hunc conven-
tum celebratū
fuisse Acta
Silvestri, &
lex 1. de Iu-
dæis, Cod.
Theod. testā-
tur. Bin. not. in
Conc. Rom. 1.
§. Sub,

ted in stead of *Licinius*; and so this Councell, and the disputation therein, should happen in the Consulship of *Licinius* the fitt time, and *Crispus*, which is the thirteenth yeare of *Constantine*. But so vnhappy is the Cardinall in this his Criticisme, that himselfe expressly refutes the same. For speaking of the tenth yeare of *Constantine*, wherein *Constantinus Augustus*, and with him *Licinius* were both of them Consulls the fourth time; he saith^k, *Hoc ipso anno, in this very tenth yeare of Constantine, and in this Consulship was held that famous disputation at Rome, betwixt Pope Silvester and the Jewes. And this hee saith, is testified by the Exordium of the Actes of Silvester set downe in the Vaticane Copies, and in two other ancient Manuscripts, the one of St. Mary the greater, the other of his owne Library. Binius further addes^l, that not onely the Actes of Silvester, but (which is a most shamelesse vntuith) the very Imperiall law made in that tenth yeare against the Jewes doth testifie the same. So infatuated was the Cardinall in this cause, that what hee writes in one yeare, not onely Binius, but himselfe also confutes in another.*

But let vs see, if this his second correction, approved by *Binius*, and confirmed by so many ancient copies, and by the Imperiall law, will saue the credit of these Actes of *Silvester*. Truly this note of time doth vndeniably demonstrate those Actes to be altogether false and fabulous. For it hence cleerely followeth, that *Constantine* was not onely converted to the Christian faith, but sought also to conuert others in the tenth yeare of his Empire. Now the Actes of *Silvester*, and Pope *Hadrian*, confirming them

as authenticallⁿ, tells vs, that ^o Constantine was not conuerted till hee fell into his leprosie, and untill Peter and Paul appeared to him in a dreame, at which time he was so wholly ignorant of Christianity, that hee knew not whether Peter and Paul were gods or no. Constantine fell not into his leprosie as Binius assures vs, till hee had murdered his sonne Crispus: and that was in the nineteenth^a yeare of Constantine. Seeing then Constantine by the Acts of Silvester, was conuerted to the faith, and become an earnest maintainer of Christianitie, one who assembled a Romane Councell of purpose for maintaining the same, in his tenth yeare, when hee and Licinius were the fourth time Consulls, it certainly followeth, that all, which those Vaticane Actes of Silvester, approoued by Pope Hadrian, report of Constantines persecuting the Church, of his leprosie, of his baptism by Silvester, that all these are false and fabulous lies, yea and that the very selfe same Actes of Silvester (wherein they were first of all deuised and forged) doe vndeniably conuince them to be such.

After the time, let vs consider the occasion of this Romane Councell, and that famous disputation of Pope Silvester therein. Helena^r being in the East with two of her nephewes or grand-children, Constantine, and Constantius, being then Emperours, she as yet being a Gentile^f, was almost turned to Iudaisme, and hearing that her sonne Constantine was conuerted to Christianitie, and baptized, ^r shee was offended

Iudæa effecta, ibid. ^r Hæc vbi Helena in Bithinia consistens audiuit, Iac. Vorag. in Legen. Siluestri. & idē Nicephorus tradit. lib. 7. ca. 36. & Antonin. part. 2. hist. c. 1.

Ec

there-

ⁿ Acta Siluestri ob Hadrianum velut authentica citata fuerunt. Bin.

Not. in Conc.

Rom. 1. §.

Concilium.

^o Cū ad fidem

conuerteretur

pius Imp.

Constantinus,

Had. Epist. i.

^p Bin. Not. in

vitam Silu. §.

Silvester.

^q Vt liquet ex

Bar. an. 324.

nu. i. vbi ait

Hic plane ānus

demonstratur

esse, quo di-

cuntur esse ne-

cati, & Binius

ait Crispū oc-

cisum, an 324.

Not. in Conc.

Rom. 2. §. Cō-

stantino.

^r Acta Silu. a-

pud Bar. an.

315. nu. 11:

^f Helena gen-

tilis adhuc, à

Iudæis pene

y Co n m o r a in
 filium, in f e n s o
 animo ad eum
 scripsit. A c t.
 silu. apud Bar.
 loc. cit. d u r e
 increpat. Vo-
 rag. & Anton.
 locis cit.
 z Multa blas-
 phemans in
 Christum, A c t.
 silu. loc. cit.
 a I p s u m ad Iu-
 d e o r u m religio-
 n e m p l e c t e n-
 d u m i n u i t a t.
 A c t a silu. apud
 Baron. & An-
 tonin u m loc. cit.
 b Ibid.
 c Vorag. &
 Anton. loc. cit.
 d Qui coram
 ip s o r u m patro-
 n a Helena dis-
 s e r e r e t. A c t. sil.
 apud Bar. loc.
 cit.
 e Nicep. loc.
 cit.
 f Hadr. Epist.
 l. ca. 53.
 g Victores ef-
 f e c t i s u n t a r b i-
 t r i o Cratonis
 philosophi, &
 Zenophili,
 quos ad id ele-
 gerant. Bin. ex
 A c t. silu. in
 Not. ad Conc. Rom. 1. De communi consensu duos Iudices gentiles statuerunt. Antio.
 loc. cit. h Helena nond u m instituta, erudiri se & baptizari flagitat. Zonar. to. 3. psal. 83.
 Helena patrie religionis cultu relicto, ad siluestri procidit pedes, ab eod e q u e, fidei
 mysteria edocta. Nicep. loc. cit. T u c regina, Iudaei, Iudices, & c a t e r i o m n e s c o n u e r s i s u n t
 ad fide m. Iac. Vor. & Antonin. locis. cit. i Bar. an. 315. nu. 10. k Bin. not. in hoc. Conc.

therewith, and thereupon I writ very angrily vnto
 him, uttering in her letter many blasphemies ^z against
 Christ; perswading ^a Constantine to embrace the
 Iewish religion. Constantine thereupon writ backe to
 his mother, and told her that hee would haue a publike
^b disputation at Rome, Vt vtranam religio prestan-
 tior foret, disputatione probaretur, To try whether
 the Christian or Iewish religion were truer, wil-
 ling ^c her to bring the best learned of the Iewes to
 plead for their part. whereupon there ^d came 120.
^e learned Iewes, sent from Isach the high Priest, with
 Helena their Patrone, and disputed against 24. Romane
 Bishops: In that disputation, Pope Siluester ouercame
^f the Iewes, by the iudgement of those two heathen-
 men Crato ^g and Zenophilus, who were by the com-
 mon consent of both sides made iudges of that disputa-
 tion, whereupon Helena (with many others) prostra-
 ting ^h her selfe at Siluesters feet, was at that time con-
 uerted and baptized. This is the summe and effect
 of that Romane Councell, as it is set downe in the
 Actes of Siluester, and of those who tooke it from
 those Actes, namely Pope Hadrian, Zonaras, as Ni-
 cephorus, Cedrenus, Antoninus, the Arch-bishop of
 Genoa, Baronius and Binius. In which legendarie fa-
 ble, there are not so many words as lies.

1. That this Romane Councell followed the bap-
 tisme of Constantine, is palpably vnttrue. For
 as Baronius ⁱ and Binius ^k haue assured vs, it was
 held in the tenth yeare of Constantine, whereas by

their

their owne account *Constantine* was not baptized till the nineteenth, but by the true account, not till the one and thirtieth, or last yeare of his Empire. Now that those *Actes of Silvester* doe put this Councell after the baptisme of *Constantine*, *Baronius* doth testifie, who for this verie cause saith ^l, *Præter ordinem temporis ea hic inserta*, ^{l Bar. an. 324. nu. 97.} These things touching the first Romane Councell, are heere inserted in the *Actes of Silvester*, but against the order of time. For that Councell, saith hee ^m, *was held in the tenth yeare of Constantine*, that is, nine yeares before hee was baptized. ^{m Bar. an. 315. nu. 10.}

2. Those Vaticane *Actes* affirme, the two sonnes of *Constantine*, namely *Constantinus* and *Constans* to haue beene *Augusti*, that is, Emperours, before the tenth yeare of *Constantine*, when this Councell is supposed to haue beene helde. An vntruth so notorious that *Baronius* ⁿ calls it, *deforme mendacium*, an vgly lye. ^{n Ibid. nu. 13.}

3. That *Helena* heard of *Constantines* baptisme (as by those *Actes* shee must, seeing hee was baptized shortly after his conuersion) and as *Nicephorus* ^o, *Antoninus*, and the Arch-bishop of *Genoa* say shee did, is an euident vntruth. *Constantine*, as we haue formerly prooued, was not baptized till his last yeare, and a little before his death; and *Helena* died diuers yeares before that time, as both *Eusebius* ^p, and *Socrates* ^q shew, and *Baronius* ^r confesseth. ^{p Euf. lib. 3. de vit. Conc. c. 45. q Soc. lib. 1. ca. 13. vbi morte Helenæ declarata, subiicit. ca. 14. postea Imperator, &c. r Bar. ponit Helenæ obitū an. 326 (eo. an. nu. 59.) id est 5. annis ante obitum Constantini.}

4. Those Vaticane *Acts* affirme, that *Constantine* was conuerted to *Christianitie* before his mother

E. c. 2

Helena,

Helena, and that shee was a Pagane, a Iudaizing Pagane, not conuerted to the faith till the time of this Councell, when her sonne was a maintainer of the faith. Of which, heare the censure of their owne men. It is vnttrue, saith *Binius*^x, that Constantine was a Christian before Helena. This is perspicuously demonstrated, saith *Baronius*^y, to bee contrary to the truth, that Helena was made a Christian after Constantine, & he giues a reason out of *Paulinus* worthy observing, that Helena did instruct and traine up Constantine in pietie, euen à puero, from his very child-hood: whereby you may further see what truth there is in those Actes of *Siluester*, in the Edict of the Donation, and in Pope *Hadrian* who approoued^z those Actes as authentickall, seeing those Acts^a and the Edict^b make Constantine so ignorant of Christianitie in the nineteenth yeare of his Empire, when hee was more then fortie yeare^c old, that hee then knew not whether Peter and Paul were gods, and whether Christians held them for gods or no.

^x *Bin. not. in Cons. Rom. 1. 5. Concilium.*

^y *Bar. an. 315. nu. 12.*

^z *Bin. loc. nu. per cit.*

^a *Act. Silu. apud Hadrianū Epist. 1.*

^b *Edict. Cōst. apud B. n. pa. 296. b.*

^c *Vixit annos 65. regnavit 31. Socr. lib. 1. ca. 25.*

^d *Mendacijs scatent Acta. Nam, & c. Bin. not. in id cōc.*

^e *Act. Silu. supra cit.*

Now because all the rest of the narration, as well the Romane Councell, as the disputation therein, and all the consequents thereof, doe all depend on this vnttruth, that Helena was at that time a Pagane, inclining to Iudaisme, & vnconuerted, seeing this which is the foundation is a lie, (so *Binius*^d calls it) all the rest must needs bee acknowledged for fables and lies. I will onely point at some of them.

5. It is vnttrue that Helena was displeased with Constantine for imbracing the faith, as the Vaticane Actes of *Syluester*, say^e she was. 6. That she writ vnto him

him in angry manner for that cause, as the Vaticane Acts, Antoninus, and the lying Legend say ^f shee did. 7. That she uttered many blasphemies against Christ in her letter, as the Vaticane Acts say she did. 8. That she perswaded Constantine to embrace Iudaisme, as the same Vaticane Acts affirme shee did. 9. That Constantine for this end, decreed ^g to hold a Councell, and haue a disputation at Rome, as those Acts, Zonaras ^h and Antoninus ⁱ say he did. 10. That Issachar, or Isaac, was high Priest at this time, as the same Acts ^{*} say he was; It is exploratissimum, saith Baronius ^k, most certaine that there were no high Priests among the Iewes at this time, nor since the sacking of Ierusalem by Titus. 11. That Helena brought either 120. as Nicephorus ^l, or 140. learned Iewes, as Antoninus, & the Archbishop ^m say shee did, to dispute at Rome. 12. That there was twenty foure Romane Bishops to dispute on Syluesters side, as Nicephorus ⁿ saith there was. 13. That there was a Councell celebrated at Rome, or any assembly of those disputers, as the Vaticane Acts ^o, Pope Hadrian ^p, Nicephorus ^q, and after them Binius ^r affirme there was. 14. That there was had in that Councell, celeberrima disputatio, as Baronius ^s and Binius ^t call it, a most famous disputation, is a most famous lye; though Pope Hadrian ^u approue it for an authenticke ^x truth. 15. That Crato, and Zenophilus were Iudges of that disputation, as out of the Acts of Syluester Binius ^y obserueth; and Antoninus with the Legendarian Arch-bishop ^z sets downe the very words, arguments, and answers used in that disputation. Fit Iudges I wisse, heathen men to iudge of Christianitie; and iudge, whether it or

^f Supra.^g Constantinus statuit conuentum, &c.^h Act. siluest.ⁱ supra.^k Zona. tom.^l Is decreuit, &c.^m Anton. loc.ⁿ cit.^{*} Act. silu. sup.^k Bar. an. 315 nu. 13.^l Nic. supra.^m Iac. Vorag.ⁿ in Leg. silu.^o Ibid.^p Act. Sil. sup.^q In quo Con-^r cilio. Had. loc.^s cit.^t In conuentu

& colloquio.

^u Nic. loc. cit.^v Binius vocat

Concilium

Romanum ¹:

sub Siluestro.

^f Bar. an. 315.

nu. 10. celebris

disputatio.

^t Bin. loc. cit.^u Had. loc. cit.^x Hadrianus

acta siluestri

velut authenti-

ca citauit, Bin.

loc. cit.

^y Bin. loc. cit.^z Antonin. &

Iac. Vor. loc.

cit.

Judaisme were the true Religion; and iudge also of the infallible iudges doctrine, whether it were truth or heresie. 16. That *Siluester* was president in this Councell, as Pope *Hadrian* saith ^a he was. 17. That *Siluester* overcame the *Iewes*, not onely by reason, but by miracles also, as the same Pope *Hadrian* ^b, *Zonaras*, *Nicephorus*, *Antoninus*, and the Archbishop of *Genoa* affirme. 18. That *Zambres* the *Iewish* Magitian, wrought a miracle to confirme *Judaisme*; and that was, to kill a most fierce Bull drawne thither by an 100. men, onely by whispering a word in the Bulls eare, as *Zonaras* ^c, *Antoninus*, and the Archbishop say he did. 19. That when *Zambres* could not restore the dead Bull to life, *Siluester* did it by a word, saying, Surge taure, rise up dead Bull, and stand on thy feete, as *Zonaras*, *Nicephorus*, *Glicas*, *Antoninus*, and the Archbishop of *Genoa* affirm ^d he did; adding, that the dead Bull presently rose up and went forth, cum omni mansuetudine, verie genily and mannerly. 20. That there was a Dragon ^e then at *Rome* in a caue, which was 365. steps deepe, which killed euery day 300. ^f men and more, with his breath, as *Glicas*, *Cedrenus*, *Antoninus*, the Archbishop, the *Actes* of *Siluester*, and *Mart. Polonus* doe affirme. 21. That the vestall virgins brought victuals to this Dragon the first day of euery moneth, as the *Vaticane Actes* ^g say they did; but *Baronius* addes, in nulla parte consistit, this is in no sort coherent. 22. That *Siluester* after the disputation, further to confirme the truth of *Christianitie*, and confound the *Iewes*, went downe into the caue, and there bound the Dragons mouth with a thred, and sealing up the brazen gates wherin the Draconi a vestalibus virginibus suppeditari solita alimenta. Bar. ann. 324. nu. 98.

Dragon

^a Had. loc. cit.^b Had. Zonar. Nic. & Iac. Vor. locis cit.^c Zon. Anton. & Iac. Vor. loc. cit.^d Loc. cit. ^e Ead. Acta Siluestri habent de Dracone in specu morante & homines encante. Bar. ann.324. nu. 97. ^f Cedr. Glic.

ann. part. 4. pa. 345.

^g Multos laedebat. Cedr. & Glic. loc. cit.

Anton. & Iac. Vorag. loc. cit.

Quotidie dra-

co 6000. ho-

minu flatu suo interficiebat.

Mart. Polon.

ad an. 314.

^g Dicitur (in actis siluestri) Kalendis singulis eidem

Dragon was, with the signe of the Crosse, commanded the Dragon to stay there till the comming of Christ, as Antoninus^h, the Archbishop of Genoa, Mart. Polonusⁱ, and the Acts of^k Silvester affirme he did: which for this very cause are reprov'd by Baronius in this manner: Nothing^l is more fabulous, then that which is affirmed in the Acts of Silvester, that the Dragon should remaine immortall till the comming of Christ. Thus Baronius, who yet saith^m, *rem gestam veram credimus*, We believe (they had need of a very strong faith) that this thing touching the Dragon was truly done; and the pictureⁿ of Silvester set up in Churches with a Dragon bound at his feet, is a Tropheur Monument of that victorie of Silvester; and *veritatem Historiae representat*, represents the truth of the Historie: he might better haue said, it represents the fiction, and the notable lie of that fable. 23. That Helena^o, the two Iudges, & ceteri omnes, and all the rest of the Iewes were then (vpon those miracles of the Bull, and the Dragon) converted to the faith of Christ, as Niceph Zonaras, Mart. Polonus, Antoninus, and the Archb. of Genoa say; and Christianitie was by these miracles enlarged, as saith P Adrian. 24. That the Empreffe Helena being not before instructed in Christian Religion, was now first^q informed therein, and then baptized, as Zonaras, and Nicephorus say. By all these, (besides a number moe) which are so many latches depending on that grand lye, that Helena was not converted to the faith before Constantine, or before the 10. yeare of his Empire, it doth now clearly appeare, that the first Roman Councell vnder Sylvester, is a meere fiction, *fidem, tam per scripturam, quam per miracula. Hadr. loc. cit.* q Zon. & Nic. loc. cit. and

^h Antonin. & Iac. Vor. loc. cit.

ⁱ Draconem ancis portis conclusit & vsque ad diem iudicij seris ob firmavit. Mar. Pol. ad an. 314.

^k Ex Actis Silvestri citat: hoc Bar. ann. 324. ru. 97.

^l Nihil fabulosius effingi posse certum est, &c. Bar. ib. nu. 98.

^m Bar. ibid. nu. 97.

ⁿ Ibid. nu. 102

^o Helenam tū primum conuersā fuisse ait Nice. loc. cit. & Zona. to. 3. fo. 83. Mart. Pol. loc. cit. Tunc Regina, Iudæi, Iudices & ceteri omnes ad fidem conuersi sunt, Anton. & Iac. Vor. loc. cit.

^p Dilutantes christianorum q Zon. & Nic. loc. cit.

and Chymera, and that those Acts of Syluester, which they so often^r, and with so great ostentation urge in many causes, are nothing else but a verie puddle and sinke of lies. Besides these, there are other false and fabulous narrations in those Acts of Syluester, as that Syluester^f abrogated the fast on Saturday, of which Binius saith, it is a lie; that Syluester was ordained by Melchiades, of which Binius againe saith, it is a lye; that he instituted, that the first day in the weeke should be called the Lords day: of which Baronius saith^t, it is *partentofum mendacium*, a monstrous lie, and many such like: for those Acts of Syluester scatent^u mendacys, do flow and abound with lies: but I will onely in the last place touch one other point, which much concernes the honour both of Constantine and his most religious parents.

^r Bar. an 315
nu. 10. & ann.
324. nu. 31. 33
40. 41. & saepe
alibi. Bin. Not.
in vitam Sil.
uestri. §. Silue.
ster. & §. De
suscepto, & §.
Quē. & Not.
in Conc.
Rom. 1. &
Not. in Edict.
Constan §.
Ipse. Steuch.
pa. 87. vbi ait
historiam sil-
uestri, ab vni-
uerso Niceno
Concilio 2. ap-
probatam. &
præcipuè pag.
44. Marta. ca.
20. nu. 8.
^f Hæc in Ac-
tis siluestri ha-
beri testatur
Bin. Not. in
Conc. Rom. 1.
& Baro. ann.
315. nu. 16.
^t Bar. loc. cit.
^u Vt ait Bin.
loco cit.
^x Referunt
Acta siluestri
Helenam ex
Bythinia ori-
undam fuisse,
ait Bin. Not.
in Conc. 1.
Rom. sub Silu.

^y Zosim. lib. 2. vbi ait Constantinum natum ex muliere quæ mater familias non esset, nec legitime Constantio conuenit. pa. 23. ^z Nic. lib. 7. cap. 18.

The Acts of Syluester either following or deuising a lying fable, say, that Helena^x was borne in Bythinia. The fable touched by Zosimus^y, but at large set downe by Nicephorus^z, is this: When Constantius Clorus was sent in an Ambassage to Persia, being at Drepanum a towne in Bythinia, incensed there with lust, he tooke Helena his hosts daughter for his Concubine, and of her at that time begat Constantine, & then returning home was made Cesar. A meere fiction; deuised by the maligners of Christianity of purpose to disgrace the honour of Constantine, as if he had been base of birth; and the pietie of Constantius his father, and his mother Helena, whom further in scorne and contumely they called *stabulariam*, an Inne-keeper.

That

That this whole narration is untrue, there is an evident prooffe taken from the time; seeing *Constantius* is said to haue bene made *Cæsar* when he returned either the same or the next yeare out of *Persia*. For it is certaine by *Eusebius* ^z, that *Constantius* reigned in all but sixteene yeares, the three last of which, he was *Augustus* or Emperour, and all the former but *Cæsar*. The same is cleare by the *Fasti* of *Onuphrius*, where ^a *Constantius* is said to haue bene made *Cæsar* in the Consulship of *Tiberianus* the second time and *Dio*; from whose Consulship, to the death of *Constantius*, are directly sixteene yeares. *Cuspinian* ^b giues one, *Epiphanius*, and the Greeke *Fasti* two yeares lesse ^c to the reigne of *Constantius*; but I am content to allow the most. Now if this fabulous narration of *Nicephorus* were true, *Constantine* being borne within a yeare or two of his fathers being *Cæsar*, and succeeding immediatly in the Empire vnto his father, could not possibly be aboue seventeene, at the most not aboue twentie yeares, when he began to be Emperour. Whereas it is most cleare and certain, by *Eusebius* ^d, *Socrates* ^e, and others, that he was 31. yeares old at that time.

Besides, that *Helena* was not of *Bythinia*, nor *Constantine* borne there, it is certaine and vndeniably proued by the *Panegyrist*, (*Ennienus* as it is thought) who in his *Panegyricke* made at the verie solemnitie of *Constantines* marriage with *Fausta*, in the presence of *Constantine* himselfe, and all the Nobles, said thus vnto him; Thy ^f father *Constantius* did deliuer *Brittanie* from bondage, tu eas nobiles illic oriundo fecisti, thou by being borne there, and defending of the *Brittish* blood,

Ff

blood,

^z *Constantius*
16. imperij an-
nodiem obiit.
Euf. in Chron.
an. 311.

^a *Constantius*
imperauit Cæ-
saris nomine
annos 13. mē-
ses 5. *Onuph.*
in *Fast. an. vrb.*
1053.

^b *Cuspinian.*
14. annos
tribuit in *Fast.*
an. Christi
294. & seq.

^c *Epiph. lib. de*
Pond. & men-
sur. pa. 417.
tribuit *Con-*
stantio tantum
13. annos. *Fasti*
Græci solum
12. ei dant. *pa.*
233.

^d *Euf. lib. 4. de*
vit. Const. cap.
53.

^e *Annū 65. in-*
gressus, obiit
Soc. lib. 1. ca.
26. & annos 31
regnauit. *ibid.*

^f *Paneg. Max-*
imino & Con-
stantino. Pa-
neg. 9. ca. 3.

m Pom. Lxt.
in Constantio
Glorio & Ga-
lerio.

n Hen. Hist.
lib 1.
o Onuph. lib.
de Rom. prin-
cip. pa 73.

p Bar. an. 306.
nu. 16.
q Ibid.
r Bar. Notis
in Martyrol.
Rom. August.
18.

y Possen. Ap-
par. in Niceph.
t. Iul. Firmi-
cus vixit tem-
pore Constanti-
ni, vt ex ip-
sius scriptis li-
quet.
u Constanti-
nus apud
Tharsam ge-
nitus. Iul.
Firm. Mathe-
maticus. lib. 1.
(Leuin. falso
citat. lib. 2.)
Matheses. ca. 4
x Ibid.

blood, hath made that countrey noble. The same is te-
stified by Pomponius Latus^m, *Constantinus natus est in*
Britannijs, Constantine was borne in Brittain, of
Constantius and Helena: by Henric. Huntingtonien-
sisⁿ, *Constantine was a Brittain, Genere, & Patria*,
both by his descent, and by his Countrey: by Onu-
phrius^o, *Constantine, natus est in Britannia*, was
borne in Brittain. A truth so cleere, that Cardinal
Baronius, no well-willer to the honour of this Iland,
could not but with strong asseueration acknow-
ledge the same; *apertissime p constat Constantinum in*
Britannia ortum, it is most cleare and manifest, that
Constantine was borne in Brittain; againe q, *certum*
est, it is certaine, that Helena did bring forth Constan-
tine in Brittain: and againe r, I haue proued elsewhere,
quod Helena Britanna fuerit, that Helena was a Brit-
tish woman. The very same doth Possenine^s acknow-
ledge, confessing *Helenam, Britannam fuisse, & Con-*
stantinum in Britannia peperisse, that both Helena was
a Brittish woman, and that she brought forth Con-
stantine in Brittain. Yea he reprooues Nicephorus
for saying the contrarie; which reproofe of Possenine
is sufficient also to refute that very idle, and vntrue
opinion of Iul. Firmicus^t the Astrologian, follo-
wed by Ioh. Leuinius; that u *Constantine was borne*
at Tharsus. Certainly his Horoscope did much
deceiue him; placing Constantine not onely in ano-
ther House, but in another Region and Climate al-
like. Whole errour Leuinius might easily haue dis-
cerned, seeing Firmicus affirms x further, *That*
Constantine, a primo aetatis gradu Imperij gubernacu-
la retinuit, held the gouernment of the Empire, e-
uen

uen from his first age. For *Socrates*^a, and others do truly and certainly reach, *Constantine* not to have beene Emperour, till after the thirtie one yeare of his age. Nay the errour of *Leuinius* is utterly vnexcusable, who^b together with that opinion of *Firmicus*, maintaines also the quite contrarie assertion of *Nicephorus*, that *Constantine* was borne at *Drepanum*, a Towne in *Bythinia*: which two assertions are each of them contrarie to the other, and both contrarie vnto the truth; the cleare and vndoubted testimonie of the Panegyrist, vttered before *Constantine* himselfe, in that nuptiall celebritie, giuing assurance, that he was borne neither at *Tharsus* nor *Drepanum*, but in *Brittanie*, and of *Helena*, a *Brittish* woman.

As for that other calumnie of *Zosimus*^c, and many^d others, That *Helena* was not the wife, but the concubine of *Constantius*: it is clearely refuted by *Eutropius*, who saith^e, that when *Constantius* and *Galerius* were made Cæsars, and married, the later to *Valeria*, and *Constantius* to *Theodora*, the daughter in law to *Maximianus* the Emperour, ambo uxores quas habuerant repudiare compulsi, they were both compelled to put away their former Wiues. The like saith *Aurelius Victor*^f, *Constantius* and *Galerius* were ioyned in affinitie to *Dioclesian*, diremptis prioribus coniugijs, their former marriages being dissolued. So also *Pomponius Latius*^g, they married new, being compelled, priores uxores repudiare, to forsake their first Wiues. The *Arrians* and *Paganes*, saith *Theophanes*^h, doe slander *Constantine* to

Ff 2

hane

a Vixit 65.
regnauit 31.
annis. Socrat.
lib. 1. ca. 16.

b Ioh. Leun.
Not. ad Pane-
gyric. 5. ca. 4.

c Zosim. li. 2.
d Oros. lib.
7. cap. 25. ex
concubina He-
lena. Idem ait.
Niceph. loc.
cit. Mar. Scot.
an. 305. Her.
Contr. ann.
305. Rheg.
an. 244. Got.
Viterb. an. 290
alijque.

e Eutr. lib. 9:
in Dioclesiano

f Au. Vict. in
Diocles. pag.

152.

g Pom. Lat.
in Diocles.

h Theophanis
integer textus
citatur Græce

apud Aug.
Steuch. lib. de
Const. donat.
pa. 159.

^a Zou. eccle.
hist. ad ann.
306. an. 5.

^a Onuph. lib.
de Rom. prin-
cip. pa. 70.

^b Chr. Mass.
an. 337.

^{*} Volat. lib. 3.
Geograph.

^e Vit. Basinst.
lib. 5. Hist. pa.
432.

^d Ibid:

^e Ibid. pa. 427

^f Zonar. tom.
2. Annal. in
Dioclesiano.

^g Eumen. Pa-
neg. 5. ca. 4.

have bin a Bastard, but they lye: for he was borne of roy-
all parentage, his father Constantius, being the Nephew
of Claudius the Emperor, and of his first wife Helena he
begat Constantine the Great. Constantine, saith Zonius^a,
was borne of Constantius Clorus, and Helena, non qui-
dem concubina, ut somniat Nicophorus, sed iusta vxore,
who was the lawfull wife, and not the Concubine
of Constantius, as Nicophorus dreameth. Helena the
Empresse, saith Onuphrinus^a, was prima vxor Constantij,
the first Wife of Constantius Clorus. Helena, saith
Christ. Massens^b, was the daughter of Coel, qua nup-
ta Constantio, who being married to Constantius,
bare him three sonnes. Constantius, saith Volaterra-
nus^{*}, duxit in matrimonium Helenam, tooke to Wife
Helena. The Emperours Dioclesian and Maximianus,
saith Vitus Basinstochiensis^e, adopted Constantius
Clorus, and Galerius, qui priores uxores repudiare
coacti sunt, who were thereupon compelled to put
away their former Wiues. And that the former
Wife of Constantius was Helena, he^d also affirmes;
adding, That Constantine^e being borne (of her) in
Brittanie, attained to that honour which the Druides
had fore-told vnto him. Constantius Clorus, saith
Zonaras^f, declared that Constantine being his eldest
sonne, ex priore coniuge susceptus, borne of his for-
mer Wife, should succede to him in the Empire.
The testimonies of the Panegyrist, and Eusebius,
both of them living in that age, is of more weight
and authoritie then all the former, yea then any else
who write of this matter. The former in the nup-
tiall celebratie of Constantine, said *s. Imperium nas-
cendo meruisti*, Thou, O Constantine, euen by
thy

thy birth haddest right vnto the Empire, and wast
 the vndoubted heire thereof: whereas had hee
 beene base of birth, hee could haue had no right
 at all thereby, nor beene heire vnto it. *Eusebius* also
 speaking of the second marriages, of *Galerius* and
Constantius Chlorus, saith^h, they both were compelled,
uxores quas habuerant repudiare, to put away their
 former wiues; and the former wife of *Constantius*
 was no other but *Helena*, as is by all confessed.
 Whence it is certaine, not onely that *Helena* was
 truely the wife, and not the concubine of *Constan-*
tius, (as Arians and Paganes did maliciously slan-
 der) but that in another place of *Eusebius* Latine
 Chronicle^k, those words are corruptly, and both a-
 gainst the minde of *Eusebius* and the truth, inserted,
 that *Constantine* inuaded the Empire, *ex concubina He-*
lena procreatus, being borne of *Helena* the concu-
 bine of *Constantius*. For neither did he inuade, but
 most lawfully entred into the Empire, and that by a
 threefold title; First, by his birth^l, being borne heire of
 the Empire: Secondly, by the ioynt consent^m, and ioy-
 full, yea, celestiall suffrages and acclamation of the peo-
 ple: Thirdly, by the speciall designementⁿ of his pious
 father, appointing him to be his successor: all which
 the Panegyrist in plaine tearmes expresseth; yea,
Zonaras^o addes a further, and a fourth title, and that
 is, the designement of God himselfe, who by an holy
 Angell commanded *Constantius* to leaue the Empire to
 his sonne *Constantine*: neither was hee borne of a
 concubine, but as *Eusebius* p himselfe professeth,

g Neque erat
 dubium quin
 ei competere
 Hereditas.
 ibid ca 4.
 h Euseb. in
 Chron. an. 192.

i τὰς ἱστί-
 ας.
 Euf. Chron.
 Græc.

k Euf. Chron.
 lat. an. 309, in
 antiquis edit.
 sed an. 307, in
 edit. Lugd. cū
 notis Iosep.
 Scalig.

l Nascendo
 meruisti. Eu-
 men. pane-
 ger. 9. ca. 3.
 & neque erat
 dubium quin
 ei competere
 hereditas, ibi.
 ca. 4.

m Vniuer-
 sus in te con-
 sensit exerci-
 tus. ibidem
 cap. 2. &
 Iam tunc
 celestibus
 suffragijs vo-

cabaris. ib. ca. 7. n manifeste sententia patris electus est Imperator. ibid. & apud Zon.
 loc. ante cit. o Zonar. tom. 3, in Diocles. p Loc. nuper. cit.

of the lawfull wife of *Constantius*; Neither are those wordes extant in the *Greeke Chronicle of Eusebius*, and therefore, no doubt, both maliciously, and quite contrary to the minde and saying of *Eusebius*, inserted into the *Latine*. Vnto all which may bee added that most honourable testimony of *Iustinian* the Emperour: who speaking of the citie *Helenopontus*, saith^f, that it was so called by the most pious Emperour *Constantine*, in honour, *honestissima suae matris Helena*, & *pientissima mulieris*, of his most honest mother *Helena*, a most holy woman; which *Epiheres* it seemes *Iustinian* of purpose giues, that euen by his Imperiall law, hee might wipe away that slanderous imputation which euen then was laid vpon her. For certainly, those titles of *honestissima*, and *pientissima*, had beene most vnfit, had either *Helena* beene vn honest of body, or *Constantine* base of birth.

Now for that last scoffe of *Stabularia*, some learned men indeed, not so fully pondering this matter, haue affirmed it, to bee certaine, and that, ex *sanctissimis Ecclesiae Patribus*, by the testimonies of most holy Fathers. But *St. Ambrose* (who is for ought I can finde, the onely Father that mentions this) is not a little mistaken by them. He thus writeth^g: *They say, she was at first stabularia*. They say it, They indeede, who were Paganes or Heretickes, they who enuied *Constantine*, and scoffed at Christian religion, they said it. *Iulian* the Apostate, an enemy of Christ and Christianitie, was the first that said it, calling^h *Constantine* a foole, and *Helena* base and ignoble: they who were the disciples and followers

^f Authent. Tit.
7. Nou. Const.
28. ca. 1.

^g Ambr. orat.
de obitu The-
odosij.
^h Constanti-
nus imperitus
ac stolidus, Iu-
liani verba in
Act. Artemj.
citatis apud
Steuch. p. 151
i φάουλς
γυναικὶς
καὶ ἀσήμῳ
Iuliani verba.
ibid. pa. 154.

followers of *Julian*, they said it. But *Ambrose* himselfe saith it not; hee onely shewes, in what a good and pious sence shee may bee so called. A good In-keeper, who sought the mager of Christ so diligently; a good In-keeper, who was not ignorant of that Hoste who healed the woundes of him that fell among theeues; a good In-keeper, who esteemed her selfe but as dung, that shee might gaine Christ, and therefore Christ lifted her from the dung (according to their saying) to a kingdome. So *Ambrose*, not approving what others said, but turning that which others said of her in derision, to such a sence as did best expresse her pietie. And whereas *Eutropius* calleth the marriage of *Constantius Clorus* with *Helena*, *obscurius matrimonium*, a more obscure marriage, his meaning is plaine. For hee neither meant, nor said, that it was simply ignoble, but speaking comparatiuely, and comparing it to his second marriage with *Theodora* the daughter in law to the Emperour; by which he obtained first to be *Cesar*, and then Emperour; in respect of the splendor of this second marriage, and the Imperiall dignitie obtained thereby, hee did and might well say, that the former was more obscure, or not so illustrious; though in it selfe it was both very honourable, and in no sort any disparagement to *Constantius*. For *Helena* was the daughter of *Coel* King of Brittainy, as besides the vniforme consent of Writers ^l of the Brittainish story, is declared by *Naucerus*, an Historian both for diligence in searching the truth, and fidelitie in deliue-
ring it, highly commended by *Rencline* ^m; and

his

k *Eutrop. lib. 10. in Constantio.*

l *Accepit filiā Regis (cui nomen erat Coel) Helenā, Henr. Hunting hist. lib. 1. & tradit Annales Britannorū Helenā filiā fuisse Coel regis, Cusp. lib. de Cæsar. in Constantio.*

m *Nostre historia (i. Naucleri) proba est ac fida. &c. Ioh. Reuchlin sua præfat. ad Nauch.*

n Nacl. gen.
II. m. 310.

o Idē. sub an.
Chr. 177. 86. 6

p Gilb. Ge-
neb. Chron. ad
an. 315.

q Vit. Basnft.
lib. 5. Hist. pa.
433.

his testimony is well worthy observing. Hee purposely checking that saying touching *Helena's* meane parentage, which hee supposed *Ambrose* to viter out of his owne, and not (as in truth hee did) out of the opinion of other men, saith n, *Helena the wife of Constantius was the daughter, regis Coeli, of Coel King of Brittain, quamvis Ambrosius, though Ambrose call her stabulariam. And againe o, Asclepiodotus King of Brittain being slaine, Coel (who builded Colchester) succeeded vnto him; then Constantius who was (afterwards) Emperour, being sent into Brittain, did quiet the whole Iland vnto the Romanes, and ducta Coelis filia Helena uxore, hauing married Helena the daughter of Coel, hee alone ruled in the Iland after the death of Coel. After him ruled his sonne Constantine the Great, by whose fauour, (for that both himselfe and his mother were Brittaines) the Kings of Brittain, imperiali diademate vsi sunt, did vse an Imperiall Crowne. The like is affirmed by Genebrard; Constantine, saith hee p, *Helenum Coeli, qui Britanniam occupauit, filiam uxorem habuit*, tooke to wife *Helena the daughter of Coel, who held the kingdom of Brittain. This whole matter is at large related by Vitus-Basinstochiensis: Carausius, saith hee q, perswaded the Brittaines to make him King, that so they might free the Iland from the subiection of the Romanes. The Romanes hearing thereof, sent C. Alec-tus to destroy that vsurper, and to reduce the Kingdom of Brittain to the Romane dominion. Alectus hauing slaine Carausius, held the kingdom for three yeares; who being ouercome and slaine by Asclepiodotus, the Brittaines with one consent chose Alepiodotus for their**

their King. when hee had gouerned a while, there fell out great enmitie betwixt him and Coel, then Duke of Colchester; who hauing killed Asclepiodorus, hee was made the King of Brittain, by the name of Coel the 3. Then the Romanes to recouer the Island, sent Constantius Clorus, a valiant and wise man, who had a little before subdued Spaine. Coel vnderstanding both of his fame, and comming, entreated peace, and promised subiection, vpon condition that hee might haue the Kingdome, paying the yearely accustomed tribute to the Romanes. Constantius consented to him, & desired Helena his daughter, whom Coel gaue in marriage to him; and because shee was his onely childe and heire, with her hee left the kingdome of Brittain to Constantius. The beautie of this Helena was such that shee excelled all the women in the Prouince, nor was there any where, any comparable to her for skill in musicke and knowledge of the liberall Arts. So Constantius first, and after him Constantine the Great, held the Kingdome of Brittain, together with the Romane Empire. So he.

Let them now cease by malicious slanders to disgrace her whom both the Latine & Greeke Church highly honoured while shee liued, and hath enroulled her among the most blessed Saints, euer since shee departed. Let them also cease to disgrace Constantius, the father of Constantine, whose most worthy and deserued praises, are to all eternitie set forth both by the Panegyrist^u, and by Eusebius^x; he being so beautified with pietie, (besides other vertues) that Eusebius saith y, *Omniem suam familiam uni Deo consecrauit*, hee consecrated his whole family to the true God, putting away all Idolaters out of his

Gg

royall

Constantio
petenti nuptias
Helenæ, dat
eam Coel in
matrimonium
ibid pa 435.

f Ibi. pa. 462:

t sanctæ He-
lenæ (celebra-
tio) Aug. 18.
Martyr, Rom.
Græci, in Me-
nologio, ha-
bent commemo-
rationem
Constantini
& Helenæ,
Maij 21.

u Eumen. pa-
negyr. 5. ca. 3.
& 4.

x Euf. lib. 1. de
vit. Constât.
ca. 9. 10 & 11.
y Ibi. ca. 11.

f Quomodo
enim fidem er-
ga Imperatorē
seruare pote-
runt, qui ad-
uersus Deum
perfidī esse cō-
uincuntur. ibi.
r Eum. Paneg.
5. & 9. passim.
u Eutr. lib. 10.
in Constantio,
x Eumen.
Panegy. 9. c. 9

y Mar. loc. cit.
nu. 26.
z Annot in
cap. Constanti-
nus. dist. 96.
a Ant. August.
loc. cit.
b Ath. lib. cit.
al. 1.
c Busæus No-
tis in Epist. 3.
Hinc mari. 5.
Papæ Silue-
re.

royall house, adding that most memorable reason,
They^f will neuer bee faithfull to the Emperour, who
are perfidious vnto God: who also after his death, as
the Panegyrist^r, and Eutropius^u say, was inter diuos
relatus. And for a conclusion of this whole point,
let vs heare that exclamation in the Panegyricke^x,
*O fortunata & omnibus beator terris Britannia, O
happy Brittainy, more blessed then any countrey, which
first saw and saluted Constantine Emperour.* I say
more; which bred, and brought forth both Con-
stantine himselfe, and his most blessed mother, and
had the first Christian Emperour, the renowned Con-
stantine the Great, to bee the ruler, and Imperiall
King of it. And thus much be spoken of those Acts
of Siluester. Concerning which I do now intreat but
a very reasonable request, which I hope will easily
bee granted; that considering those Acts are cleere-
ly demonstrated to be nothing else but a very sinke
of lies; none would heereafter giue credite either to
them, or to any who alleadge them as witnesses wor-
thy of credite, in which number, first Pope Hadrian,
then Albanus, Iacobatius, Stenchus, Marta, the Grego-
rian Glossators, Baronius and Binius are all to bee
accounted.

Their next witness is Pope Gelasius with a Coun-
cell of 70. Bishops, Pope Gelasius, saith Marta^y beares
witness to this Donation. Gelasius, say^z the Gregori-
an Glossators, as also Anton.^a Augustinus, so speakes
of the Actes of Siluester (wherein this Donation is ex-
pressed) *ut videatur approbare*, that hee seemes to ap-
proue them. Card. Albanus^b, & after him Busæus the
Iesuite, puts out *videtur*, and saith^c, *The Actes of Sil-
uester,*

uester, à Gelasio Papa approbati in Synodo, which are approved by Pope Gelasius in a Councel of 70. bishops, have this Edict; and Stenchus ^c no lesse confidently writes, Gelasius approoves those things which are written in the Actes of Siluester, concerning Constantines Donation.

Truely, if Pope Gelasius doe (as these men avouch) approove those Actes of Siluester, hee hath for ever blemished and disgraced the Pontifical Chaire, by approving such false & fabulous narrations, as those Actes containe. But I trust, I shall free and fully acquite Gelasius, and that ancient Synod, from this their vile calumny and slander.

That Gelasius, with his Romane Councell did not approove those Actes, their owne Bishop Canus doth cleerely testifie, when hee ^d saith that no graue or allowed witnesse among the ancient Writers, mention the leprosie of Constantine. Then certainly the author of those Actes of Siluester, in which that leprosie is set downe, is not an approved author: Likewise their owne Carerius witnesseth ^e the same, Compertum est, It is certaine, that nothing touching this Donation, is read in any approved Historian: Then certainly, the author of those Actes, (seeing in him this Donation is read) is not approved, much lesse by so honourable approbation of Gelasius, with an whole Councell. Card. Cusanus at large declares the same: This Donation of Constantine, saith hee ^f, in libris authenticis & in historijs approbatis non invenitur, is not found in approved histories, nor any authenticall Bookes. Now seeing the Cardinall

^c Steuch. lib. cit. pa. 81. & pa. 44 Gelasius qui fatetur gesta Siluestri à plerisque legi & approbari, idem suo testimonio quæ de donatione in ea historia scribuntur, comprobat.

^d Apud idoneos scriptores nusquam legi. Can. lib. 11. loc. Theolog. ca. 5. §. Quod deinde.

^e Alex. Carer, lib. 2. de potest. Rom. Pont. ca. 21. §. Accedit.

^f Cusan. lib. 3. Concord. ca. 2. pa. 781.

^e Tertus ille,
Constantinus,
est ex Legēda
s. Siluestri ex
tractus ibid.
pa. 781.

^f Ibid pa. 782

^g Gelasius au-
thor grauissi-
mus Can. lib.
cit. cap. 6. §.
Quod si
^h Cus. loc.
cit. pa. 781.

ⁱ Cus. ibid. pa.
781. §.

^k Canus. lib.
cit. cap. 5. §.
Quod deinde.

knew that it was in the ^e Acts of Siluester; it is plaine, that hee iudged them not to bee approoued by by Gelasius. Againe ^f, neither doth the Councell, vnder Pope Martin, wherein those writings which were approved, are repeated. nec quisquam approbatus Author, nor any approved Authour, which I haue seene, make mention of those Acts of Siluester. Then doubtlesse the Author of those Acts was not approoued by Gelasius. For certainly Cardinal Cusanus, and Bishop Canus ^g also held him with this Councell for an approved Author. The Cardinall yet addes; Let any, saith he ^h, looke vpon the 15. dist. Cap. Sancta Romana, and what approbation Gelasius there giues to these Acts, & inueniet pauciroboris, and he shall finde it to be a verie cold approbation. For Gelasius saith, that though the Authour of those Acts be unknowne, yet those Acts are read by Catholiques, and therefore they may be read. In which words, what manner of approbation there is, euery one, saith Cusanus, may consider. For if from hence any will conclude, that Gelasius approues those Acts, hee might as well conclude, because a prouinciall Synod at London did say, that many Catholikes in the Church of England, do read the Aurea legenda, that therefore the whole Synod and Church of England, do approve the Aurea legenda for a faithfull Historie. Textus non dicit Historiam veram, sed legi posse, saith ⁱ Cusanus, the Text of Gelasius, doth not say, that the Historie of those Acts is true, but that it may be read; and so also any fable may be read. Bishop Canus goes yet further: for though he say ^k, that Gelasius did not reiect those Acts, (to wit, not in expresse manner, as he doth the Acts

Acts of George, of Iulitta, and many others) yet that in their generall censure of namelesse writings, the whole Synod reiected them, Canus clearly auoucheth, saying^l, *Gelasius with a Councell commands, that we should by no meanes, accept or credit those writings, which are published without the certaine name of the author; for such writings doe smell either of imposture, or heresie.* Gelasius then, is so far from approuing (as they boast he did) those shamelesse Acts of Siluester, that by the confession of Bishop Canus, he did indeede prohibit and condemne the same.

l Can. lib. 11. ca. 6. §. Quod si. m. Vt eas historias nullo modo amplectamur, &c. Ibid.

And all this I haue said, supposing those Acts of Gelasius, which are now extant, and which are set downe in the 15. Dist. to be true and incorrupt. But there are sundry, and effectuall reasons to induce any man, that this, touching the Acts of Siluester, and much more in those Synodall Acts, is falsely ascribed to Gelasius and his Romane Councell. For in some ancient editions of that Romane Councell, *This touching the Acts of Syluester is not set downe: as Baronius himselfe acknowledgeth.* Yea but, saith he^o, *they are in the collection of Cresconius, which is more ancient then others.* If Baronius meane that which is called, *Breuiarium Canonum Cresconij, or Concordia canonum*, as it seemes he doth, (there being nothing else of Cresconius, which concernes Councils, mentioned in Possennine P) the Card. deludes his reader. For in all that Collection or Breuiarie, this touching the Acts of Siluester is no where mentioned. But say it were; is that Collectiō of Cresconius, think you, most ancient? No, there were many copies of the Act of that Councell, long before Cresconius, who in his

n Bar. an. 324 nu. 31. vbi fertur ea de Actis Siluestri, desiderari apud Gelasium in aliquo codice. o Bar. ibid.

p Possen. in Appar. in verbo Cresconius.

r Ferrandus,
qui Fulgentiū
vti magistrum
magno in ho-
nore habuit,
claruit ann.
529. Posseu.
in Ferrand.
f Nam Conc.
Rom. sub Ge-
lasio habuit
est an. 494.

t Bin. Not. in
Conc. Rom.
1. sub Gelasio.

u Non inueni-
tur in antiquis
libris iste ver-
sus de historia
siluestri, Cu-
tan. lib. & ca.
cir. pa. 581.
532.

x Annot. Gre-
gor. in cap.
sancta Roma-
na, distinct. 15.

after *Ferrandus* (the Scholler^r of *Fulgentius*) made not his collection, till about the yeare 540. some fiftie yeares^f after that Romane Councell was held. *Baronius* should haue said and prooued, (which hee neuer offers to doe) that in some authenticke Copies, this had beene extant. The Copies of any Councell, in lesse then fiftie yeares may easily be corrupted; especially if the corruption of them, may aduantage the Pope and the Romane See: Yea and this verie Councell to haue beene so corrupted, *Binius* acknowledgeth, saying^t, *It cannot be certainly known, Quae sit vera & pura lectio Gelasij*, which is the true Text or reading of *Gelasius*. Againe, that in the best and most authenticke copies of that Romane Synod, this, touching the Acts of *Siluester*, was not extant, may bee perceiued by *Gratian*: for *Card. Cusanus*^u witnesseth, *That in the ancient Text of Gratian, there is set downe no more out of Gelasius, then vnto these words, (Item gesta Sanctorum Martyrum,) after which, is that concerning the Acts of Siluester.* All that followes vnto the end of the decree, is added to the old Text of *Gratian*. And this not onely *Cardinall Cusanus*, but *Guido* surnamed *Archidiaconus*: yea the *Gregorian Glossators* doe testifie the same, who at these words, *(Item gesta)* thus write^x, *From hence vnto the end of the Chapter, omnia absunt à plerisque vetustis Gratiani codicibus*, all is wanting in most of the ancient copies of *Gratian*, and this doth *Archidiaconus* also obserue. So they. Certainly, had *Gratian* found that which is now added, touching the censure of all those Apocryphall Bookes, in the true Acts of the *Romane Synod*

Synod vnder *Gelasius*, he would not haue omitted it; for hee had not onely fit, but necessary occasion to expresse the same, as well as the former. Besides this, let any of iudgement compare the appobation giuen in that Synod to *St. Augustine*, *St. Ierome*, *St. Basil*, *St. Athanasius*, yea euen to the foure first generall Councells; with that which is giuen to *Orosius*, *Sedulius*, *Iuuenius*, and some others of farre meaner note: and hee will see it can no way be seeme the wisdome and grauitie of that ancient Councell. Of the former they ^z say onely, *the Romane Church, non prohibet suscipi, forbids not the reading of them*: of the latter they say, *wee ^a praise Orosius, wee ^b preferre with great commendation Sedulius, we ^c admire Iuuenius*: a prooff too too euident, that this vnequall censure proceeded not from so equall iudges. And as for *Eusebius Casariensis*, their censure of him, is quite contradictory to it selfe: for in one place, they say, *that for his singular knowledge of matters, they doe not ^d reiect the history and Chronicle of Eusebius*: and a little after, they condemne the history of *Eusebius* ^e as apocryphall: adding, *that the author ^f, and approouers of him, or any other of those apocryphall bookes, are for euer accursed by the Romane Church with an indissoluble band of an Anathema*. Shall we thinke *Gelasius* and the holy Councell with him, to haue played the Satyres, and blow both heate and cold, commendation and condemnation of the selfe same writings, with one breath? Or may we not much more rightly conclude, that they (which I verily thinke to be true) neuer gaue this censure of

Euse-

^z Conc. Rom.
¹ sub. Gelas.

^a Ibidem.

^b Ibidem.

^c Ibidem.

^d Vsq̃uequā
que non dici-
mus renuen-
des. ibid.

^e Historia Eu-
sebij Apocry-
pha. ibid.

^f Hæc & om-
nia his similia,
&c. cū suis au-
thoribus, au-
thorumque se-
quacibus, sub
anathematis
indissolubili
vinculo, confi-
temur esse dā-
nata. ibid.

Eusebius? Which many not obseruing, think the Historie of *Eusebius*, the workes of *Lactantius*, of *Clement* *Alexandrinus*, of *Arnobius*, of *Victorius*, and diuers others there named, to haue beene condemned in that Councell. They onely set downe their Synodall iudgement, and approbation of those bookes mentioned in the former part of the Synodall Acts, which in the ancient copies of *Gratian* were onely expressed; and some other with a false hand, patched to the same Acts, the later part of them, which in the ancient copies both of *Gratian*, and (as *Baronius* confesseth) of some of the Synodall Acts themselves, were omitted. Howsoever, certaine it is, that if the Synodall Acts be corrupted (in such manner as I haue shewed and prooued) then *Gelasius* with that Romane Synod, approues not the Acts of *Silvester*: if they bee not corrupted, though in their particular mention of those Acts, they say, *They^f are read of many in the cittie of Rome*, and may be read, (as is, & may be read the lying Legend also) yet in their generall censure of namelesse writings, they certainly condemne the same Acts, as being either forged, or hereticall; and whether-soeuer, of no worth or credit at all.

f. A multis in
vrbe Roma
Catholicis le-
gi cognoui-
mus, Ibid. vbi
nota, legi non
publice in Ec-
clesijs Romæ,
sed priuatim,
in vrbe.

g. Mart. ca.
cit. nu. 25.

h. Iacob. loc.
cit. nu. 30.

i. Alb. lib. cit.
nu. 1.

The next witnesse and last in this ranke, is *Isidorus Hispalensis*. He, saith *Marta* ^g, beares witnesse to this Donation. *Isidorus præsul Hispalensis*, saith *Card. Iacobatus* ^h, *Isidore* the Bishop of *Hispalis*, affirmer *Constantine* to haue made this Donation. *Card. Albanus* addes ⁱ, that *Isidore* hath set downe the very forme of this Donation, *inter gesta Concilij Niceni*, among the Acts

Acts of the *Nicene* Councell. In this testimonie, besides other, they shew three speciall frauds. First, they belye *Isidore Hispalensis*. For he is so farre from bearing witnesse to this Donation, that he expressly reacheth, *Constantine* not to haue made the same. *Constantine*, saith heⁱ, *In extremo vitæ suæ tempore, ab Eusebio Nicomediensi baptizatus est*, was baptized of *Eusebius* Bishop of Nicomedia in the last part of his age, or a little before his death: whence it vndeniably followes, that he did not make this Donation, which as the Ediēt it selfe^k, the Acts of *Silvester*^l and *Binius*^m assure vs, was made after *Constantine* was baptized by *Silvester*, and that was at least ten yeares before his death. Secondly, they pretend that Author, who calls himselfe *Isidore*, and who made the collection of the Councels and Canons, to be *Isidorus Hispalensis*. An vntruth so euident, that this Author, in the Præfaceⁿ which he præfixeth *in suam Canonū collectionem*, to his owne collection of those Canons and Decrees, makes mention of *Pope Agatho* and the sixth generall Councell: and therefore certainly liued after the time of that Councell, which was held^o an. 681. whereas *Isidore Hispalensis* died 40. yeares before; to wit an. 636. as *Baronius* ^p and *Bellarmino* ^q doe witnesse. Their last fraud is in belying, and that most shamefully, euen this Collector also (whom they name *Isidore Hispalensis*) as setting down this Ediēt among the Acts of that *Nicen* Councell. A palpable vntruth, as any may perceiue who looks but into the collection of the Councels by *Isidore*. This Ediēt is entirely there set downe before he comes to the Canons, or any Acts of that *Nicen* Councell: So also in

i *Isid. Hispal.*
in *Chron. an.*
mundi. 5535.

k Ediēt. *Const.*
loc. cit.

l Act. *Siluest.*
apud *Bar. loc.*
cit.

m *Bin. Nor.*
in Ediēt. &
in vit. *Siluest.*
firi.

n *Isid. præf.*
in tom. 1.
Concil.

o *Bin. in tit.*
illius Conc.
& *Bar. an. 681*

p *Bar. an. 636*
nu. 7.

q *Bell. lib. de*
Ecclef. scrip.
in *Isidorus*
Hispal.

r. Bin. tom. 1.
Conc.
f. Not. ante
lib. de primit.
eccles. & Edi-
ctum Constā-
tini, tom. 1.
Conc.
r. Bin. Not. in
Epist. de pri-
mit. Eccl. s.
Melchiadi.

Binius and others. Yea in the ancient collections of *Isidore*, the Edict, and the booke de *Primitiva Ecclesia*, was set (as the note^r in the Councils of *Nicholinus* his edition doth testifie, and *Binius* confesseth the same:) *continenter post decreta Melchiadis*: immediatly after the decrees of Pope *Melchiades*, and therefore before the life of *Silvester*, much more before the *Nicen* Councell which was held in *Silvesters* time, and is set after the life & epistles of *Silvester*. Thus in eue-ry one of these 7. (which are their prime, principall & most ancient witnesses in this cause) you doe now clearly see the vile & detestable dealing of *Marta*, & the rest, who pleade for this Edict and Donation. Either they belye their witnesses, as they doe the 318. *Nicen* Fathers, and *Isidore Hispalensis*; or else in stead of Fathers they obtrude most base, counterfeit and forged writings, as in *Eusebius*, *Hierom*, *Damasus* the Acts of *Silvester* and *Gelasius*, we haue evidently demonstrated.

CHAP. XI.

The credit of foure Popes and two Councils, alledged for prooffe of the Donation, examined: namely, *Hadrian*

1. *Leo* 9. *Eugenius* 3. the 2. *Nicen*, and the Councell at *Constance*.

2. *Mart.* cap.
30. nu. 26. &
37. *Steuch.*
pa. 89. Annot.
Gregor. in ca.
Constantinus.
Anr. *August.*
lib. 1. Dial. 6,
pa. 53.



HE next witnesses alledged for this Donation, are foure of their Popes, whom all to beare witnesse to this Donation, they^a boast, and we do willingly acknowledge. Before we particularly entreat of them, there are one, or two generall

nerall answers to them all. First, how could any of these, know the truth and certainty of this Donation, seeing *Hadrian* was not Pope, till more then 440. *Leo* more then 720. *Eugenius* more then 800. and *Nicholas* more then 950. yeares, after ^b *Constantine* is supposed to haue made this Donation? Can any man thinke such to be fit witnesses of a matter of fact, done so many hundred yeares before their times, vnlesse they haue some certaine euidence of former ages? And euidence they haue none, better nor more ancient, then the false, fabulous, and legendarie Acts of *Syluester*: to which if any will giue credite, he demonstrates himselfe to be altogether vnworthy of credit.

Again, of all men in the world the Popes are most vnfit to be witnesses in this cause. Did *Marta* neuer heare of that in the Digests, *Nullus idoneus testis in re sua intelligitur*, none is thought a fit witness in his owne cause? that is, as they ^d do rightly expound it, *when the profit redounds directly to him who is the witnesse*. So it doth in this Donation, to the Popes: None do gaine so much thereby as they; nor is it a pedling matter, or a fly that such Eagles get thereby; the gaine of *Rome*, of *Italy*, of all the Westerne Prouinces, will haue a strong operation in such witnesses, as haue too well learned their lesson of *Iulius Caesar*, *Si ius violandum, regni causa violandum est*. The world is witnesse, that farre better Popes, of a better faith, and of more fidelitie then *Hadrian*, *Leo*, *Eugenius*, and *Nicholas*, haue for euer blemished the Roman See, for defending forgeries, euen then, when they looked but for motes and minnims,

^b Donatio facta dicitur an. 324. nam eo anno Constant. baptizatum asserunt. Bar. an. eod. nu. 41 & seq. Hadr. I coepit an. 772. Leo 9. ann. 1049. Eug. 3. an. 1145. Nichol. 3. ann. 1277. Bin. in eorum vitis.

^c Dig. li. 22. tit. 5. l. 9. ^d cuius commodum & utilitas ad se directospectat. Venat. lib. 2. tit. 20.

in comparison of *Rome, Italie*, and the *Westerne Prouinces*. Of many examples I will instance but in one.

Pope *Zozimus* and *Boniface* I. that they might by Appales draw the gaine of some contentious bu-
 finesses, to the *Romane Court*, pretended and plea-
 dede a *Nicene Canon* to haue decreed the same. That
 Canon, an whole ^f Councell of *African Bishops*,
 by the authenticke copies of the *Nicen Canons*,
 conuincd to be a forgerie. And yet this is not the
 worst fault in those Popes. For (as *Bellarmino* ^g, *Baro-
 nius* ^h, and others tell vs) Pope *Zozimus*, and *Boni-
 face*, when they named the *Nicen*, meant the *Sardican
 Councell*: in the 7. Canon of which, is verbatim set
 downe that very Canon, which *Zozimus* alledged,
 and the fourth Canon is also in effect the same. In
 both it is decreed, That it shall bee lawfull, out of
 other Prouinces, to appeale to the Bishop of *Rome*, and
 that hee shall haue power, to send if he will, Legates
 à latere, to end causes in *Africke* or other Coun-
 tries.

Now this is a further demonstration, that the
 Popes for their owne gaine, feare not to vrge and
 vphold forgeries. For that these two Canons are
 forged, and were not extant among the true
Sardicane Decrees, the same *African Bishops* (one
 of which was *Saint Augustine*) and their whole
 Councell doth evidently declare, saying ^k in their
 Synodall Epistle to Pope *Celestine*; That any should
 bee sent from the side of your Holinesse, (to heare,
 and end causes in other Prouinces) in *nulla inueni-
 mus patrum Synodo constitutum*, we finde it decreed

in

e. conc. Carth
 6. ca. 3.
 f. Conc. Afr.
 ca. 101. & 105
 in Epist. ad
 celestinum.

g. Bell. lib. 2. de
 Rom. Pontif.
 ca. 25 §. Re-
 spondemus &
 seq.
 h. Zozimus &
 Bonifacius ci-
 tarunt cano-
 nes concilij
 Sardicenis
 nomine Nice-
 ne Synodi.
 Bar. an. 447.
 nu. 99.

k. Conc. Afric.
 ca. 105.

in no Synod. If in none, then for a certaintie it was not decreed either in the *Nicene*, or in the *Sardicane*, or in the first *Constantinopolitane* Councell; in which onely (vntill that time) were made such Decrees and Canons, as did binde the whole Church, of which kind of Decrees the *Africane* Bishops speake in that place.

Bellarmin^k, *Baronius*^l, and *Binius*^m, would gladly perswade, that neither *Augustine*, nor those other *Africane* Bishops knew ought of that holy *Sardicane* Councell. A thing so incredible, that with reason none can imagine it. How could they be ignorant of a holy generall Councell? For that this *Sardicane* was such, though some learned men (from whose iudgement I craue leaue to dissent) haue thought the contrary, not onely *Athanasius*ⁿ, *Socrates*^o, *Sulpitius Seuerus*^p, and *Iustinian*^q, but the Councell of *Chalcedon*^r doth witnesse, wherein is mention of this *Sardicane*, as of a generall Councell, such as was that at *Nice*, at *Constantinople*, and *Ephesus*, among which this is reckoned. Yea the Actes of the Councell it selfe doe explaine the same. First, it is cleare, that there were assembled 344. Bishops^s, (farre more then were at *Nice*) and that out of 36. diuers^t Prouinces, to wit, *Egypt*, *Libia*, *Palesline*, *Arabia*, *Pannonia*, *Theffalia*, *Dacia*, *Adisia*, *Thrace*, *Macedonia*, *Achaia*, *Crete*, *Spaine*, *France*, *Italy*, *Sicily*, *Sardinia*, *Africke*, *Brittania*, and many more: yea there were

^k Augustinus non agnoscit aliud sardicense conciliū, quā hæreticū. Bell: lib. 2. de Rem. Pont. ca. 25. §. Adde.

^l Admirari nō defino quonam pacto accisisse potuerit, vt verum Sardicense

Cōcilium, Catholicos Africanæ Ecclesiæ præterierit.

Bar. an. 347.

na. 96. & 98.

^m Bin. notis in

Sard. Conc. §.

Approbarum.

Idem Africani

patres videntur

illud Sardicense

Concilium

planē ignorasse.

Bin. not. in

Conc. Car.

thag. 6. §.

Hoc idem.

ⁿ Athanas.

Apol. 2. vocat

Magnam Cō-

cilium. pa. 191.

sic autem cecum-

eniciū vocat. vt eadē

Apol. pa. 194. vocat

Nicænū Conciliū

magnā Synodū, & a-

libi. o Edicitur Conciliū generale, soc. lib. 2. ca. 16. p

Imperator iubet ex toto orbe

apud Sardicā Episcopos congregari. Sul. Sen. lib. 2. sac. hist. §. His per.

^q Vniuersale

Concilium, expresse vocat Iustin. in Edicto contra tria

Capitula, quod incipit, Sciētes.

^r Conc. Chalc. Act. 16. in Alloquit. ad Marrianū. f

In vniuersum subscripserunt 344.

ait Athan. Apol. 2. pa. 208. ^t Recensentur 36 Prouinciæ ab Athan. Apol. 1. in princi-

pio. & iterū in 2. Epistolis Concilij sardicensis apud eundem Athan. Apol. 2:

t Recensentur
apud Athan.
loco citato, pa.
207.

u Sint vobis
igitur Georgi-
us &c. Ana-
thema, sic om-
nibus Episco-
pis totius Ec-
clesiæ scribit.
Conc. Sard. in
fine 2. Epist.
apud Athan.
loc. cit.
x Cōc. Carth.
6. ca. 9.

y Cōc. Carth.
1. habitū tem-
pore Iulij. c. 5.

z Bar. an. 347.
an. 97.

a Cōc. Carth.
6. ca. 9.

present in it, and subscribed to the Decrees thereof 36.
t *Africane Bishops, one of which was Gratus Primate of Carthage*; Againc, the Councell bindes the whole
u *Catholike Church* to obserue their Decrees, which no other but a generall could doe. How could they possibly bee ignorant, I say not of this Synod, to which so many of their owne Bishops had subscribed, but of the Decrees also made therein? specially seeing they vsed to bring home a copie of the Decrees consented vpon in generall Councells, as themselves say x, that *Cecilianus brought with him the Decrees made at Nice*, at which hee was present.

Their first Councell at *Carthage*, is a certaine & vndeniable prooffe that they knew right well this holy *Sardican Councell*; for therein *Gratus*, in the hearing of the whole Synod said y thus, *I remember that this was decreed, in sanctissimo Sardicensi Concilio*, In the most holy Council at *Sardica*: which first Councell at *Carthage*, to haue beene knowne vnto *Augustine* (to say nothing of the rest) none may doubt: nay it is *Nefas*, saith *Baronius* z, to suspect *Augustine* to haue beene ignorant of the Ecclesiasticall Canons, considering hee by reason of his continuall conflicts with Heretickes, *Omnia Concilia scripta euoluit & archiuareferant*, Tossed the Actes and Decrees of euery Councell, and searched all Registries: yea it seemes the Actes of this first Councell at *Carthage*, were (among diuers others) read in that their sixth Councell, wherein this cause of Appeales was moued by *Faustinus* the Popes Legate, seeing they say a, *Let the copies of the Nicene Decrees, Et quæ Pa-*
tres

res hic constituerunt, and those things which our fathers or predecessours haue heere (in *Africke*) set downe to confirme the same, bee inserted into these *Actes*.

Besides, none can doubt, but those learned *Africane* Bishops, especially *St. Augustine*, read and perused diligently the bookes of *Athanasius*. Now seeing in those ^b, this holy *Sardican Councell* is described, and their very *Synodall Epistle* expressed, there is no doubt but *St. Augustine* both certainly knew, and willingly embraced the same, which hee saw was approoued by so many Bishops, and of so diuers Prouinces. Further, *St. Augustine* himselfe witnesseth ^c, that hee read the *Synodall Epistle* of the hereticall Councell at *Sardica* which was held by *Arians*: How could he then possibly, but know of the holy *Sardican Councell* held at the same time, by *Hosius*, *Athanasius*, and other *Orthodoxall* Bishops? of which the very *Epistle* of that hereticall *Sardican Councell*, makes often ^d and expresse mention. Or what thinke you, was become of the wit and iudgement of *Binus*, when hee said ^e *Augustine* was ignorant of this holy *Sardican Councell*? whereas himselfe confesseth ^f, that *Augustine* in his 162. *Epistle* calls it, *Plenarium vniuersae Ecclesiae concilium*, A plenary Councell of the whole Church: and *Baronius* speaking of the *Africane* Bishops saith ^g, it is *satis compertum*, cleere enough and certaine by the very publike monuments of the *Africane Church*, that the holy and lawfull Councell of *Sardica*, was known to the *Catholike Africane Bishops*.

Seeing then it is cleare and certaine, that *St. Augustine* and the *Africane Bishops*, who writ that *Synodall*

^b Apud Athā.

Apol. 2.

^c Aug. lib. 3.

contra Cresc.

ca. 34.

^d In suo con-

uenticulo ha-

buerunt Offiū

& Protogenē.

& saepe similia

Epist. Synoda-

lis Conciliabuli

Sardicensis. a-

pud Hilar. lib. 2.

in fragmentis.

pa. 6. & seq. &

Bin. to 1. con.

pa. 448.

^e Poster. in A-

fricana Eccle-

sia tempore

Zohmi & Bo-

nificij vtrūque

conciliū, Sar-

dicēse, & Car-

thaginense r.

ignorauerunt.

Bin. not. in

conc. Sardic.

§. canones.

videntur plane

ignorasse, Bin.

not. in conc.

carthag. 6. §.

Hoc idem.

^f Bin. Not. in

conc. Sard. §.

Oecumenicū.

^g Bar. an. 347.

nu. 97.

h Eodem ser-
me sæculo ce-
lebratum Bar.
an. eod. nu. 96.

i Cōc. sardic.
habitum an.
347. Bar. eo an.
nu. 1. Celestis-
nus coepit an.
424. Bar. eo an.

Synodall Epistle to Pope *Celestine*, knew both of that holy *Sardican* Councell, and of the true Decrees thereof, the memory whereof^h was but then fresh, that Councell being held not above eightie yearesⁱ before they writ this to *Celestine*: seeing, I say, they certainly knew all the Decrees thereof, and yet for a certaintie professe to *Celestine*, after so long and diligent search of that cause touching appealing to *Rome*, that no Synod had decreed, that the Pope upon appeale might send his Legates to iudge and determine causes in other Prouinces; it remaines as vndoubtedly true, that (if no more) yet the Canon which *Zozimus* alleadged (which is now the seuenth) as also the fourth; wherein the authoritie of receiuing appeales, and sending such Legates, is granted to the Pope, are not the true Canons of the holy *Sardican* Councell, nor were among the true Canons of that Councell, in the time of St. *Augustine*, and of those *Africane* Bishops. For had they truely beene there, they had as much furthered the Popes claime of receiuing Appeales, and sending his Legates; and they had as effectually procured the assent of the *Africane* Bishops thereunto, as if they had beene decreed by the great *Nicene* Councell it selfe: The *Sardican* being as generall as the *Nicene*, and the authoritie of them both being equall, and the whole Church by the very *Sardican* Decree, being bound to obserue all the constitutions made by it. But *Zozimus*, *Boniface*, and *Celestine*, were conscious to themselues, that those Canons (the fourth & seuenth) were no true *Sardicane* Canons, but meere impostures and forgeries, fathered on the *Sardican* Councell,

Councell, to lift vp the authoritie of the Romane See; and knowing further that if they had but once alleadged these, as Canons of the holy *Sardican* Councell, the Africane Bishops could, and would much more easily haue conuincd them of fraud & forgerie, then they did in alledging the *Nicene* Canons; those Popes, I say, knowing this, durst not in all those five yeares (so long^k the contention about this matter continued) so much as once whisper, or intimate to any, that the Canon falsely alleadged by *Zozimus* to bee a *Nicene*, was indeede a *Sardican* Canon.

And if any demand, whence this corruption of the *Sardican* Canons should proceed, the answer is very easie, by the old Cassian rule, *Cui bono*? Seeing the gainers by those forged Canons were the Popes, the forgerers of them must needs be either Popes, or their fauourers. And heereof that which Pope *Hadrian* the first affirmeth, giues a strong presumption, seeing the *Sardican* Canons (in such manner as they were in his time) were, as himselfe saith^l, among the *Romanes*, but not among the *Grecians*; who yet no doubt, had all the true Decrees made at the *Sardican* Councell. *Photius* also Patriarch of *Constantinople* professeth^m of the Greeke Church, *Non habere vel recipere*, that they had not, or received not the *Sardican* Canons. Not meaning, as *Baronius*ⁿ (railing against *Photius*) misconceiueth him, That they had not any copies at all of those Canons among them, for *Photius* himselfe in his *Nomocanon*^o expressly mentioneth that very Canon, which *Baronius* vrgeth against him, and saith P, that *Photius* denieth that they

^k *Quinquennale illa controuersiam Africanorum, vocat Bin. not. in Conc. Afric. pa. 646.*

^l *Hadr. 1. in Epitome Canonum in Conc. Sard.*

^m *Vt testatur Nich. 1. Epist. 6. §. post hæc. n Non reperi ri apud se canones Conc. Sardic. turpiter mentitus est Photius. Bar. an. 347. nu.*

^{53. 54.}

^o *De ijs qui fuit episcopi ex Laicis, Syn. sard. can. 10.*

Phot. in Nom. tit. 1. ca. 11. sed in canonibus sard. conc. ab aliquibus vocatur 13. vt apud Bin. liquet.

^{p1. 437.}

^p *Negabat pones se reperi canones sardicenses Bar.*

an. 347. nu. 54.

q. Supra.

r. Distinc. 16.
ea. Quod di-
ctis, in rubri-
ca, & cap. Ipso.

had it or the rest among them:) but hee meant they had them not in such esteeme, as the Romanes had: which to be *Photius* meaning. his owne words doe explaine, cited by Pope *Nicholas* q, *non habere, vel recipere*, they had them not in such manner, as to receiue them for Synodall authoritie, or for the true Canons of that Sardican Councell; In this sort, by reason of the fraud of the Latines, inserting false and fained Canons, they iustly receiued them not, nor approoued them; which *Gratian* well obseruing, and putting a difference betwixt the Greeke and the Latine Church, in their hauing of these Canons, saith r, *The Sardican Councell* (in regard of the Canons thereof) *Auctoritate apostolica recipitur*, Is receiued or approoued by the Popes authoritie; but it is not *receiued among the Grecians*. The Popes, or their fauorites, hauing for their owne gaine, forged (if not all) yet certainly diuers of those Canons, could doe no lesse then approue them; the Grecians knowing the forgery (if not of all) yet certainly of some of those Canons, and by name of that leuenth, (which *Zozimus* pretended for a *Nicene* Canon). could doe no lesse then reiect and condemne them.

It were easie by many other examples, to declare that the Popes haue made this a very trade and custome (as if it were a piece of Pope-craft) either themselves to forge, or else (which is euery way as bad) to abett, countenance, & maintaine by their authority, such writings as were forged by others; and by them to build vp their owne pompe and pontificall glory. But leauing all the rest, I will now come to the examination of the credit of those foure Pope, who are pro-

produced as witnesses for this Donation.

The first of them is *Hadrian* ^f the first; who of all Popes that went before, is most shamelesse in uttering vntruths, and maintaining false and forged writings. I wil giue but a touch of either. For his vntruth, take that in his Epistle ^t to the Emperors *Constantine* and *Irene*, which was read^u and appoued^x in their second *Nicene* Councel: where he shames not to say, *That Churches were beautified with venerable Images, euen from the Apostles time untill then*, and hee further addes, *that the Church, Sanctas eorum figuras veneratur*, Did from that time worship the holy Images of the Apostles. A palpable vntruth, easie to bee refuted by *Origen*, who liuing within a hundred yeares of some of the Apostles, writ thus against *Celsus*: *It is impossible y that one should know God, and make supplication to Images*: and as for Christians hee addes, *Nec simulachra quidem nos veneramur*, We doe not adore Images: Of *Lactanius*, who liuing in *Constantines* time, saith, *Non z est dubium quin religio nulla sit, ubi est Simulachrū*, It is no doubt, but that there is no true religion, where Images are set vp and adored: Of *Epiphanius*, who liuing also in that age, rent ^a in pieces the Image which hee found set vp in a Church, saying, *It was against the Scripture to hang vp Images in Churches*. Of which fact of his, whereas some ^b make doubt, *Cassander* saith, *Constat c*, *It is certainly knowne that Epiphanius did so*; and for this cause not onely *Waldensis* reprocues him, and saith, *As one Mr. Robert had done before; that Epiphanius d did that perhaps of zeale, but not according to knowledge*: but *Alphonsus e à Castro* addes,

li 2

that

^f Mart. ca. 30.
nu. 26. Steuch.
pa. 87.

^t Hadr. I. E-
pist. 1.
^u Nic. 2. Cōc.
Act. 2. pa. 309.
^x Ibid. pa.
313. b.

^y Orig. lib 7.
cont. Cels. pa.
97.

^z Lact lib. 2.
ca. 19.

^a Epiph. E-
pist. ad Ioan.
Hieros.

^b Bell. de I-
mag. Sanctor.

ca. 9. §. ad
quintum.

^c Cass. Con-
sult. ca. de I.

mag. pa. 167.

^d Th. Wald.
de Sacram. tit.

17. ca. 157. pa.
325.

^e Alp. à cast.
lib 8. aduer.
hæres. voce

Imago.

f. Greg. Epist.
9. lib. 9. Ind. 4.

g. cass. loc. cit.
pa. 163.

h. Ibid. pa.
168.

that Epiphanius though for this cause hee be not an hereticke, yet hee did erre herein, and did contrary to the Scripture. Of Pope Gregory the Great, who 600. yeares after Christ, writing to Serenus Bishop of Massilia, who had broken downe Images (which the people began then to adore,) reprooves him in this manner^f, *Truely I commend you, Quodea adorari vetuisses*, That you forbade them to adore Images, but I reprove you for breaking them downe: That should not haue beene broken downe, *Quod non ad adorandum in Ecclesiis, sed ad instruendas solummodo mentes fuit collocatum*, which was there set vp onely for instruction, but not for adoration; then which no cleerer testimony can possibly bee desired. But omitting all the rest, I will heere onely propose the words of their owne Cassander, which fully demonstrate the falshood of Pope Hadrian: *Certum est, It is certaine*. saith he^g, *that in the beginning of the Gospel preached, there was no use of Images; especially in the Churches, as by Clemens and Arnobius is euident. And as for veneration, or adoration of them, hee further declares, Quantum^h veteres initio Ecclesie, ab omni veneratione imaginum abhorruerunt*, How the ancient Church did euen abhorre the worshipping of Images; adding one thing of speciall note, *Non tunc valebat illa ratio*, That excuse would not then serue the turne, which now is pretended; that they gaue not that worship to the Images themselves, but to those, who were represented by those Images: for this colour of excuse, saith he, did the Paganes also use; as Arnobius and Lactantius declare: adding further, that such worship as is giuen to God by Images, *Non satis castum &*
con.

conuenientem Deo esse, Is neither chaste, nor fitting for God, but deuised by them that are superstitious. Thus and much more Cassander. By whose testimony, the vnt ruth of Pope Hadrian doth most cleerely appeare, who affirms Images not onely to haue been set vp in Churches, but adored also by the Church, euen from the Apostles time.

For his approuing false and forged writtings, wee need to goe no further, then to the lying and legendarian Acts of Siluester, which hee ⁱ cites as ^k authenticall; or to the first Roman^l Synod vnder Siluester, and that famous disputation betwixt the Pope and the Iewes, which we haue before demonstrated to be a famous lye. Yet let mee adde one instance more, and that is his alledging ^m for adoration of Images the booke of Athanasius questions to Antiochus: wherein the worshipping of Images is as cleerely taught, as in the second Nicene Synod it selfe. For there ⁿ it is said, That Christians doe adore Images; that they who refuse them, are, dementes, madde people: and further to shew what rare and admirable effects the adoration of Images hath wrought, it is there declared: How when a certaine Monke at Ierusalem, had beene long vexed with a diuel, (it was demon scortationis, as Sophronius ^o expresth,) The diuel at one time appeared vnto him, and said, If thou would not haue me to vex thee any more, doe not worship this Image of the blessed Virgin, and then I will forsake thee. Quid ad haec respondebunt, what can they, who forbid adoration of Images, answere vnto these things? saith Pope Hadrians Athanasius?

i Hadr. I.
Epist. I.
k Bin, not. in
Conc. Rom. I.
sub siluestro.
l Citatur id
concilium ab
Hadriano E-
pist. 3. ca. 53.
m Hadr. I. E-
pist. 3. ca. 34.
n Athan. Ar-
chepisc. Alex-
and. quaest. ad
Antiochum.
q. 39.

o sophronius
citatur à Con-
cilio Nic. 2.
Act. 4. pa. 336.
Vbi hæc eadē
historia recita-
tur ex soph. &
approbatur à
Concilio.

What else can they, or should they answer, but

p Nā cū Con-
cilium Franco-
fordense de
beati Athanasij
Alexandriae
Episcopi, verba
fecisset, Hadri-
anus eos refel-
lens ait, Eiusdē
Athanasij sen-
tentias fide-
ter proferimus.
Hadr loc. citat.
q Possen. in
verbo Athana-
sius. pa. 127.
r Athanasij
esse nō possunt
Bell. li. de scrip.
eccl. in Atha-
nasio.
s Bell. lib. de
Notis eccl. ca.
9. §. Xenaias.
& lib. 1. de
Purg. ca. 6. §.
Primus
t Bellar. Re-
cog. in lib. 4. de
Concil. & eccl.
ca. 9.
u Haud dubie
lux praecedit
tenebras.
x Gen. 1. 2. 3.
y Dor. syn. in
voce Ionas.
z Illa Synop-
sis plena est fa-
bulis. Bell. lib.
de scrip. eccl. in
Dorotheo,
a Vt ibidem
Dorothe. Pont.

that Pope *Hadrian* strives to maintaine superstition and Idolatry, by lying and forged writings? That this author, cited by Pope *Hadrian*, as the writing of *St. p Athanasius* of *Alexandria* is such, *Possennine* will tell them, *Constat* 9, it is manifest that this is not the booke of *Athanasius*, seeing *Epiphanius* and *Greg. Nis-sene* are cited therein as ancient authors; who both fol-lowed *Athanasius*. *Bellarmino* will tell them the same: The questions^r to *Antiochus* cannot be the booke of *Athanasius*. And whereas *Bellarmino* himselte had sometimes alledged^s this, as the booke of the anci-ent and holy Father *Athanasius*, hee afterwards re-tracts this his errour, and saith, *I doe not thinke^t that Athanasius Bishop of Alexandria is the author thereof.*

Besides this, the sottishnesse and grosse igno-rance, which the forgerer in euery page of that booke bewrayes, doth certainly demonstrate that *St. Athanasius* was not the author therof. *Qu. 52.* it is determined for an undoubted^u truth, that at the crea-tion light was before darkenesse: quite contrary to the Scripture^x, and the Iewish account euer since the creation. *Qu. 64.* it is said, that *Ionas* died three seuerall times, once when *Elias* raised vp the widowes sonne of *Sarepta*; againe, when hee was in the whales belly; and thirdly, by his naturall death after hee was deliuered out of the whale: A fable, groun-ded on the Synopsis^y *Dorothei*, of which *Bellarmino* saith^z, (and saith truely) that it is full of lyes. And yet this which hee sayth of *Ionas*, is as true, as that the Eunuch^a whom *Philip* baptized, and *Cesar*, were two of the seuentie Disciples of Christ: or that *Priscilla* and *Tunia* (two women) were

were^b Bishops. *Quæ. 47.* Hee sets downe for a certaintie that Paradise is the East of the whole earth, and further East then India : adding, that the spices which come from the East Indies, and other easterly countries, are more fragrant, because they are neere to Paradise; by the fragrancy of which, and the trees therein, the Indian fruits are made more sweete and odoriferous. A sortish conceit, not onely because there is no absolute East of the whole world; but because it is certaine, that Paradise was neere or about Mesopotamia and Babylonia, as besides the consent of the best^c Writers, the rivers Tigris and Euphrates, which compasse Mesopotamia, and which watered the garden, doe infallibly demonstrate. *Quæ. 54.* hee saith, That Christ was conceived on the 25. of March, because on the very same day, God at the beginning created Adam : where besides the reason, void of reason, it is viterly untrue, that God created the world in March, or at the vernum æquinoctium, but (as in another Treatise I have fully prooued) about the æquinoctium hibernum. *Quæ. 55.* hee saith that Tharsbis, to which Ionas fled, was a citie of India; a verie fable. Witnesse Iosephus, who saith^d Ionas taking ship at Ioppe, went to Tharsbis of Cilicia. Witnesse St. Ierome : whose opinion^e, though it bee not true therein, yet hee expressely reiects^f that of his going to India; adding, that most^g Writers doe take Tharsbis of Cilicia to bee there meant. The text it selfe puts this matter out of doubt : where it is said^h that Ionas went to Iapho, and there found a ship going to Tharsbis : And that Iapho is the same with

b Priscilla
Colophoniz
Episcopus tunc
Iania Apa-
mix. ibid.

c Vid. Iunij
notis in cap. 2.
Gen Hopkin.
in Synopsi Pa-
radisi. Bened.
Perer. Com. in
Gen. lib. 3. 9.
2. & 3.

d Iosep. lib. 9
Antiq. ca. 11.
& Iosephū ita
sensile aut Hic.
ron. in ca. 66.
& ca. 2. Isaiæ.
e sensu per
Tharsū, mare
significari. He-
er. in ca. 10.
Daniel.

f Ibidem.

g Vt Plerique
existimant. ibi.

h Iona. 1. 3.

i Adric. in
Theat. terræ
Sanctæ. in
Tribu Dan,
nu. 39.

k Ortet. Sy-
non. in Ioppe.

l Ortet ibid.

m Neque e-
nim Ionas de
Ioppe nauig-
ans, ad Indiã
poterat perue-
nire, ad quam
illo mari non
potest nauiga-
ri. Hier. com. in
ca. 2. Isai.

n 1. Kin. 9. 26

o 1. King. 22;
48.

p 2. Chron.
20. 36.

q Fecerat clas-
ses in mari; ubi
Hebr. est Thar-
shis. 1. King.

22. 49.

r 1. King. 10.

22.

s 1. Kin. 9. 18.

with Ioppe, not onely *Adricomius*ⁱ, *Ortelius*^k, and o-
ther Geographers witnesse; but the very Italian
name of *Ioppe*, which to this day is called *Iapho*^l,
doth demonstrate. Now *Ioppe* is a Maritime towne,
on the West side of *Iury*, situated on the *mare Me-
diterraneum*, or as some call it, *Syriacum*; whence
there is a straight passage through the *Mediterraneã*
Sea to *Tharsus* of *Cilicia*, but not^m to the *Indies*. If *Io-
nas* had purposed then to flye to *India*, his passage
should haue beene on the East side of *Iury*, by the
redde Sea, and the Bay of *Arabia*; the same that *So-
lomon*s ships tooke from *Ezion-geber*ⁿ to *Ophir*, or
Tharshis. For that these are two Synonimal names of
the same place, (though *Tharshis* withall signifieth
the Ocean) the text it selfe imports: Seeing *Iehosa-
phat* purposing to send whither *Salomon* had done, is
said in one place^o, to send to *Ophir*, and in another^p,
to make ships to go to *Tharshis*; but God disappointed
his voyage, and brake his ships at *Ezion-geber*, in the
red Sea, so that they were not able to go to *Tharshis*. Be-
sides, the vulgar Latine translator, though hee knew
Tharshis in Hebrew to signifie the Sea, and so some-
times translates it, yet speaking of *Salomon*s sending
to *Ophir*, hee takes *Tharshis* for the proper name of
the Region, even the same with *Ophir*; saying^r, That
the Kings nauie, per mare ibat in *Tharshis*, went by Sea
vnto *Tharshis*, bringing gold from thence; and againe^s,
when they came to *Ophir*, *sumptum inde aurum detule-
runt*, They brought from thence gold vnto *Salomon*.
So he cleerely shewes *Tharshis* and *Ophir* to bee the
selfe same place whither *salomon* sent for gold, and
from whence his Nauie brought gold vnto him.

Gasp.

Gasp. Varrerius, after diligent examination of this point concludes ^t, that the sacred Scripture, *eandem regionem modò Ophir, modò Tharshis nuncupat*, doth call the same region, sometimes *Ophir*, sometimes *Tharshis*.

^t *Gasp. Varrer. Coment. de Ophira regi. on. pa. 55.*

Now omitting some vnlikely conceits where *Ophir* was, (as that of *Volaterranus* and *Ludou. Venetus*: who suppose ^u it to bee the Iland *Sofala* in the Ethiopian sea, as the Chalde paraphrast ^x takes *Tharshis* for *Africke*, the *Septuagint* ^y for *Carthage*;) there are two opinions which are of all most probable. The former, that *Ophir* is some region of East India: either *Iapan*, as *Maginus* ^z and *Mercator* thought: or, as *Rab. Maurus*, *Lyranus*, and *Varrerius* ^a (who both cites the other, and earnestly contends for this opinion) as also *Acosta* ^b, and *Monsieur de Plessis* ^c affirme, *Ophir* is the same with that which *Ptolomie* calles *Aurea Chersonesus*, and now is knowne by the names of *Pegu*, *Siam*, *Malaca*, and *Sumatra*; all situate beyond the gulfie of *Bengala*. To them may bee added both *Iosephus* and *St. Ierome*: who ^d call *Ophir*, *Regionem Indiae*, A Region of India, (they meane without all doubt East India.) And againe ^e, *Tharshis* is a Region of India, as also *Iosephus* teacheth. Of which Regions of *Pegu*, *Malaca*, and *Sumatra* (though many trauellers in our times doe report the quite contrary) yet *Varrerius* ^f and *Acosta* ^g confidently auouch, that in them, there is, *ingens copia*, verie great abundance of gold, siluer, precious stones, Iuory, Apes, Peacocks, and rare woods, fit to make musical instruments; which were the chiefe

^u *Vt testatur Varrer. lib. cit. pa. 24.*

^x *Chal. Paraph. in. 1. Reg. 10. 22.*

^y *Septuag. ibid.*

^z *Mag. in sua Geogr. pa. 261 vbi Auream Chersonesum ait esse Iapanicā insulam, sicque Mercatorem sentire addit.*

^a *Varr. lib. cit. pa. 22. 23. & per totum lib.*

^b *Acost. li. 1. hist. Ind. c. 13.*

^c *Vt testatur St. Wat. Ragh. lib. 1. hist. ca. 8. §. 15.*

^d *Hier. Epist. ad Princip. quæ est 140.*

^e *Hier. Epist. ad Marcell.*

^f *Var. lib. cit. pa. 34.*

^g *Acosta loc. cit.*

e 1. King. 10.

v. 11, 12, 22.

f Ophir Postello Peruv. detur; & idem affirmat Ar. Montanus.

Abr. Ortel. in synon. Geograph. voce Ophir.

g Verisque Cheseeph, argentum: Chem, aurum purum. Puah, igne efflare aut sufflare (ut transfert Iun. Psal. 12. 6. & Ezech. 21. 36.) notat.

h 2. Chro. 3. 6.

i Ar. Mont. tract. de Phaleg, & Gentium regionibus.

k Ar. Mont. loc. cit.

l Gen. 10. 29.

commodities^e that Salomon had from Ophir.

The other opinion is imbraced^f by Postellus, and Arias Montanus, That Ophir is a part of the West India, or America, as they teach, Peru; as Franc. Vatablus thinkes, Hispaniola. Now besides that affinity^g, which some haue obserued betwixt that Indian speech, and the Phenician or Hebrew language: besides that coniecture which is taken from the *Insula Salomonis*, which are situate in the *Mare del Zur*, neere to the coast of *Nova Guinea*: there is one perswading inducement for this opinion; In that the holy Scriptures speaking of that gold which Salomon vsed in the Temple, and which in all likelihood was the same which was brought from Ophir, expressly calls^h it *Zahab Peruaijm*, the gold of *Peruaijm*, or the two *Perues*: *Peruaijm* and by contraction *Paruaijm*: being as Arias Montanusⁱ noteth, the Duall number of Peru: whereof, as hee^k saith, there were two great Regions diuided by a great Isthmus (that is where Mexico is sited) both which being peopled by Ophir (the grand-childe of Phaleg^l;) who planting his posteritie there, and first inhabiting those countries, left his owne name (of Ophir) vnto them both, and till the time of Salomon, and after, they were so called. But since then, by a little inuersion of the letters (the Radicals of Ophir, and Peru being the same) they were called each of them by it selfe Peru, (which comes of *Parah* to multiply or increase: this countrey being a very great increase or addition to the former world: and both of them together in the Duall number *Perilaijm*: The name of Peru stil continuing to the one, called

led also thence by Geographers in Latine *Paruana*, or *Peruana*, that is, the Region of *Peru*: the other is now by a new name, and new inhabitants called *Hispaniola*. The like is declared by *Shindler*^m a learned Hebritian, who saith that by *Paruajm* are noted the two Regions, of *Peru*, and *Hispaniola*.

^m Shindl, in
suo Lexic.
Hebræo.

I confesse the iourney from *Iudæa* to *Peru*, was very long, specially in those dayes when Nauigators, as is confessedⁿ, not knowing that admirable vse, and therefore not hauing the helpe of the loadstone, Carde, and Compasse, were forced for many occasions, but especially for their owne safetie and direction, *littus legere*, to saile neere the shore. But seeing three yeares (so long was *Salomons*^o Nauie in going and comming) is a long time also, there is no doubt but a Nauie, though sayling along by the shoares of *Arabia*, *India*, and the *Moluccæ*, and from thence passing to *Noua Guinea*, (which is neere vnto them) and so holding the coast of *Noua Guinea* on their right hand, and in like sort the *Terra Australis*, the streights of *Magellane*, and the South side of *America*, might with ease both goe to *Peru* (whither *Salomon* by his great and inspired wisdom might direct them) and returne also in that space of three yeares.

ⁿ Acoft lib. &
cap. cit. Varr.
lib. cit. pa. 45.
& sr. Wal.
Ragh. loc. cit.

^o 1. Kin. 10. 22

To them who imbrace this second opinion I might adioyne *Goropius Becanus* a Dutchman of *Traiectum* in *Brabant*; for he also resolutely holdes *P*, *Ophir*, whither *Salomon* sent his Nauie, to be *Peru*, or *America*, which hee calleth *Orbis Atlanticus*, becaule *Atlas*, as hee fancieth, the grandchild of *Iaphet*,

^p Gorop. Be-
ca. lib. 7. Hispan-
nic. pa. 112.

b Eorum assertio defendi non potest, qui linguam Hebraeam omnium primam esse contendunt Gorop. lib. 2. Hermathenæ. pa. 25. & sæpe alibi.

c Linguam Cymbricam primam esse contendimus ibid. Cymbricam vero suam vocat. lib. 1. Gallic. pa. 6. Necessario efficitur nullam linguam, nostra esse priorē. Libro 9. Hermat. pa. 204. Galli & Teutones nec natione, nec

lingua differunt. Gor. lib. 2. Gallic. pa. 34. Cernimus clarissime Gallicam linguam non cum Alemanica conuenire, sed prorsus cum ea quam hactenus Antwertpiani, cæterique Cymbri vtuntur. lib. 1. Gallic. pa. 11. & 6. Et; Galli olim eandem cum Germanis linguam habuerunt. lib. eod. 1 pa. 4. d Primus nostræ linguæ Architectus fuit Orpheus Gor. lib. 5. Hermat. pa. 103. Is vero qui ante Diluuium Orpheus dictus est, fuit Adam. lib. eod. pa. 104. e B Cymbrica reliqua deriuantur. Gor. Hermat. lib. 9. pa. 204. f Lib. 4. Hermat. pa. 94 g Ibid. pa. 95.

first sayled thither passing from Africke through the vnfle Ocean, called Oceanus Atlanticus. But Goropius doth so ouerflow with vnconouth, vnprobable, and extravagant conceits, that I thought his name would rather disgrace then gaine credite to this assertion. For who can with patience heare that which hee most confidently auoucheth, *That not the Hebrew^b, but the low Dutch, or Germaine^c language* (being the very same with the Cymbrian, and also with the old Gallican tongue, as hee teacheth, and which hath great affinitie with our Saxon;) *was the first and primitive language of the world: the verie same which Adam spake, and was author^d of it also:* and which was vsed by all men till the confusion of languages at Babel? Againe, *that when the Hebrew, Greeke, or Latine words are either the same, or haue affinitie with the Cymbrian, that is, the old Gallike, or the Germaine tongue, then they are, and must bee deriued^e from the Germaine, as being the first language of all.* Vpon which ground hee deriues^f the Greeke *Ate*, from the Germane *Hate*; and the Hebrew *Adam*^g, from the Greeke *Ate*, and the Germane, *Dam*, which signifieth a *banke*: because *Adam* was like a *banke* continually assaulted with the waues of Satans hate, and temptations: and the Latine *Anima*, from the German *Asem*, which signifieth *Breath*. To omit the rest (there are in him infinit of this kind)

the

the very name of *Ophir* he deriue^hth frō the German *Ouer*, because it is beyond the Atlantike Sea: and *Pe-*
ru, from^h the German *Pher*, which signifieth a custo-
 dy; and *Peruajm* which is mentioned 1. Chron. 3, he deriuesⁱ from the same German *Pher* and *Heim*,
 an house; as if it betokened some house made by *At-*
las for the safetie of merchandise to bee exported
 from *America*. Such vnapt and inept assertions
 (which abound in him) perswaded me to thinke him
 vnworthy of citing for that opinion.

g Cor. lib. 7.
 Hispan. pa. 112

h Ibidem.

i Ibid. m.

Two exceptions are against this second opinion
 taken by some^k who thinke themselves expert in
 these matters of Nauigation. The one, that the name
 of *Peru* was giuen to that American region since the di-
 scouery thereof made by Americus and Columbus: The
 other, that there is no possible passage thither, but by
 crossing the maine Seas, and leauing the shores in a farre
 distance: which reasons would easily perswade, and
 more then perswade if they could be proued. But his
 former prooffe is very sleight and of no weight.
Fr. Pizarro, saith hee, hauing discovered those lands
 on the South of Panama, some of them by signes enquired
 of the Indian inhabitants, the name of that countrey:
 and pointing with their hands ouer the riuer that ran by,
 the Indians answered, *Peru*: therby noting, as he saith,
 the name of the riuer, and from this their answer the re-
 gion was euer since called *Peru*. But herein his conie-
 cture is many wayes fallible: for why may not one
 thinke that the Indians truely expressed the ancient
 name of the Region? or, say they meant the riuer,
 why may not that riuer take his name of the Region,
 or the first planter in it, *Ophir*, which by inuersion of

k S. r Wal.
 Ragh. loc cit.

letters is *Peru*? Or why might not the Spaniards as well misconceiue the answer of the Indians, as the Indians mistake their demand? And for his second reason, it may seeme euen a wonder, that one professing so exact skill in these matters, could be ignorant that there is a straight course, and that almost fast by the shores, from the *Moluccaes* to the coast of *Nova Guinea*, and so by *Terra Australis* to the streights of *Magellane* and thence to *Peru*, as both the Mappes of *Ortelius*, *Maginus*, *Pet. Bertius*, and others, and much more the terrestriall globes of *Hondius*, of *Iohn Kereus*, of *William Iohnson*, and for ought I can perceiue, of all later Geographers, doe make eident to the eye. Had hee well considered either his Mappes or Globes, he might haue sayde that iourney to *Peru* had beene long or tedious, but hee neuer could haue truely sayd, it had beene impossible. But leauing the iudgement of this matter to the learned; it doth suffice for our present purpose, that whether soeuer of the Indies, either East or West be meant by *Tharshis*, the forged *Athanasius* doth shew himselfe a verie witlesse man: it being as ridiculous to say that *Ionas* tooke shipping at *Ioppa* to goe to either of the Indies; as if one purposing to goe from *Hull* to *Barwicke*, should sayle first to *Douer*, and thence to *Plimmouth*, and so hauing compassed the whole Iland of *Brittaine*, should strike in at some Hauen nere vnto *Barwicke*.

¶ Hæc est hæ-
resis eorum
qui aiunt in-
corruptibile
corpus assump-
tūc dominum
ex Virgine.
Orta circa
an. 356. Pra-
teol. Hæres. 55.

Lastly, in the 115. Quest. there is mention of the heresie of the *Aphthardokites*; which springing vp in the time of *Iustinian* from one *Iulianus* Bishop of

of *Halicarnassus*, as both *Liberatus*^u, and *Leon-*
tius^x testifie, the forgerer as in euery part of that
 booke hee bewrayes his grosse ignorance and fol-
 ly; so in this, hee demonstrates himselfe to haue
 liued at least two hundred yeares after *Athanasius*.
 And yet this sottish forgerie stufte with such vn-
 truethes, doth Pope *Hadrian* alledge for the wri-
 ting of that most learned and renowned Bishop of
Alexandria *Saint Athanasius*.

The next Pope cited by them as an approo-
 uer of the Edict, is *Leo* the ninth, who though
 hee bee most confident in this matter, alledg-
 ing *this Charter as a record of vndoubted credit,*
and whereof no scruple may be made: yet is hee as
 insolent and shamelesse as *Hadrian*, in maintai-
 ning vntruthes and forged writings, if their Ro-
 mane See may gaine ought thereby. What an
 insolent and vntrue saying is that of *Leo*, in this
 very y Epistle, *The faith of the Church of Rome,*
nec hactenus defecit, nec deficiet in secula, nei-
 ther hath yet, nor euer shall hereafter faile; whereas
 the faith of Pope *Vigilius*, and the Roman Church to
 haue failed, *Vigilius* definitiuely and iudicially^z defen-
 ding the three chapters, and so all the heresies of *Ne-*
storius, the whole fift general Councel is an vndoub-
 ted witnes; as in another treatise touching that
 whole Councell I haue at large demonstrated. Of
 Pope *Honorius*, that he dogmatized, and doctrinally
 taught, defined & defended the heresie of the *Mono-*
thelites, the six^h ^a, seuent^h ^b, and eight^c generall Coun-
 cels are all witnesses, so cleare, that if *Leo* and others
 had not hardened their faces like Adamants, they
 would blush to deny it.

What

u *Liberat ca*

19.

x *Leont.*

1b. de sect.

Act. 5.

y *Leo 9. Epist*
1. ca. 32.

z *Constitutū*
Vigilij, apud
Baran. 553.
an. 50. Et seq.

a *Conc gen.*
6. Act. 12. 13.
& 14.

b *Conc. Nic.*
2. Act. 7. in E-
pistola Synod.

ad omnes fi-
deles.

c *Conc. 8.*

Act. 7.

d Leo 9. Epist
1. ca. 10.

e Conc. Rom
2. sub Silvestro
ca. 20.

f Supra ca. 1.
& 2. &c.

g Leo 9. Epist
4.

h Possen. in
Appar. verbo
Clementis. pa.
366.

i Epistola Cle-
mentis scripta
est post annū
13. Neronis
Bin. Not. in
eam Epist. Ia-
cobus autem
mortuus est
ann. 7. Nero-
nis, vt testatur
Eusebius in
Chro. & Hier.
lib. de scrip. ec-
cles. in Iacobo
k Vt seruari
omnia imma-
culata præci-
piat Clem. Ep.
1. in fine.

l Anacl. Epist
3. Hæc est
quam Leo
curat.

What credit can be given to this *Leo* in his allea-
ging of ancient records, when in the very same E-
pistle also hee saith, that *Pope d Siluester* did decree,
and *Constantine the Emperour*, *vniversa Nicena Syno-
do approbante & subscribente*: the whole first Nicen
Synod approving & subscribing to the same, that the
highest See should be iudged of none? An vntruth
without all colour fathered on the Nicen Councell.
For neither was that Canon which *Leo* speakes of,
made in the *Nicen*, but in the *second Roman e Synod*:
neither was there euer any such second *Roman*
Councell, which decreed that, as before f wee haue
proued: neither did the Nicen Fathers euer approve
or subscribe to that Canon. Such shamelesse bely-
ing of most holy, and defending of forged Coun-
cels and Canons, doth demonstrate to euery man
how he may trust this *Pope Leo* in citing of ancient
records.

In another Epistles, the same *Leo* to proue the au-
thoritie of Metropolitans, and specially of the See
of Rome, cites the Epistles of *Pope Clement* the
first, *Anacletus*, and *Anicetus*, most bale and sorie
forgeries. The Epistle of *Clement* which he intends,
is the first which beares *Clements* name: of which
Possenne the Iesuite truly layeth, *Non h potest esse Cle-
mentis*, it can be none of *Clement*. Nor can it indeed
possibly be his: for *Clement* is there sayd to haue writ
this by the direction of *Saint Peter* vnto *Iames the bro-
ther of our Lord* seuen yeares i after *Iames* was dead:
& in this Epistle *Clement* aduiseith *Iames* being dead,
to keepe inuolably k all the precepts of *Saint Peter*. In
the Epistle of *Anacletus*, l the name of *Cephas* is ridi-
culously

culoufly (as their owne *Ferus*^m professeth) interpreted to signifie caput. And of all those three Epistles of *Anacletus*, their owne Cardinall *Cusanus* sayth, *Credo*ⁿ, I beleene them all to bee Apocriphall: and *Contius*^o more plainely, there are many things which demonstrate these Epistles of *Anacletus* to bee counterfeite. The Epistle of *Anicetus* which *Leo* mentions, is misdoubted by *Bellarmino* *P* himselfe to bee falsly entituled, but by the date thereof it is demonstrated to bee a counterfeite, for in the time of *Anicetus* Popedome, *Gallicanus* and *Ruffinus* were not Consuls, nor in ten yeares either before or after; as by the *Fasti* both Greeke and Latine is euident.

In the same Epistle *q* is alledged a Canon out of the Epistle of *Eleutherius*^r, that *Primates and Metropolitans* in other Prouinces may discusse and examine the causes of Bishops, *Diffinitiuam tamen sententiam*, yet they may not pronounce a difinitive sentence till they haue consulted with the Pope; to giue such sentence, belongs onely to the Pope. A forgerie also as the former: for besides other proofes, certaine sentences in this Epistle, taken verbatim^s out of the Imperiall law of *Constantine* and the interpretation thereof, are a cleare euidence: for the forgerer thereby bewrayes himselfe to haue liued 100. yeares^t at least after *Eleutherius* was dead.

To omit the rest, (for *Leo* the 9- is full of them) obserue but that one, which hee produceth as an holy Canon, and by it would defend the dignitie of their Sec. You must know, saith he^u, that

Ll

without

^m *Ferus*, com in
ca. 1. *Iohan.*

ⁿ *Cus.* lib. 2.
de Concord.
ca. 34.
^o *Cont.* in
Cau. 6. q. 1. ca.
Beatus.
^p *Fortè falsum*
titulum præ se
fert. *Bell.* lib. 2.
de Monach.
ca. 40.

^q *Epist.* 4. *Leo-*
onis 9.

^r *Epist.* *Eleuth*
ad *Galliæ*
prouincias, ca.
2. & citatur
Cau. 3. q. 6. ca.
Quamuis.

^s *Illa verba*
Eleuther. *Nec*
litigantibus,
& c. desumpta
sunt ex l. 1. de
Iudicijs. ced.
Theod Bar. an
187 nu. 2.

^t *Eleutherius*
obiit, an. 194.
Bar. eo an. nu.

^u *Leo* 9.
Epist. 4.

x Epist. Iulij
ad Orient. E-
pisc. extat to. 1
Conc. apud

Bin pa. 399.

y Caus. 3. q. 6.
ca. Dudum.

z L. 1. de Cō-
trali. empt. &
l. 2. de excus.
attif. Cod.

Theod.

a Bin. notis in
eam Epistolā
quam esse Iulij
contendit. pa.
400. b.

b Epist. Iul.
loc cit. ca. 2.

c Intelligetis
quantā apud
nos reuerētiā
fuerit. Epist.
Constantini
iunioris, ad
Pop. Alexand.
apud Athan.
Apol. 2. pa.
219.

d Vestri Lega-
ti Concilium a
nobis indici
postularunt.
Iulij Epist. 2.
pud Athan.

Apol. 2. pa. 199

e Quin & Eu-
sebiani literas
misere, Syno-
dum iusserunt
convocari, &
ipsi Iulio si
veller, arbitri-
um causae de-
tulerunt Athā.

Apol. 2. pa. 198.

without the Popes consent a generall Councell cannot be called, nor any Bishop depased, as in the sacred Canons you shall finde.

This Canon is no where found, but in an Epistle x written to the Easterne Bishops in the behalfe of *Athanasius*, bearing the name of Pope *Iulius*, and out of that Epistle it is alledged by *Gratian* y. Now this to be vndoubtedly a forgerie, many euident circumstances doe declare. It is dated when *Felicianus* and *Maximianus* were Consuls; and that was neuer: for the colleague of *Felicianus* was *Tatianus*, as both the *Fasti* Greeke and Latine, and the Imperiall E-dicts z dated in that Consulship doe witnesse. Let vs omit this, and thinke it a fault of the writer: suppose (as *Binius* a doth stoutly affirme) that it was written in the Consulship of *Felicianus* & *Tatianus*, yet that doth more certainly conuince the forgerie: for therein b *Iulius* reprooues the Easterne Bishops for holding of Councels, and condemning Bishops without his consent; whereas, saith he, the sacred Canons doe forbid both these to be done. Whence it is euident that this Epistle must follow the Councell at *Antioch*. For after the exile of *Athanasius*, till then, the *Eusebians* neither did nor durst hold any Councell against him: the Emperour *Constantine* the yonger, professing c such loue and patronage to *Athanasius*. Yea it is cleere by *Athanasius* and *Iulius* d himself, that the *Arians* and other maligners of him, sent Legates e to entreate of Pope *Iulius* that a Synod might bee held at Rome for examining all the whole cause of *Athanasius*; promising to come thither, & offering to refer the whole cause vnto his hearing and iudgement. But afterwards

Constan-

Constantine being dead, contrarie to their owne promise, they found a fitter opportunitie by means of Constantius, to hold a Synod^f at Antioch in Encanijs, where they condemned Athanasius; and this their Decree they would haue to bee of force to bind both Pope Iulius and all others, as if it were the Decree of a generall Councell. Till this time, Iulius had no occasion, nor reason to vrge that Canon of holding generall Councells. And that vpon this occasion hee vrged a Canon to that purpose, both Socrates^g and the vndoubted Epistle^h of Pope Iulius, recorded by Athanasius, doe testifie. Whence it is cleere, that this Epistle which the forgerer dateth, and Binus assures vs to haue beene written in the beginning of Iulius Pope-dome anno 337. cannot bee esteemed the true Epistle of Iulius, seeing the Councell of Antioch was not held till foure yearesⁱ after that time.

But the true and vndoubted Epistle^k of Iulius written to the Eastern Bishops, quite different from this, doth cleerely demonstrate the forgerie hereof; And the Canon also which here is alledged for sacred, makes euident the same. The Canon which the forgerer intended, is out of all question, that which Socrates mentioneth Iulius to haue alledged against their Councell at Antioch. Iulius, saith hee^l, writ to the Easterne Bishops, that they did against the Canons of the Church, *ὅτι οὐκ ἦν τὴν σύνοδον αὐτὸν ἐκκαλεσάν, because they called not him, nor the Westerne Bishops to the councell; whereas the Canon of the Church forbids any decrees* (which should binde the whole

LI 2 Church

^f Socr. lib. 2. ca. 5.

^g Docet Iulius eos contra Ecclesie canones egisse. Soc. lib. 2. ca. 13.

^h Oportuit secundum canonem, & non isto modo fieri. Epist. Iul. apud Athan.

Apol. 2. pa. 202
ⁱ Vt liquet ex Socr. lib. 2. ca. 3.

^k Ea extat apud Athanas. Apol. 2. pa. 198.

^l Soc. lib. 2. ca. 13.

m Iulij Epist.
apud Athan.
loc. citat. 202.

n Sexti Dec.
lib. 5. de Regu.
Iuris, Regul.
29.

e. Conc. Afric
cap. 105.

would haue that at *Antioch* to doe) to be made without the consent of the Bishop of Rome: to wit, without his consent sought for. This to haue beene truely and indeed the exception of *Iulius*, his vndoubted Epistle m written from a Romane Synod, doth euidently witnesse. *Oportuit scribere omnibus nobis, ut ita ab omnibus quod iustum est decerneretur*, you should haue written to vs all, and called vs to the Councell, that so what is iust might haue beene decreed by all. The Canons most iustly forbid any decree (which should haue force to binde all) to be made without the knowledge of all, and vnlesse their consent were sought for at least; vnlesse all who had right to come to make the decree, were called to the Synod, and to the making of that decree. Equitie and reason teach, *Quod n omnes tangit ab omnibus approbari debet*, that which bindes all must be approued or decreed by all. This being the true and indubitate Canon, the forgerer whom *Leo* followed, makes *Iulius* to say, that no Councell can be held, nor no Bishops be condemned without the Popes consent: but howsoeuer others may examine the cause, yet the last and finall sentence must belong to the Pope: which to be a forgerie, and quite repugnant to the sacred Canons, the Epistle of the *Africane* Bishops to Pope *Celestine* doth demonstrate: for therein they testifie the *Nicen* Councell to haue decreed, that the causes as well of Bishops, as other inferiour Clearkes should be referred suis Metropolitanis, to the Metropolitans of each Prouince, and that the causes finienda essent, should be there ended where they did arise, leauing no appeale from their sentence to any, no not to the

the Pope, but onely to a Proninciall first, and then to a generall Councell.

By this now it doth cleerely appeare how shamelesse Pope *Leo 9.* was in seeking to maintaine the dignitie of their See by forged authors, and counterfeited Decrees, which hee magnifies for sacred writings, and holy Canons. Now, if *Leo* would dare to deale thus shamefully for the honour and gaine of holding Councells, and of being a iudge of Bishops; would hee not much more aduenture, to set forth like forged Records, for gaine of *Rome*, of *Italy*, and of all the Westerne Prouinces; to bring all Emperors in subiection vnder his feet, and to hold his stirrop, as *Constantine* in this Donation is said *p* to haue done before?

The third Pope alledged, as a witnesse of this Charter, is *Eugenius* the 3. He, saith *Marta* q, approued the Decrees compiled by *Gratian*, both the *Triticum* and *Palea* therein; and one of *Palea* is the chapter *Constantinus*, wherein this Edict is expressed. Be it

p Stratoris officiu illi (siluestro) exhibimus, ait Constantinus in Edicto donationis.

q Mart. loc. cit. nu. 37.

so: yet hee approoued it no otherwise then as *Palea*. And it had beene a point worthy of *Martaes* labour, to prooue that the Popes approbation can transubstantiate chaffe into wheat, or make of a forged, a true and authentick Charter. Againe, because *Marta* doth so delight himselfe in this *Palea*, which the ambitious Cardinall foisted into *Gratians* Decrees, I would gladly know, of what truth and credit that Cardinal was. Certainly, seeing he was so shamelesse in lying and forging, as that in *Gratians* owne presence^r, and before his face, hee blushed not to challenge the booke of Decrees for his owne worke,

r Vt liquet ex Marta. ibid. nu. 35. 36.

wherein he was sure that *Gratian* would convince him of vnt ruth, how can any thinke, but that hee would be most audacious and impudent, in belying *Constantine*, and fathering that Decree on him, wherein he knew that no such living witnesse as *Gratian* was, could bee produced against him? Besides, what credite can any man possibly giue to Pope *Eugenius* (if hee approued, as *Marta* saith hee did) the whole booke of the Decrees of *Gratian*, which is stult with forgeries and false writings? *Dist. 16. ca. Septuaginta*, is cited, *The Epistle of Athanasius vnto Pope Marcus*, concerning the burning of the *Nicene Canons*. Whereas that burning happened diuers yeares after *Marcus* his death: and *Marcus* was dead also at that time, when hee writ (as they say) his answer to that Epistle, as *Bellarmino*^f witnesseth. *Causa 24. qu. 1. ca. Hec est fides*, he alledgeh a Canon vnder the name of *St. Ierome*, which was certainly taken out of the booke of *Pelagius* the Arch-heretiko, as the same *Bellarmino*^e againe witnesseth. *Causa 10. qu. 9. ca. Quia sacerdotes*, hee cites another Canon, as out of a booke of *St. Ierome*, of which *Bellarmino* confesseth^u, that it is a counterfeite going vnder the name of *St. Ierome*. *Causa 22. qu. 2. ca. Nec artificioso*. He cites as the booke of *St. Augustine*, that Treatise, *de conflictu virtutum & vitiorum*, which to bee a forgery, *Bellarmino*^x rightly proues, seeing *St. Benedict* is named therein, who liued more then an hundred yeares after *Augustine* was dead. No marueile if Pope *Eugenius* approuing these, and an hundred such like passages in *Gratian*, approued also that Chaffe of *Constantines Donation*, which is of the same stamp with

^f Bell. lib. de
scrip. eccl. in
Gratiano.

^e Bell. ibid.

^u Bell. ibid.

^x Ibid.

with the former. Chasse it was, and for all the approbation of *Eugenius*, or any other Pope, Chasse it will be euer, and ought for euer to be so accounted.

As for Pope *Nicholas* 3. (to whom may be added, *Clement* 7 5.) It was but a point of good manners in the, to approue that Charter, which they saw *Hadrian* 1. *Leo* 9. & *Eugenius* 3. to haue before them, commended for authenticall. Who were they, that they should giue the lye to 3. of their predecessours? But that which disgraceth both the & the former Popes is, that *Nicholas*, and *Clement*, followed heerein *Eugenius*, *Leo*, & *Adrian*; and they followed the Acts of *Silvester*. Now those Acts being, as wee haue before demonstrated, nothing but a very sinke of lies, and sottish fables, the Popes by their approbation can no way giue or gain any credit to such vntruths, but they impaire their owne credit, and extreemely disgrace theselues, in seeking by such fabulous & forged writings to vphold the dignity of their pontificall See.

After the foure Popes, let vs examine two of their general Councils, which are alledged as witnesses of this Donation. The former is their *second Nicene*, of which *Marta* saith^z, that it beares witnesse to the Donation. *Steuchus* more plainly and confidently affirms, that this^a takes away all doubt concerning the truth of this Donation, seeing the definitions of generall Councils are of greatest authoritie.

The answer is easie: first, in that second Nicene Councell, there is no mention at all of this Donation, nor ought whence it can be collected. For though they approue that part of the Acts of *Silvester*, wherein the persecution, leprosie, and baptism

y *Clementin.*
lib. 2. tit. 9. ca.
Romani.

z *Mart.* ca. cit.
nu. 10.

a *Aug. steuch.*
lib. cit. pa 87.

b Bar.an.324
nu.31.32.33.

c Bar.an.1151
nu.52.

d Car. Magni.
lib.3.ca.30.

e Conc.illud
probat primā
Epistolā. Had.
1. Act. 2. pa.
313. In ea re-
citantur Acti
Siluestri vt au-
thentica. Act.
2. pa. 309.
f Sup. ca. 10.
g Conc. Nic.
1. Act 5. pa.
354.

tisme of *Constantine* by *Siluester*, is set downe, yet of the other part of those Actes, wherein this Donation is expressed, they make no mention at all. And that the one may be approued, and the other reiected, Card. *Baronius* is an vndeniable witnesse, who admits^b the former, and yet the later hee viterly condemnes^c as a forgery. Againe, the second *Nicene* Councell is of no truth or credite in the world. They are so impudent in alledging lies, fables, and forged writings, that three quarters of those Actes, though they be very large (I speake it confidently,) are nothing else, but either vnttruths or forgeries. The Councell of *Frankford* gaue a true and iust censure of that their *Nicene* Synod, when it said^d, that those Fathers being destitute of proofes out of the sacred Scriptures, turned themselves, *Ad apocryphas & risu dignas nenas*, To apocryphall and ridiculous toyes. Of a thousand, take but two or three examples.

First, the Actes of *Siluester*, touching *Constantines* persecution, leprosie, and baptisme, are approoued^e therein; which Actes to be not onely vnttrue, but a very puddle of lies, wee haue before^f demonstrated.

Secondly, that miraculous narration set downe by *Euagrius*, of the Image of Christ made without hands, and sent to *Abgarus* King of *Edeffa*, by which that citie was made vnconquerable, is approoued^g in that second *Nicene* Councell. A very fiction and fable, as by the euent, and diuers other reasons is cleerely proued in the defence of *Iustinian* against *Baronius*.

Thirdly, in that Councell is related out of *St. Atha-*

Athanasius 8, the whole booke, *De passione Imaginis domini*: How that Image of Christ, taken by Nicodemus his owne hands, was brought to Beruthus; how the Jewes by chance getting it, used all the indignities to it; which their fathers had done to Christ himselfe: they scoffed at it, they crowned it with thornes, they gaue it gall and vineger to drinke, they crucified it, and they pierced it with a launce; how a great deale of blood issued out of it, which cured the lame, the blinde, and all diseases: upon which miracle the Jewes were conuerted, the blood put into glasses, was sent by the Bishop of Berithus throughout Asia, Europe, and Africke, and a solemne festinall obserued for that miracle. This being read in the Councel, all the Bishops were so moued therewith, that they^h fell to sighing and weeping. And for the truth and certaintie of this story, it is added, *Hecⁱ certa est & manifesta*, This is the certaine and manifest narration, touching the Image at Berithus: and againe, *Hec est vera^k & vehementer credita ratio*, This is the true and most credible story, touching the blood of our Lord Iesus Christ, which came out of the Image that was crucified at Berithus.

Now this Treatise, *De Passione Imaginis*, not to be the booke of St. Athanasius, that famous Bishop of Alexandria, but a lying and fabulous writing, going vnder his name, and inserted among his workes, is by their owne writers confessed. This miracle, saith Bellarmine^l, happened an. 766. (and that is more then 390. yeares^m after the death of Athanasius:) They erre, saith Baroniusⁿ, who thinke St. Athanasius, the famous Bishop of Alexandria, to bee the authour of this booke; it was, *res recens gesta*, a matter which happened

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g Sermo B. Patris nostri Athanasij, de Imagine, &c. Conc. Nic. 2. Act 4. pa. 329. Totus hic liber legitur & recipitur sub nomine S. Athanasij in Conc. Niseno 2, Bell. lib. de script. eccl. in Athanasio, pa. 116.

h Totam hanc congregationem, Athanasius, ad compunctionem & lachrimas copulit. ibid. pa. 331.

i Ib. pa. 330. b. k Ib. pa. 331. a.

l Bell lib. de script. eccl. in Athanasio. m Athanasius obiit an. 372. Bar. eo an. nu. 63. n Bar. an. 787. nu. 29.

o Bar. notis
in Martyr.
Rom. Nou. 9.
p Bar. an. 780.
nu. 5.
q Nam Con-
cil. Nic. 1 ha-
bitum est an.
787. Bar. eo
an. nu. 10.
r Cens. errorū
Catech. Mon-
hem. Dial. 3.
pa. 59.
s Feward cō.
in Iren. lib. 1.
ca. 24. S. Nico-
demus.
t Bar. an. 787.
nu. 29. & 30. &
Not. in Mart.
Rom. Nou. 9.
u Hęc mira-
culum tempo-
re horum Au-
gustorum con-
tigisse asserit.
Not. in Mar-
tyr. loc cit.
x Citatur tan-
quā antiquissi-
ma historia in
7. Synodo. Bel.
lib. de Imag.
sanct. ca. 10 S.
Tertia. Posse-
uin. in Atha-
nas. pa. 127.
y Adfero diui
Athanasij li-
brum. At Per.
Nico. in Conc.
Niceno 2. Act.
4 pa. 329.

ned but a little before the 2. Nicene Councell : and againe, *Plane constat*, It is certaine that the author of this history touching the passion of Christs Image, is not Athanasius Bishop of Alexandria : for this thing happened in the reigne of Constantine and Irene : And they entred into the Empire, but an. 780. that is, but seuen yeeres q. before the 2. Nicene Councell.

Then it is certaine their Colen censure of Monhe-
mius is of no truth or credit ; wherein it is confidently auerred r, That this was the writing of St. Athanasius, the most famous Greeke writer, and most earnest propugner of the faith. Certaine that their Fewardentius is of no credit, who by the warrant of this 2. Nicene Councell saith s, that Athanasius writ this 1260. yeeres before his time, and he said this, an. 1596. Nay it is certaine also, that this their 2. Nicene Councell is of no credit ; for though Baronius labour to wipe away this blemish, by saying t, that those Nicene Fathers meant not Athanasius of Alexandria, but some other Bishop of that name, who lived after the yeare 780. (in which Constantine u and Irene began to reigne :) yet he doth but therein wash the Blackamoore. For that they meant St. Athanasius Bishop of Alexandria, not only Fewardentius (of whom I spake of late) witnesseth, but Possesine & Card. Bellarmine also, who both say x, that this is cited by those Nicene Fathers, vt antiquissima historia, as a most ancient story ; and it were too ridiculous for thē to call this story most ancient, had it happened but some 7. as Baronius, or some 20. years, as Bellarmine accounts before the Nicene Councell.

Peter, Bishop of Nicomedia, who brought y the booke of Athanasius into the Nicene Synod to bee there

there read, puts this out of all doubt. For he ^z, in a Councell held at Casarea, wherein were present all the Bishops of Asia, testified this to bee the booke, *Athanasij Alexandrinae urbis Episcopi*, of Athanasius Bishop of Alexandria. And that *Tharasius*, and the whole Nicene Councell thought no otherwise, it is cleere by the very speech of *Tharasius*, who, after this was read out of *Athanasius*, demands a *why miracles were not wrought by our Images*. Whereupon the marginall Annotation, as well in the ancient editions, as in *Binius*, is this, *Cur hodie imagines non edant miracula*, signifying plainly that *Tharasius* demands why the Images in his time, did not worke miracles, as they did in the times of *Athanasius*: thereby evidently shewing, that both hee, and the Councell thought the Image at *Berithus*, to haue wrought that miracle, not in his time, hut long before, euen in the dayes of the great *Athanasius*. Such palpable forgeries as this, being approued by those Nicene Fathers, the Councell of *Frankford* did vpon good and certaine prooffe say^b of this Nicene Synod, *Penè omnia*, almost all, in that vaine writing, which they cal the 7. Synod, are like vnto dreaming imaginations & phantasticall obumbrations; and there is almost nothing therein, quod non aut somnij vanitatem, aut alterius deliramenti hebetudinem redolet, which doth not saue either of a vaine dreame, or of a dull dotage.

^z Relatio miraculorū quæ per Imaginem Christi facta sunt Berithi, ea extat inter opera s. Athan. ante librum de passione Imag.

^a Conc. Nic. 2. Act. 4 p. 331

^b Carol. magni. lib. 3. ca. 26. contra Nicenā synodū 2.

The other Councell produced by *Marta*, is that at *Constance*, where *Iohn Wickliffe* was ^c cōdemned, (beside other matters) for saying that *Siluester* and *Constantine* did erre, dotando Ecclesiā, by endowing or enriching the Church: whence, saith *Marta* ^d, it is gathered, *Non esse ulterius dubitandum de veritate &*

^c Artic. Ioh. Wickl. condemnati in Conci. Constāt. fest. 8 Art. 23.

^d Mart. ca. 30 cit. nu. 20.

e Th.Wald.
Doctr. to. i. li.
4. art. 3. ca. 38.

f Got. Viter.
Chron. an.
Chr. 248.

g Iac. Alm.
lib. de domin.
ciuli & ecclef.
concl 2. §. Pri-
mum est.

validitate huius donationis, That none must doubt of the truth and validitie of this Donation. A verie sleight reason I perceiue, will remoue great doubts with *Marta*; whereas the sillinesse of this collection of *Marta*, with men of reason, will make this Donation, for which hee pleads, to bee farre more doubtfull. For what a consequence call you this, *Constantine endowed the Church with riches and possessions, therefore hee gave all Rome, Italy, and the westerne Provinces to the Pope*? Is there no dotation of the Church, but such an ample Donation of the Westerne Monarchy? *Thomas waldensis* professedly against *Wickliffe* proues in a whole chapter ^e, *That long before Constantines reigne, the Church was endowed with lands, goods, and possessions, in the time of Pope Pius the first, in the time of Calixtus the first, and specially in the time of Philip the first Christian Emperour, 60. yeares before Constantine; of whom waldensis saith, Hee embracing the faith, multis pradijs & facultatibus dotauit Ecclesiam, endowed and enriched the Church with lands and great wealth: Of whom Got. Viterb. f thus versifieth, Et dedit Ecclesijs pradia multa suis. The like doth waldensis shew of diuers others. Now if Philips endowing the Church with many and great possessions, will not proue, that hee made a Donation of Rome and Italy to the Pope, it was a very witleffe conceite in Marta, to thinke that because Constantine endowed the Church, therefore without all doubt hee made this Charter of Donation. Bene referunt de quarundam Ecclesiarum Romæ dotatione, sed de Imperio nihil, saith Iacob. Almane g, histories and writers doe well mention the endowing*

or enriching the Church by *Constantine*, but of the Donation of the Empire made by him, they speake nothing at all.

That *Constantine* endowed the Church, and that in a most princely manner, is not to be doubted. His bountie herein, is at large set forth by *Eusebius*. At ^h *Christs* sepulcher he builded a most sumptuous Church, adorning it with so many gifts of gold, siluer, and pretious stones, as were numero fere infinita, almost infinite for number. He beautified ⁱ, *regalibus ornamentis*, with princely ornaments, a Church at Mount Oliuet, and another at Bethlem: both which his mother *Helen*a had builded; the one in honour of *Christs* natiuity, the other of his ascension. He builded most munificent Churches at Mambre ^k, where *Christ* appeared to *Abraham*; at *Heliopolis* ^l, and at *Nicomedia* ^m, commanding the like to bee done ⁿ in other Prouinces, giuing charge, *ut pecunijs non parceretur*, that they should spare for no cost, but receiue it out of his treasurie. At *Constantinople* he builded ^p many temples, among them, that ^q in memorie of the Apostles (where hee appointed himselfe to be buried) was most sumptuous, covered with Gold, without with Brasse stript with Gold, he enriched it with houses, bathes, walkes, and all other things either necessarie or conuenient. At *Rome* (if that booke, *De Munificencia Constantini*, may be trusted) he builded the *Constantinian* ^r Church, another of *Saint Peter*, another of *Saint Paul*, others of *S. Agnes*, *S. Lawrence*, *S. Marcellinus*, diuers others at *Ostia*, at *Alba*, at *Capua*, at *Naples*, all of them so magnificent and cosly, that besides the Lands, and reuenewes giuen vnto them, the verie Gold of one ^s one-

^h *Euseb. lib. 3. de vit. Constant. ca. 39.*
ⁱ *Ibidem cap. 40. & 41.*
^k *Ibid. ca. 50.*
^l *Ibid. ca. 56.*
^m *Ibid. ca. 49.*
ⁿ *Eus. lib. 4. ca. 39. & lib. 2. ca. 39. & in omnibus Prouincijs Ecclesias extruxit. lib. 3. ca. 47.*
^o *Ibid. lib. 2. ca. 39.*

^p *Euseb. lib. 3. cap. 47.*
^q *Eus. lib. 4. ca. 58: 59. 60.*

^r *Libellus de Munif. Const. (quem fidelissimum vocat Baron. an. 324. nu. 67.) extat post vitam Sil. tom. 1. Conc.*

^s *Ea est Basilica Constantiniana.*

x Euseb. lib. 1
de vit. Const.
ca. 35.
y Euf. lib. 4.
ca. 28.

ly Church came to 1900. and the Syluer to 154000. of our pounds. Besides all these, *Ecclesijs* *cepiosa sup-*
peditavit subsidia, he gaue abundance to maintaine
them, yea as *Eusebius* saith *γ*, *Incredibile est & supra*
omnem opinionem, he so enriched them with lands, with
corne, with ornaments, as is incredible, and aboue any
mans opinion. Seeing *Constantine* thus munificently
endowed the Church, (which is all that the Coun-
cell of *Constance* saith he did) it was a very silly colle-
ction of *Marta*, to conclude, That because the
Councell approued *Constantines* endowment of the
Church, therefore without all doubt, they teach
that *Constantine* made this Charter of Donation,
and gaue to the Pope, *Rome, Italy*, and all the We-
sterne Prouinces.

But to see the vanitie of *Marta*, there is euident
prooffe that neither *wickliffe* in his reprobuing, nor
the Councell of *Constance* in their approuing this
fact of *Constantines* endowing the Church, did, or
could meane thereby this pretended Donation.
Had *wickliffe* thought *Constantine* to haue giuen (as
by this Charter he is said) all the Westerne Prouin-
ces to the Pope, and the Church of *Rome*, he would
haue reprobued in the West none, but *Constantine* for
endowing the Church, nor could he haue reprobued
other Westerne succeeding Kings and Princes for
endowing the same, with their lands and possessions.
Those lands had not beene theirs to giue vnto the
Church, and endow it therewith, being formerly all
giuen by *Constantine*. Now its euident by the Coun-
cel of *Constance*, that *wickliffe* reprobued later Emperors
and Kings in the west for enriching the church: yea hee
repro-

z Artic. Wiclef.
33. & 39.

reproved them more iustly, and farre more sharply then *Constantine*. *Constantine* gaue much indeed vnto the church, but they added ^a much more. They were taught that lesson which was neuer heard of in *Constantines* time, *In* ^b *ecclesia omnis immensitas est mensura*, In giuing to the Church, there is no measure, but to giue without measure. Whatsoeuer *Constantine* gaue, was to maintaine the true faith & doctrine of Christ: succeeding Emperours about the yeare 1200. after Christ, and 900. after *Constantine*, gaue that superfluitie and excesse of Lands and Possessions to the Church, for impious and superstitious vses, to sing Requiem for their soules departed, to vphold the Idolatrous worship of their Masse, of their Images, of their Saints, and to lift vp the man of sinne to the Zenith of his Antichristian pride. What *Constantine* and other Emperours for 1000. yeares, or thereabout after Christ, gaue to the Pope and Church of *Rome*, they passed onely *usum fructum*, the profit and benefit thereof vnto the Church; the supream^c Right, Dominion, and Iurisdiction they still kept in themselves. Succeeding Emperours and Princes gaue Lands in such sort to the Pope, as that they acknowledged him to haue Soueraigne dominion ^d both ouer themselves, and in those Lands which they gaue. It was not so much the bare dotation of the Church, against which *wickliffe* inueighed, for he expressly taught ^e, that Prelates of the Church should live as did the Priests in the old Law, who had *iure diuino*, not onely Tythes and oblations, but ample possessions of lands and houses, euen 48. ^f whole citties, with their Suburbs, containing 2000. cubits round about on euery side: but the excessive pomp and

^a Cumulantur temporalia usque ad putredinem, &c. verba Wiclefi apud Wald. to. 1. lib. 4. ca. 41.
^b Ant. R. Sel. part. 1. Monar. ca. 7. pa. 297.

^c Vt liquet ex donationibus Caroli, Othonis & aliorum, ante citatis.

^d In Imperatores, reges & principes seculares iurisdictionem super talia (temporalia) a Deo mediante Papa accipiunt Carer. li. 2. de potest. Rom. Pont. ca. 14.

^e Praelati Ecclesiae debent viuere, sicut vixerunt sacerdotes veteris testamenti, Wiclefi verba, citata a Tho. Wald. lib. cit. ca. 33.
^f Numb. 35. 3. & Iosh. 11. 41.

g Quod intellexit Wicle-
fiscum dixit,
Cumulantur
temporalia,
supra. hoc ca.
h Unde legem
Antichristi
vocat Wicle-
fus donationē
istam, apud
Wal. lib. cit.
ca. 37.

i Hinc repre-
hendit, quod
Imperator
Romanus fecit
sacerdotes suos
dominos, Wic.
verba apud
Wald. lib. cit.
ca. 39.

k Errauerunt
dotando Ec-
clesiam, Artic.
Wicl. 33.

l Artic. Wicle-
f. 39.

m Conc. Con-
stanc. sess. 8.

and superfluitie of riches which they enjoyed, their abusing all that wealth to superstition, idolatrie, and Antichristianisme^h, and principally the Soueraign-ⁱtie of Dominion in them, which was then chalenged by the Pope. These things kindled the zeale of *wickliffe*, and made him bend the tree as it were, to a quite contrarie side, that so at length it might come to some mediocririe of straightnesse. These were the true causes which moued *wickliffe* to reprove succeeding Emperours, and other endowers of the Church, far more bitterly then he doth *Constantine*. Of *Constantine* and *Silvester*, he onely saith, *that they erred^k by endowing the Church*: of the other he saith, *that they were^l seducti à diabolo*, seduced by the deuil, in giuing so excessiue, after such a manner, and to such ends as they did. *wickliffe* in this his very blaming the succeeding Kings and secular Lords, for giuing so much to the Church, demonstrates plainly that he thought not *Constantine* to haue made this supposed Donation, nor to haue formerly giuen all the Westerne Provinces to the Church. For then none at all of the Westerne Kings after *Constantine*, could haue giuen ought to the Church.

The verie same also shewes the iudgement of the Councell of *Constance*: for seeing they condemne^m *wickliffe*, for that hee reprooued other succeeding Emperours and secular Lords for endowing the Church, they doe heereby demonstrate their iudgement to haue beene this, that other Princes and secular Lords in the West, might endow and giue their Lands to the Church; and therefore that *Constantine* had not by any such Donation (as is this which

Marta

Marta and others pretend) formerly giuen all the Westerne Prouinces to the Church. So the Councell of *Constance* doth certainly reiect this Donation as a forgerie, of which *Marta* boasts, that by that Councell it is proued to be a true and vndoubted Charter.

C H A P. XII.

Sixteene other witnesses alledged for prooffe of Constantines Donation, examined: namely, Anselme, Iuo, Deusdedit, Adalhardus, Mart. Polonus, Antoninus, Vincentius Belu. Sigebert, Ado, Gotofride, Otho Frising. Photius, Balsamon, Damianus, Bernard, and Luitprandus Cremo-
nensis.



After Councils and Popes, let vs come to that confused heap of Authours, Diuines, Historians, and Lawyers, which they hudled together as witnesses of this Donation. Before *Gratians* time (say ^a the Gregorian Glossators, as also *An-*
to. Augustinus) *Anselme, Iuo, and Deusdedit* recite this Donation of *Constantine*. They doe so indeed: but they recite it out of the Acts of *Siluester*: for *Anselme* ^b and *Deusdedit*, in the very beginning of that Chapter say; *In the Acts of Siluester it is thus read*, and then they set downe the Edi&: *Anselme & Iuo Carnotensis proferunt Donationem ex gestis Siluestri*, saith *Steuchus* ^c, they recite the Donation out

N n of

^a Notæ Greg: in ca. Constātinus. Anto. Aug. Dial. 6. lib. 1. pa. 53.

^b Ansel. lib. 4. ca. 32.

^c Steuc. lib. citat. pa. 81.

of the Acts of *Silvester*. Their citing it, or reciting of it, doth not proue that they thought it true, but their citing it out of those most false and fabulous Acts of *Silvester* (as the best and most ancient Authour that they could finde) shewes plainly that it is like the rest of those Acts, false, fabulous, and counterfeit.

Adalhardus, who liued in the time of *Charles* the Great, is cited by *Gretzer* for a witness of this Edict. For he, saith *Gretzer*^a, mentioneth this Edict, wherein *Constantine* gaue Rome to Pope *Silvester*. But the same *Adalhardus* mentioneth withall, that *Constantine*^b made the Edict after he had beene baptized by *Sylvester*, and had beene instructed by the ministerie of *Peter* and *Paul* appearing to him. Seeing then it is certain, as we haue before^c demonstrated, that *Constantine* was neuer baptized by *Sylvester*, nor euer had any such vision of *Peter* and *Paul* appearing vnto him, and instructing him in the time of his leprosie; it certainly followeth, euen vpon *Adalhardus* owne testimonie, that *Constantine* neuer made this Edict. *Adalhardus* was familiarly^d acquainted with Pope *Leo* the third, the next successour to *Hadrian* the first: *Hadrian* hauing mentioned out of the Acts of *Sylvester*, and confirmed for authenticall, that Edict, the one part of it in the second Nicene^e Councell, the other in an Epistle^f which then was extant; *Adalhardus* seeing the Acts of *Sylvester* recording, and Pope *Hadrian* confirming that Edict, might easily thinke it to bee such as the Popes Holinesse did commend it for. Hee was not suspicious of that deepe fraud, which lurketh in

a *Gretz. Append. 2. ad lib. de Munif.*

Princ. pa. 118.

b *Adalhar. apud Hincmar. epist. 3. ca. 13.*

c *Sup. cap. 5. & 6.*

d *Adalhardus à Leone tanto familiaritatis officio susceperat, ut nemo ante. Ratbertus apud Bar. an. 807. nu. 7.*

e *Epist. Hadr. 1. lecta & approbata in Conc. Nic. 2. Act. 2.*

f *Hadrian epist. 35. in qua mentionit donationis Constantini, apud Bar. an. 795. nu. 7.*

in the Popes breasts. As *Hierom* not suspecting any bad dealing in a Christian, in a Monke, was deceived & by *Ruffinus*, and thought that defence of *Origen*, to be the booke of *Pamphilus* the Martyr, as *Ruffinus* said it was: *Credidi^h Christiano, Credidi Monacho: Non putavi tantum sceleris à te posse confingi*, saith *Hierom*. So *Adalhardus*, not suspecting that the Popes Holinesse would commit such horrible offences, as to commend and approue forgeries and counterfeit writings, deemed the Edict to be such as the Pope said it was, *Credidi Christiano, Credidit Pontifici*. Had *Adalhardus* knowne the Popes pollicies, had he examined the matter, or had the truth of that Edict beene scanned in his age, he would as certainly haue found the Edict to haue beene a counterfeit, falsely ascribed vnto *Constantine*, as *Hierom* found the other hereticall booke to be counterfeit, and falsely to beare the name of *Pamphilus*. But what meant *Gretzer* to seeke witnesses for this Edict? Of all men, it least beseemes *Gretzer* to pleade for the truth of it. For seeing himselfe ⁱ following *Baronius*, proclaimes to all the world the Edict to be a forgerie, he thereby assures all, that *Adalhardus* in mentioning that Edict, giues testimonie to an vndoubted and known forgerie.

Martinus Cysentinus, (so *Marta* ignorantly calls him in stead of *Consentinus*) is a witnessse of this Edict, saith *Marta*^k. A worthy witnessse indeed, the Popes owne ^l Penitentiarie, a domesticall witnessse, against whom ^m the Law it selfe takes exception. Besides, a most simple fellow, as *Possennius*ⁿ calls him,

N n 2

one

g *Hier. Apol.*
2. adu. *Ruff.*
pa. 226. posui
hunc librum à
Pamphile edi-
tum, ita putans
esse vt à te fue-
rat divulgatū.
h *Hier. Apol.*
3. cont. *Ruff.*
pa. 238.

i *Concessio*
commentitia
esse conuinci-
tur. *Bar. ann.*
1191. nu. 538
Diploma
quod hodie
superest com-
mentitium esse
concedimus.
Gretz. Apol. 2
cit. pa. 91. &
pa. 115.

k *Mart. lib.*
cit. cap. 30. nu.
26.

l *Martini Po-*
loni Archiep.
Consentini
summi Pontifi-
cis pœnitenti-
arij, Chron.
sic habet titu-
lus libri.

m *Testimoni-*
um domesticor-
um & famili-
arum iure ci-
uili imp. oba-
tur. Venator.

Anal. iuris
Pont. lib. 2. tit.
20.

n *Poss. Appar.*
in *Mart. Pol.*

x Mart. Pol.
an. Chr. 319.

y Mart. Pol.
loc. cit.

z Idem. lib. 2.
ca. 4. pa. 72. 73.

a Mart. ca. 30.
cit. nu. 26.
b Anto. Sum.
par. 3. tit. 22.
cap. 5. §. 16. &
part. 2. Histor.
ca. 1.

c Mel. Cantus.
Loc. Theol.
lib. 11. ca. 6. §.
Lex vero.

one who obtruded fables for most approved truths. This which he tels^x of *Constantines* giuing all Imperiall dignitie to the Pope, is euen as true as that which in the same place hee tels also, that *Helena* was not conuerted to the faith till *Siluester* disputed with the Iewes in the first *Romane* Synod: which *Baronius* and *Binius* haue assured you to be a lye. Or as true, as that which he addes^y, that *Syluester* after that disputation, shut vp the Dragon, to liue in the caue, vsque ad diem iudicij, till the last day of Iudgement: or as true, as that which else-where the same *Martinus* tels^z you, That diuers trees spake and made Orations to *Alexander the Great*: and that a Vine of Gold, which stood before a Temple of Gold, brought forth instead of Grapes clusters of pearles and precious stones. All which, this worthy witnesse of *Marta*, sets downe as Historicall truths; and ought as certainly to be believed, as this Donation of *Constantine*.

St. Antoninus is a witnesse of it, saith *Marta*^a. And so he is^b of a thousand other lyes, fictions and fables. This Florentine Archbishop, doth in that kind, deserue the next commendation to their Archbishop of *Genoa*, and his *Legendaur*: Heare but what their owne Bishop *Canus* saith of him: *Vincen- tius*^c and *Antoninus* did not so much endeavour to write true and certaine matters, as to omit nothing which they found in any Papers: nor did they use so much as vulgar iudgement to examine the same; and therefore with men of grauitie and iudgement, autoritate carent, they are of no authoritie or credite. For this time, let this suffice to bee obserued, that *Antoninus* not onely approoues the

the Acts of *Silvester*, but expressly tells vs ^h, that hee tooke his whole narration touching *Constantines* persecution, leprosie, cure by baptisme at *Silvesters* hands, out of those very Acts of *Silvester*; as also that, about *Helenas* Iudaising, perswading *Constantine* to Iudaisme: and of the Councell wherein *Silvester* disputed with the Iewes, and ouercame them, both by reason and miracles: which whole passage doth *verbatim*, almost agree with the wordes, and wholly in sence with the relation set downe in the *Legendaur*. Now the Acts of *Silvester*, being nothing else but a verie sinke of lies, besides ten thousand other, in this onely narration touching *Constantine*, *Antoninus* is conuicted at the least of an hundreth lies.

Vincentius Beluacensis is a witnesse of the Donation, say two Cardinals, *Albanus* ⁱ, and *Iacobatius* ^k. He is ^l, I confesse, but euen iust such another as *Antoninus*. Bishop *Cannus* ^m his censure is the selfe same of them both: that neither of them is of any authority or credit. His narration is taken, as himselfe professeth ⁿ, out of those Acts of *Silvester*. And so much as is in the Legend of *Silvester* in *Voraginesis*, is wholly and almost *verbatim*, in *Beluacensis*; beside many other heapes of fables and lies. *Antoninus*, *Vincentius*, and *Iacobus Voraginesis*, are braue witnesses for *Marta*, *Iacobatius*, and *Albanus*. Yet was it no small fault in *Albanus* to say ^o of *Vincentius*, that he is, *fidelis & integer historiarum relator*, A faithfull and vpright relator of stories. Reade him who list, and he will cleerely see that both *Vincentius* himselfe, and all who approoue his relations deserue no other reward at all but a *whetstone*.

^h Ant. 2. part.
hist. ca. 1.

ⁱ Alb. lib. de
Donat. Con-
stāt. ante cit.
nu. 1.
^k Iacobat. lib.
10. de Conc.
Art 8. ca. vlt.
nu. 18.
^l Vinc. Beluac.
Hist. lib. 12. a.
ca. 46 ad 57.
^m Can. loc. cit.
ⁿ Vinc. loc. cit.

^o Alb. loc. cit.

*Sigebert is a witnesse of the same, saith Marta^c. But Marta could not tell where. Sigeberts Chronology begins with the Empire of Theodosius^d, fortie yeares after the death of Constantine : and in all his booke, (though I haue diligently sought the same) I can finde neither *volam* nor *vestigium* of this Donation. Besides, Sigebert testifieth^e, that Pope Sabianus, (others say Boniface the third) obtained of Phocas, that the Romane Church should bee the chiefe, and head of all Churches. A very needlesse and foolish thing, either for Boniface to seeke, or Phocas to grant, or Sigebert to record, if any of them had knowne, or thought, that this had beene granted to the Pope by Constantine in so faire a Charter, almost 300. yeares before.*

Ado Viennensis is a witnesse heereof, saith Marta^f, and the Gregorian Glossators also. Ado is a witnesse of their vanity. He indeed saith^h, (but saith vntruely) that Constantine was baptized at Rome : and that hee builded many Churches in Rome and other places, further hee addes (which is viterly vntrue,) that Constantine gaue Rome in his last testament to the Pope : but of this Charter of Donation, Ado saith not one word; volesse Marta and the Glossators thinke, that this Donation was the last testament of Constantine; whereas the Donation to haue been made ten years before his testament, by their owne confession is cleere, and the same to bee directly contrary to his testament, both Socrates, Theodoret, and other ancient Historians doe expressly testifie.

An other witnesse alledgedⁱ by Marta, and the Glossators, is Gotos. Viterbiensis. A poore witnesse I wisse.

^c Mart. loc. cit.

^d An. Chr. 381.

^e Sigeb. chr. an. 607.

^f Mart. loc. cit.

^g Notis in cap. Constantinus.

^h Ado Vien. Chron. an. 306

ⁱ Locis citatis.

wist. He declares^k, both what the fauourers of the Church say for this Donation, and also what the fauourers of the Empire say against it: and then coming to tell his owne minde, *He thinkes that what the Church possesseth, it holds that by right: but, Catera super his questionibus, for other things touching these questions (to wit, about Constantines Donation) I leaue, saith hee, to bee resolved by others.* Thus Viterb. And that hee did not indeed thinke the Donation to bee true, may easily appeare, by his saint speech thereof, saying^l, *By this Donation, Rome and Italy, videtur collata Ecclesie*, seems to be giuen to the Church: It seems, saith he; wheras had he thought this to be a true donation, hee might and would without any *videtur*, haue said, that they were indeed conferred vnto the Church.

^k Got Viterb.
par. 16. in
Constantino.

^l Ib. pa. 385.

Such another testimony is that which Gretzer alledgeth. *The Priests, saith he^m, did vrge this Donation in the time of the Schisme betwixt Alexander the 3. and Fredericke the first, as by Otho Frisingensis doth appeare.* True, Otho saithⁿ, that some did so; and these were factious Hildebrandists, who strove to aduance the Pope aboue the Emperour: but Otho saith withall, that the Imperialists, or such as fauoured the Emperour, reiected and contemned this donation. And he expresseth their reasons, for that *Constantine deuiding the Empire among his sonnes, gaue to one the East, to another the Westerne Kingdomes, which by this meanes descended to Theodosius and other religious Emperours.* Now they alledge, saith Otho, that so holy an Emperour as Constantine, would neuer leaue that to his children, which he had formerly giuen to the Church,

^m Greer, Appen-
dix. 2. ad li-
brū de munis
fic. principum.
pa. 117.

ⁿ Otho. Fris.
lib. 4. chr. ca. 3.

nor

o Quæ omnia
definire præ-
sens negotij
non est. Oth.
ibid.

p In Epistola
ad Fridericum
Imp. quæ præ-
ponitur Chro-
nico.

q Aug. Steuch.
lib. de Don.
Const. pa.
16. & 110.

nor would so religious Emperours, as Theodosius and others haue vsurped that which was not their owne, but belonged to the Church. So Otho. Who though he saith o, that hee will not define this matter, yet by fortifying the saying of the Imperialists, with so strong and vnanswerable reasons, hee plainly shewes, that the Popes faction made an vniust challenge, by that pretended Donation of *Constantine*. But let Otho stand neuter, he being not willing to shew his minde in that place (which elsewhere p hee manifests to be for the Emperours right aboue the Pope.) What weight can there be, in the saying of some few factious, and partiall Hildebrandists, approving the Donation: able to counterpoise not the saying onely, but the most cleere and pregnant reasons of the Imperialists, reiecting the same Donation, as a fiction and forgery.

To these which are of inferiour note, they adde foure or fve more eminent witnesses, which are with more probabilitie pretended: and therefore are more seriously by vs to bee examined. The first of them is *Photius*, out of whose Nomocanon *Stenchus* with great ostentation alledgeth, (and that in two severall 9 places) these words: *The whole Church must be ruled by the Bishop of Rome, as it is to bee seene in the Edict of Constantine*. This, saith *Stenchus*, is writen in the Nomocanon, which he calls the booke *Iurium Ecclesiasticorum & Imperialium*; as it both the Ecclesiasticall, and Imperiall lawes did confirme, together with the Popes supremacie, the pretended Edict or Charter of *Constantines* Donation. Suppose that *Photius* had writ this; what account, thinke you,

you doe they make of *Photius*, the Author of that *Nomocanon*? He was a falsifier of writings, saith *Possesine*^r; and out of *Baronius* he addes, *sceleratissimus & immanissimus persecutor Ecclesie*, A most wretched and cruell persecutor of the Church, worse then any other *Schismaticke*, *Heretick*, or *Heathen*. This should *Photius* gaine at their hands, if he had beene a witnesse for them, as *Steuchus* boasts he is. But in very deed, *Steuchus* belyeth *Photius* herein: for in all his *Nomocanon*, this testimony is not to be found. *Marta* to help the matter saith^f; The booke *Iurium Ecclesiasticorum, & Imperialium*, was compiled by *Theod. Balsamon*, (who was afterward Patriarch of *Antioch*;) by the appointment of *Manuel* the Emperor, & *Michael* Patriarch of *Constantinople*: And out of *Balsamon*, *Marta* cites it. But *Marta* was fowly deceiued herein; for as *Balsamon*^t himselfe testifieth, that *Nomocanon* was made by *Photius* about 280. yeares^u before *Michael* was Patriarch of *Constantinople*. Neither did *Manuel* or *Michael* appoint him to collect the Canons, (that was done long before by *Photius*) but to expound^x the same, and shew which Canons were obsolete and out of use, and how some apparent repugnances might be reconciled therein. Now its true that *Balsamon* doth verily often^y mention this *Edict*, and calls it the *Decree or Constitution of Saint Constantine*; yea, he expressly sets down^z the whole *Edict* of *Donation*; so that *Marta* and *Steuchus* had little wit, to cite one poore and petite sentence out of *Balsamon*, where the *Edict* is, *obiter*, mentioned; when they

O O might

^r *Possesu. Appar. in Photio.*

^f *Mart. ca. 30. nu. 19.*

^t *Bals. in Praefat. pa. 1. & 2.*

^u *Nam Photius obiit circa an. 886. Bar. eo an. nu. 29. Michael fit Episcopus Constantin. an. 1166. Bar. eo an. nu. 41.*

^x *Bals. loc. cit. y Theod. Bals. Schol. in Tit. 1 cap. 36. pa. 38. 39.*

^z *The. Bals. Schol. in tit. 8. ca. 1. pa. 85. & seq.*

might haue alledged the whole Charter it selfe out of him. Neither doth *Balsamon* approue the Edict; or say that *Constantine* did truly make it, but when he saw it alledged, and set forth by the *Romanes*, yea euen by Pope *Leo 9.* himselfe, more then 130. yeares, before he writ ^a, *Balsamon* vpon their credit, without examining the matter, calls it as they did before, *The Edict of Constantine.*

^a *Leo* obiit
an. 1054 *Bar.*
eo an. nu. 46.
Balsamon scrip-
sit, an. 1191.
Bar. eo an. nu.
49. 50.

And who is *Balsamon*, that he should be thought a fit witnesse in a matter of fact, done at least 800. yeares before his time? Or whence had *Balsamon* this Edict? Heare but the iudgement of Cardinal *Baronius* touching this point. He, reiecting ^b this Charter as counterfeit: among other reasons, euen for this, that *Balsamon* (as he ^c slanders him) was the first publisher of the same, declaimes against him in this manner: *Balsamon* ^d being a most crafty Companion, hath by fraud and Sinonian arts, mingled apocriphal and forged, with true and authentical writings. So he did in the Canons of the Apostles; So in the Canons of the sixth Councel; And in like sort, out of the Acts of *Syluester*, which are counterfeited vnder the name of *Eusebius Cesariensis*, did he publish this Edict of *Constantines* Donation. So *Baronius*: expressly testifying, both the Edict it selfe to bee ^e forged: and *Balsamon* to haue taken it out of the forged Acts of *Syluester*; who also addes, That *Balsamon* ^f published it not for any good will to the Church of Rome, but dolo malo, very craftily, and in hatred of the *Romane* Church. Such a witnesse they haue now got of *Balsamon* for this Edict, who as the Cardinall declares, is a witnesse of the forgerie thereof. Lastly,

^b *Bar. an.* 1191
nu. 51. & seq.

^c *Bar. an.* codē,
nu. 52. & 53.

^d *Bar. ibid.* nu.
51.

^e *Bar. ibid.* nu.
52.

^f *Bar. an.* eo-
dem, nu. 51. 52
& 62.

Lastly, to see not onely the folly, but the vile dealing also, of *Steuchus* and *Marta* in this cause, that one poore sentence which they alledge, and *Steuchus* sets forth, in Greek also out of the *Nomocanon*, is not at all to bee found in the best editions of *Balsamon*. In some, as in that of *Agylaus*, it is not as they alledge, *Omnia Ecclesia a Papa Romae ius accipit*, but *ἡ πᾶσα πῆλὸς τῆ συνουσίας τῆς πόλεως καὶ πόλεως*, let every Cittie follow *consuetudinem*, the custome of Rome. It was a prettie slight in *Steuchus* and *Marta*, to turne the Cittie into the Church, and in stead of following the custome of the Citie of Rome, to say that every Church must depend on, and receiue lawes from the Pope of Rome.

But *Steuchus* and *Marta* were both of them willing not to see the truth in this matter, and to deceiue others by the name of *Photius* and *Balsamon*. For though the books both of *Photius* & *Balsamon* be extant, and vulgar to be read and seene; yet do you thinke they took this testimony, either out of the booke of *Photius* or of *Balsamon*? No, they did not, but either knowing that the text they alledged was not there; or not caring, whether it were there or no: they tooke it as *Marta* confesseth, vpon the credit of one *Nicholas Hidruntinus*, who going to Constantinople in the time of Pope Innocent 3. about the yeare 1200. writ the Edict of Constantine out of that book *Iurium Ecclesiasticorum*, & he, telling the *Hec libro ostenditur*, that in this book *Iurium Ecclesiasticorum*, it is shewed, that al other Churches must depend on the Roman, as by *Constantines* edict

g Non in codice Harlei, non in Edit. Paris. 1620. ex editione Ioh. Tilij, cui accessit graecus textus ex Codicibus manuscriptis erutus, & inumeris locis emendatus.

h Vt notatur in Supplemento, in Edit. Paris. & verba apud Balsamonem haberetur paulo ante decretum Constantini. Tit. 8. ca. 1. in Schol. pa. 85.

i Mart. ca. 30. cit. nu. 18. 19.

is to be scene. *Stenchus* & *Marta* vpon the word of *Nicholas* cite that as the saying of *Photius*, or *Balsamon*: Whereas in truth, it is in neither of them; but falsely affirmed to be thereby *Nicholas*, and twice falsely auouched by *Stenchus* and *Marta*, to be the saying of *Photius* or *Balsamon*, which was but the lie and lying deuice of *Nicholas* of *Hidrun-tum*. To say nothing what a simple man and lying companion this *Nicholas* was, who at the end of the Edict writ^h thus; *Finis testamenti ac Edicti magni Constantini*. Here ends the Testament and Edict of *Constantine* the Great. Whereas neither this Edict was the Testament of *Constantine*; neither are those words extant in the booke *Iurium Ecclesiasticorum*: out of which, as *Marta* saith, *Nicholas* exscribed his Notes or Collections. But enough of *Photius* and *Balsamon*.

h. Vt Marta
ait. ibid.

i. Not. in cap.
Constantinus.
Diff. 96. An-
to. Aug. lib. 1.
dial. 6. pa. 53.

The next witnesse is *Damianus*, of whom the *Gregorian Glossators*, as also *Ant. Augustinus*, sayⁱ, That in his Synodall disputation betwixt the Kings Aduocate, and a defender of the Church of Rome, hee makes mention of this Edict of *Constantine*, and his giuing of Rome and Italy to Pope *Syluester*. who (as it is there said) accepted some of the ornaments which *Constantine* gaue him, to wit, such as were fit for a Bishop, but the golden Crowne and other Robes, which were rather ambitious then mysticall, *Syluester* refused. Meethinkes, they should not much glorie in this Testimonie of *Damianus*; for as it shewes the modestie, humilitie, and pietie of Pope *Syluester*, in refusing the Crowne, being offered vnto him; so it demonstrates the pride of their
later

later Popes, who take vpon them, not one, but
 aⁱ triple Crowne, a miter^k of Gold, auro^l & gem-
mis ornatam, deckt with Gold & precious stones;
 & that so sumptuous, that Pope Clement the first,
 when at his coronation^m in Lyons, by a mishap,
 either of a fall from his horse, or of a pieceⁿ of rub-
 bige falling from a wall, his Crowne was smit from
 his head, he lost one Carbuncle of the value of 6000.
 Crownes: of which their pride, an eye-witnesse thus
 writeth; *I haue^o seene the Pope hauing vpon his head*
a triple Crowne, where was written vpon his fore-
head in pretious stones, this word Myserie. The ve-
 rie same word which Saint Iohn in his *Apocalips*
 mentions, to be written in the fore-head^p of the
 Queen of Babylon.

But to this testimonie I answer, that the Au-
 thour of that Booke is not *Damianus*, who was
 sometime Bishop of *Ostia*: but some forgerer cal-
 ling himselfe by the name of *Damianus*. *Baronius*
 makes a doubt of that book: but diuers circum-
 stances puts the matter almost out of doubt. The
 Treatise is called a Synodall^r disputation, whe-
 ther *Honorius* who was called *Cadolaus*, or *Alexan-*
der the second, should be held for the rightfull
 Pope. Now that disputation was not had in any
 Synod; as by the booke it selfe is manifest, but be-
 fore^s the time of the Synod at *Osborne* (a place^t,
 on of Francis Breton, a monke of the order of Celestines, made publickly at
 Vendosm, on the 28. of Iun. 1601. p. Apoc. 17. 5. q In disputatione quæ as-
 feritur Petri Damiani. Bar. an. 1191. nu. 61. r Disceptatio Synodalis, &c. ex-
 statum apud Bar. an. 1062. nu. 12. tum apud Bin. tom. 3. Conc. p. 2. 1137. s Fiet
 hic Osbornense Concilium. Discep. Synod. Dam. in initio. t Osborium, locus
 nobis adhuc incompertus. Bar. an. 1062. nu. 21. Nec apud Ptolomeum, nec Me-
 lam, nec Maginum, nec Ortelium reperire potui.

i Maxime Pon-
 tificum, tripli-
 cem qui fronte
 Coronam, &c.
 Manruan. ad
 Innoc. 8. de
 vita D. Lud:
 Morbioli.

k Mitra auri
 phrygiata. lib.
 1. Sac. Cerem.
 sect. 2. pa. 30.
 l Ibid. sect. 1.
 pa. 17.

m Pontifex ex
 equo deturbas-
 tus, solum car-
 bunculum ex
 tiara amisit,
 pretij aureo-
 rum sex milli-
 um, Plat. in
 vita Clem. 5.

n Cecidit Co-
 ronade capite
 eius: in casu
 auulsus est car-
 bunculus pretij
 sex milibus
 Florenorum.
 Supplem. ad
 Mat Polo.
 an. 1305.

o A declarati-

for ought is yet known in *Utopia*.) Again, the Emperors advocate is there made to plead so ignorantly, and withall, so partially, as if he were hired to betray the Emperours cause. *Damianus* a man of great learning and discretion, was neither so simple as to write so vnlearned a dispute; neither so presumptuous as to forestall the Synodal iudgment, and before hand direct the whole Councell what they should Iudge: neither so foolish as to call that a Synodall disputation, no part of which was disputed in the Synod.

u Homo purus
instituit, discip.
synod. 5. Cum
beatitudo.

x Petrus primo
instituit & ere-
xit sedem pa-
triarchalem
Antiochenam.
Bar. an. 39.
nu. 16.

Againe, the Author of that dispute, saith; *that all other both Episcopall and Patriarchall Sees, were instituted by some u meere man, but Christ alone instituted the Romane Church.* Who can thinke so foolish and absurd a saying to haue proceeded from *Damianus*? To say nothing of other Sees, did not *Saint Peter* x himselte found the Church and Patriarchall See at *Antioch*, as well as at *Rome*? was *Peter* more then a meere man, more then an Apostle, when he founded the Roman? Or was he lesse then an Apostle, when he founded the Antiochian Church? If the Romane was not founded (ministerially) as other Churches were, by an Apostle, then is it not Apostolicall: If other Churches be founded onely by men, and not (principally) by Christ, as the Romane was, then are they not Christian: neither of which *Damianus* would ever haue said.

y Disc. Synod.
Damian. 5.
Quoniam vbi.

Further, that Authour saith y; *That the Emperour non habet in Ecclesia Romana potestatem*, hath no authoritie in the Romane Church. Who
can

can thinke *Damianus* so ignorant, as thus to say? He knew right well, that Pope *Agatho* writing to the Emperour, called *Italie seruilem* & *prouinci-*
am, and *Rome, seruilem urbem*; The Emperours
seruile Prouince, and *seruile Cittie*: That *Gregory*
 the great professed; That the Emperour ^a was
his serene Lord, and that he was readie to obey ^b his
Imperiall commaunds: and that also in Ecclesia-
 sticall causes, concerning one of which, the same
 Pope saith, *It well* ^c *beseemed our religious Lord*
the Emperour, *ut ista preciperet sacerdotibus*, to
 command these things vnto Bishops.

^z Epist. Aga-
 thonis in Cōc.
 gen. 6. Act. 4.
 pag. 12.

^a Greg. Epist.
 34. lib. 4. Iud.
 13.

^b Vobis obe-
 dientiam præ-
 bere desidero.
 Greg. lib. co-
 dem 4 epist. 32

^c Greg. lib. eo-
 dem epist. 34.

^d Disc. synod.
 Dam. 8. Cum
 beatitudo.

^e Pet. Dam.
 epist. 9. lib. 4.

^f Pet. Dam.
 Epist. 4. lib. 1.
 ad Leonem 9.
 vt ostendat se
 de quibuidam
 criminibus fal-
 so accusatum.

^g Leo 9. Epist.
 1.

Besides, that which the forgerer affirmes, That
Christ ^d *gane to Peter and his successors, terreni si-*
mul et cælestis imperij iura, The rights both of the
 Terrene and Celestiall Empire, is quite repug-
 nant to the mind and writings of the true *Dami-*
anus, who puts that true and right difference be-
 twene the Regall and Episcopall functions, That
Kings ^e *are to vse the secular, and Bishops the spi-*
rituall sword, and not medle with the Temporall.
 Was *Damianus* either so vnconstant, or so
 forgetfull, that what hee taught in one place,
 he would condemne and contradict in ano-
 ther?

Say the Authour was indeed *Damianus*, Hee
 liued in the time of Pope *Leo* the ninth: hee was
 esteemed obnoxious in some matter to the
 Popes censure; and therefore sought earnestly
 to regaine the Popes fauour, as his owne Epi-
 stle ^f to the Pope shewes. What if hee to
 please *Leo* the ninth; who had published & the

Edict

Edict of Constantines Donatson for an authenticke Charter, did sooth the Popes Holinesse in such a matter? What credit can it be to the Donation, that it seemed pleasing to him, who durst not displease the Pope? Or if notwithstanding all this, they so much esteeme the authoritie of *Damianus*, then must they for euer condemne *Hildebrand*, who was afterwards called *Gregorie* the seauenth, for a most impious person: For *Damianus* in his Epistle to Pope *Alexander* the second, calls him, a Tyrant^h, a man of a Neroesⁱ pietie, yea a very Deuill^k. If they vpon the testimonie of *Damianus*, will not aecount their St. *Hildebrand*, to be Saint Deuill, they haue little reason to perswade vs, vpon the like testimonie of *Damianus*, to accept a forgerie for an authenticke writing.

^h Blandus ille tyrannus. Pet. Dam. epist. 10. lib. 1.

ⁱ Qui mihi Neroniana pietate semper condokuit. ibid.

^k Hoc ego fan- cto Satanæ meo respon- deo. ibid.

^l Mart. ca. 30. cit. nu. 23.

The next witnesse is St. *Bernard*, of whom *Marta* saith^l; *Aperle probat Papam Constantino successisse*, he euidently proves, that the Pope succeeded to *Constantine*. O the rare stupiditie of *Marta*! St. *Bernard* prooues no more, that the Pope succeeds to *Constantine*, then to *Caligula*, *Nero*, or *Dioclesian*. In vsing imperiall pomp, honor, and authoritie, (of that St. *Bernard* speakes) the Pope succeeds, (yea goes beyond) them all; in hauing right to vse it, he succeeds to neuer a one of them all. St. *Bernard* tels the Pope, that *de facto* he did succeed to *Cōstantine*, but that he succeeded therein *de iure* vnto him, St. *Bernard* saith not. Nay he plainly reproues the Pope for such succeeding, and vsurping the Imperiall Dignitie *de facto*, to which *de iure* he had no right at all.

The

The words of *Bernard* makes this most evident.

Suffer ^m *me*, (saith he to the Pope, carrying him-
selfe like an Emperour) *beare with me, yea pardon*
me, I speake this not rashly, but timorously, which I
wish may be as fruitfull, as it is feruent. Hic, hic
non parco tibi, vt parcat Deus, heerein I will not
spare you, that God may spare you. Hauing thus
prepared the Popes mind, to receiue with pati-
ence his reproofe, he then addes; *Either deny that*
you are the Pastour of this people, or shew your selfe a
Pastour vnto them: you will not deny that you are
their Pastour, least you deny your selfe to bee Peters
heire, whose See you hold. Peter neuer went deckt
with precious stones, and silkes, neuer couered with
Gold, nor carryed on a white Palphrey, nor guarded
with Souldiers, and yet without these, he thought hee
could well enough fulfil that commaundement, If
thou loue me feede mysheepe. In his successi non Pe-
tro, sed Constantino. In these things you succede
not Peter, but *Constantine*. Thus *Bernard*, cleerely
reproving the Pope, first for omitting that which
belonged to his dutie, in that he should haue fed
the flocke as *Saint Peter* did, to whom in that he
did by right succede; and then, for doing that,
which belonged not to his dutie, in that he tooke
Imperiall dignitie and honour vpon him, as did
Constantine, to whom in that he did not by right
succeede. For *Saint Bernard*, to haue thought that
the Pope was not in right to succeed them both,
beside many, those his owne words in another
place, are a most euident witnesse, *Dominatio in-*
terdicitur, indicitur ministratio, you are forbidden

m Bern. lib. 4.
ad Eugen.
Quæso sustine
paulisper, sup-
porta me, Imo
da veniam, &c.

n Bern. lib. 2.
de Conf. ad
Eugen.

Pp

to

o I ergo tu, &
tibi vſurpare
aude aut do-
minans Apo-
ſtolorum, aut
Apoſtolicus
Dominum.
ibid.

p Plane ab al-
terutro prohi-
beris, ſi vtrum-
que ſimiliter
habere voles,
perdes vtrum-
que. ibid.

q Gretz Ap-
pend 2. ad lib
de Munif.
princ. pa. 117.

r Litpr. Crem.
in Legat. ad
Niceph quæ
t. ta extat apud
Bar. an 968.
nu 11. & ſeq.
ſ Litpr loc.
cit. nu. 27.

to uſe domination or imperiall authoritie in ru-
ling; you are inioyned to uſe miniſtration; or A-
poſtolicall ſedulitie in feeding. Goe o to then, ſee
if you either hauing Imperiall domination, dare v-
ſurpe the office of an Apoſtle, or hauing the office of
an Apoſtle, dare vſurpe imperiall domination. Cer-
tainely p you are forbidden the one of theſe; if you
will haue them both, you ſhall looſe them both. So
Bernard; By whom it is now euident, that if the
Pope rightly ſucceede Saint Peter in his paſtorall
vocation, he cannot rightly ſucceede to Conſtan-
tine, in his Imperiall domination; and therefore
by S. Bernards testimony, can haue no right at all
to this pretended Donation.

The next witneſſe vrged earneſtly by Gretzer q,
to proue the truth of this Charter, is Litprandus
Cremonenſis, who in the Narration of his Legacy
to Nicephorus Phocas the Emperour, mentioneth
the priuiledges granted by Conſtantine to the Ro-
mane Church, ſaying r; That Conſtantine beſto-
wed ſ many giſts vpon it, not onely in Italy, but in
Grece, Iudea, Perſia, Meſopotamia, Babylon,
Egypt, and Lybia, and in all the weſterne kingdoms,
as his priuiledges Quæ apud nos ſunt, which wee
haue doe teſtifie: and further he proteſteth, That
Oho who ſent him in that Legacie, with-held frõ the
Church, neither any Towne, Cittie, nor Village which
Conſtantine gaue, or if he did, deum negaui, I haue
denyed God, ſaith Litprandus. Heere, ſaith Gretzer
it is manifeſt that Litprandus had reſpect to the ve-
ry words of Conſtantes Charter, wherein thoſe
particulars are expreſſed. See the peruerſe dealing
of

of Gretzer, he would by this *Litprandus* perswade you, that the Edi& or Charter of Donation is true, which himselfe professeth^t and proclaimes to be a forgerie; and therefore assures you, that *Litprandus* is a false witnesse in giuing testimonie to a forgerie.

^t Gretz lib.
cit. pa. 118.

Againe, that testimony of *Litprandus*, demonstrates the forgery of this Charter: for *Litprandus* saith, That Constantine gaue^u almost in all the westerne Kingdomes, many Citties, Townes, and Territories to the Pope or Romane Church. Whence it is cleere, that the Charter is forged, wherein Constantine is said, To haue giuen all^x the westerne Kingdomes to the Pope and his Successours for euer.

^u In omnibus
pene occiden-
talibus regnis,
Litp. loc. cit.

Besides this, there is another answer to this testimony. Either *Litprandus* who was Bishop of Cremona, is not the Author of that Treatise, or if he be, then is he of no truth nor credit in the whole world. Doe but take a taste of his truth, wit, and iudgement. This *Litprandus* discribing how base and sordid the Bishops of the Greeke Church in those daies were, saith; I speake y the truth, and lye not, throughout Greece, Bishops are not hospital, they sit alone at a table not couered, themselues doe both sell and buy their commodities, themselues shut their doores, themselues carrie their owne meate to table, ipsi agasones, themselues play the Carters and Muliters, themselues are Capones, I would say Caupones, hucksters, and keepers of vittualing-houses, and Tavernes. So their *Litprandus*. Can any but laugh at the folly of this fabler, specially considering,

^x Urbem Romanam & omnes totius Italiae & occidentalium regionum provincias loca & ciuitates, *Edict* Const. apud *Bin.* pa. 298.

^y *Litpr.* Crem.
loc. cit. nu. 87.

z Curopal. apud Bar. ann. 1057. nu. 38.

a Afferens ab Episcopis pauperum pecuniam consumi.

ait Curop. apud Bar. ann. 964 nu. 34.

b Reptans monstrum.

Litp. apud Bar. ann. 968. nu. 21

Homo monstruosus. ibid. nu. 14.

c Pignum, capite pingue, oculorum prauitate talpium, ceruice digitali ventre extensum, ibid. nu. 14.

d. Bufonis in modum tumefactus, ibid nu. 47.

e Coxis longissimum, cruribus paruum. ibid. nu. 14.

f Capripes. nu. 21.

g Colore Aethiopem, nu. 14.

Siluanus vultu, anus incessu, agrestis, barbarus, setiger, villosus, nu. 21.

h Nims veterinoso, & diuturnitate ipsa fatido ornamento indutum, ibid. nu. 14.

i Onager iste, nu. 52.

k Puppam ipsam mens sibi depinxit mea, ibid. nu. 33.

l Vulgi ipsius porior pars nudis processerat pedibus, Sed & optimates nimia vetustate rimatis tunicis erant induti, nullus est cuius atavus hanc nouam haberet, ibid. nu. 20.

m vere inquam non homines, sed hominum similes, quibus lingua procax, sed frigida bello dextra. ibid. nu. 55.

n Ibid. nu. 39.

that Curopaletes in that very age witnesseth, the pomp and excesse of the Greeke Bishops to haue beene such, that Michael z the Emperour restrained their Sybariticall epulas & delicias, The Sybariticall delicacies vsed at their tables; yea, and this very Emperour Nicephorus complained of them, That they wasted the treasure of the Church: which by such sordid basenesse could neuer haue bin done.

And yet his vilifying of the Bishops, is but a toy, to his misusing the Emperour and his Nobles. He calls the Emperour a monster b, a pigmee c, his head as fat as brawne, eyed like a Atole; a necke no bigger then a finger, a gorbelly, swelling like d a Toad, a spindle shanke e, footed like f a Goat, for colour g a Blackamore, for countenance a Satyre, for his gate a Beldam, a rude, rusticke, and bristled clowne, wearing old h and stinking apparell: and if all this bee not enough, he calls him an Asse i, a wilde Asse, a very puppet k, or a lacke a thrums riding on horsebacke, adding; That his attendants went bare-footed l, his Nobles did weare torne and ragged coates; so old, that none of their great Grand-fathers knew them to bee new; his souldiers m not men, but shadowes of men, feart of tongue; but faint of their hearts and hands, such that n 400. of Othoes men, would driue all Nicephorus Armies out of the field.

Is it credible that a Bish. would vse such base & immodest termes, and withall vntrue, of the Em-

peror?

perour? or was not some *Tharſites* the pen-man of that Legacie? ſpecially ſeeing of the valour of this *Nicephorus*, *Baronius* ſaith °; It is ſcarce credible how many, how great, & how memorable victories he obtained in few daies. *ſiccas* ſaith P more, There did ſhine in this *Nicephorus* plurima multo preclariffima, many and excellent ornaments: and *Constant. Maſſes* writing of him ſaith ¶; He ſubdued al the barbarous Nations; the Arabians feared him, the Syrians and Cilicians ſubiected themſelues to him: adding further, he was endowed with an absolute perfection of vertue, and beautified with all gifts, with ſtrength of body, with fortitude of mind, with curteſie, prudence, cateriſque tam animi, quam corporis dotibus inſigniter lucebat, and he was illuſtrious & eminent in other gifts, both of body and mind. What think you now of *Gretzers* *Litprandus*, and of his truth & credit? O, if for all this, they wil yet ſtil account this *Litpr. Cremonenſis* to be an Author of worth and credit, as *Brouerius* the Jeſuite, *Canifius*, Card. *Baronius*, and *Gretzer* eſteeme r him: Let them conſider what an honourable teſtimony he giues to the *Romane* Emperors, and to all the *Romanes*, and their *Romane* Nation: when f *Nicephorus* the Emperour ſaid vnto him, you are not *Romanes* but *Lumbards*, *Litprandus* answered in this manner. *Romulus*, of whom the *Romanes* haue their name, was a fratri-
 cide, a baſtard, one who erecting a ſanctuary for a company of fugitiues, ſlaues, homicides, and ſuch like, called themſelues *Romans*, and of ſuch progenitors did diſcend the *Roman* Emperors, which *Romans* we, to wit, *Lumbards*, *Saxons*, *Frenchmen*, *Loraners*,

o *Bar. an.* 969. nu. 5.

p *Glic. Annal.* par. 3. pa. 430. q *Conſt. Maſſ. Annal.* pag. 150.

r *Magno Dei beneficio factum puto vt ea Litprandi Relatio conſervata ſit, quam à Chr. Brouerio miſſam ad Vel. ferum Hen. Canifius excudendum curauit, quibus omnibus de antiquitate eccleſiaſtica bene merentibus, bene precamur.* *Bar. an.* 968. nu. 6. f *Litp. Crem.* apud *Bar. an.* 968. nu. 23.

Germanes, Sueuians, and Burgundians, doe so much disdain, that we terme our enemies by no other name of contumelie, but cal them Romanes: In this onely name of Romanes, comprehending all basenesse, all dastardlinesse, all couetousnesse, all luxurie, all lying, & quicquid vitiorum est, and whatsoeuer vice can be named; this name of Romane is equiuallent to all these. Let the Romanists now glorie in this their *Litprandus*, and produce him as oft as they please, for a witnessse of this Charter of *Constantines* Donation.

CHAP. XIII.

Thirty Lawyers, Ciuilians and Canonists, alledged by Marta, to proue the Donation of Constantine: and an answer vnto them.



^a Mart. ca. 30.
nu. 28. 29.

After Diuines and Historians, they alledge an whole troupe of Lawyers, Ciuilians and Canonists, to the number of thirtie, or thereabouts, All witnessing, as Marta saith^a, *Constantines* Donation, *Pro verissima haberi*, to be held for most true and certaine. For the Canonists, it skils not much what they say in this matter: The cause is the Popes, and they being the Popes Parasites, must in dutie, Gnatonise vnto him with *Ait, aio*. How insolent, nay impious and blasphemous they are

are in flattering the Pope, that one saying of theirs, *Our Lord God the Pope*, (which occasioned others among them to thinke the Pope to^b bee that one God who hath all power both in heaven and in earth) may stand for a thousand. This about all, I here mention, because the ring-leader of their Iesuites father Parsons, not onely perswades^c, *That no such saying is to bee found in the writings of the Canonists, and hard it is, saith hee, to beleue that any such text may be found*; but turning that whole matter to a verie iest, he scoffes at Protestants, as if they had foolishly deuiled the same; whereas some, saith he, found this written *D. noster D. Papa*, that is, *Dominus noster, Dominus Papa*, some cauelling hereticke iudging it inconuenient to repeate *Dominus* twice, thought the latter *D.* to stand for *Deus*, and so read it *Dominus, Deus Papa*; euen as a simple fellow, saith he, hauing a letter, sent from some mariners, and indorsed, to the Right honorable our good *L. the L. Admirall*, thought the letter was to bee deliuered to the Lady Admirall, saying, that seeing the former *L.* stood for *Lord*, the second *L.* must needs stand for *Lady*. Thus the grand Iesuite scoffes at Protestants as fainers of this blasphemous saying; which if hee had not vowed to shut his eies against the truth, he might, and all others may see, to be extant in the Glosse, *Cap. Cum inter. Extra. Iohn. 22. de verborum signifi. in fine*: Where the Pope is called *Dominus Deus noster*, not onely in the old Glosse, but in the new edition of it also, corrected^d, and expurged from sundrie errors, by the authoritie of Gregory

^b Ne sequatur scandalum pu-
fillorum qui æ-
stimant Papā
esse vnum De-
um, qui habet
potestatem om-
nem in celo &
terra. Gerf. in
Refel. circa
materiam Ex-
com. confid.

11.

^c Parf. in h's
Warnword to
Sir Francis
Hastings wast-
word. Encoût.
1. ca. 2. nu. 10.
fol. 30.

^d Bulla Greg.
13. præfixa ne-
uæ editioni
Decreti.

gorie the 13: euen there (as if this were no error, nor a matter needing any correction or qualification) is it recorded, for an eternall conuiction both of their blasphemie in vttering this, and of their impudencie in denying it. The words both in the old and corrected Glosse are these, *Credere autem Dominum Deum nostrum Papam, conditorem dicti decretalis & istius, non potuisse statuere prout statuit, hereticum censetur.* Let father Parsons and his friends consider now, whether this be a Protestants fiction to say, that some of their Canonists call the Pope, *the Lord their God.* It is little to be regarded then, what such blaspheming parasites and patrones, of the Popes Omnipotencie, say in this cause. *It is the custome of Canonists,* said ^z Pius quintus, *to giue too much to the Popes power:* *Francia* Victoria rightly said ^a of them; *They gaue this dominion to the Pope, cum ipsi essent pauperes rebus & doctrina,* when they were beggerly both for learning and liuing. Cynus ^b rightly saide of them, *Canonistae fecerunt sibi iura pro libito voluntatis,* the Canonists make what they list to be Law.

For Ciuilians I much honour them, so farre as they keepe themselves within the bounds of the Imperiall lawes, which they professe: but those whom *Marta* alledgeth, liued in those times, when there was such a mixtured and confusion of the Canon and Ciuill Law, as that in all matters, which concerned the Pope, the Canon law euer had the predominance: As Popes had then got the masterie of Emperors, so was the Imperiall Law ouer-ruled by the Pontificall: nor were any
then

y Vetusissima
ac fere omni
potens eccle-
sia. Rom. po-
testas. Aug:
Steuchus, lib.
de Don. Con-
stant. pa. 195.
z Sic sibi dix-
isse Pium 5.
ait ipse Nau.
Coment. in
cap. Non lice-
at, can. 12. q. 2

a Vict. Relect.
1. de potest.
eccle. sect. 6.
nu. 3.

b Cynus l.
quoties Cod.
de Iudicijs.

then suffered to professe that Law, vnlesse he had, I say not a tincture, but a deepe die of the Papacy, and vnlesse they receiued his marke both in their hands and foreheads. From hence proceeded those exorbitant speeches of *Baldus*^c; That *the Pope is Deus in terris, a God vpon earth*. And againe, *what things the Pope doth in cases reserued, hee doth those non tanquā homo, sed tanquā Deus, not as Man, but as God*: & many the like both in him & others. Now both sorts of *Martaes* Lawyers being thus seruilly addicted to the Pope, (he being the sole master of the Canon, & ouer-mastering the ciuil Law) were so partiall in the Popes cause, that what *Aeneas Siluius* said^e of their Bishops, the same fitly agrees to these. *Etiam vera dicere contra Papam, est contra iuramentum Episcoporum*, To speake euen the truth when it is against the Pope, was against the profession of those Lawyers.

Besides this generall exception, if it were worth the labour to examine all the particulars cited by *Marta*, it were an easie matter to shew how few of them doe effectually prooue that which he intends and vndertakes. But sparing that labour, which would bee but irksome to my selfe, and to the Reader tedious, I will giue you in some of them, a taste of *Martaes* false and fraudulent dealing, in alledging the writings of men euen of his owne profession.

The first and most ancient whom he citeth^f, is *Accursius*: who thus writeth of the Donation of *Constantine*. *we answer* ^g, *quod de Iure non valuit*, that in Law this Donation was of no force. And

^c Barth. l. fin. Cod. sentent. rescindi non posse.
^d Bald. in cap. Inter corporalia. Extra. nu. 1.

^e Papam Pium 2. sic scripsisse Decano & capitulo Moguntino testatur auth. Paralip. Abb. Vesperg. pa. 418.

^f Mart. loc. cit. nu. 28. Est Accursius de antiquissimis scriptoribus, qui scripsit circa an. 1240.

^g Accur. l. Si plures, ff. de Pactis.

r. Bart. in
Prœm ff nu.
13.

f. Gloss in cap.
Romani, Tit.
de iur. in
Clem.

t. Couar. lib. 4.
Variar. resol.
ca. 16. pa 70.

u. Lup. id. lib.
de iurib. Im-
per. ca. 13.

x. Turr. in Dist.
96. art. 1:

y. Alu. Pell. lib.
2. de plane.
eccl. ca 29.

z. Mart. loc.
cit. nu. 28.

he giues a reason; Because had Constantine giuen away his Imperiall Iurisdiction of the west, (as by the Edict he doth) *sic potuit perire totum Imperium*, the whole Empire might so be ruinated and perish. This to be the true and finall iudgement of *Accursius*, is witnessed by *Bartholus*^r, *Accursius finaliter tenet quod non valuit Donatio*, *Accursius* resolves and determines that *Constantines* Donation is of no force: By the Gloss^f, *Accursius* holds that the Donation is not of force. By *Couarruias*^t, *Accursius* in the Authentickes, holds and prooves that the Donation is not of force: By *Lupolus*^u, *Accursius* holds that the Donation is not good: By *Card. Turrecremata*^x, The Gloss^e upon the Authentickes holds, *Quod Donatio illa non valuit*, That this Donation is not of force. And to omit many others, by *Alu. Pelagius*^y, *Accursius* affirms, that the Donation made to the Church by *Constantine*, is not of force, and that his successours may reuoke the same: And he also addes a clause worthy *Martaes* observing, *Hoc communiter tenent legiste*, The Lawyers doe generally hold this with *Accursius*. What thinke you, doth *Marta* now deserue for producing *Accursius* as his first, most ancient, and most noble Lawyer, to proue the veritie and validitie of this Donation? A Lawrell, or the reward of a lye?

Another of *Martaes*^z Lawyers, is *Luc. Paulus Rosellus*, whose testimony I thought fit to set next to *Accursius*, because it will serue as a very faire Torch, to see the faire dealing of *Marta*, both with him and others. He in the very same place which

which ^a *Marta* citeth for prooffe of the Donation, and to which he directeth vs, writeth in this manner, and his words deserue to be writ in golden letters. *Whether that great Donation which Constantine is said to haue made to Syluester, be of force or no, diuers men thinke diuersly, and all are intangled in this question; and why so? For it is not lawfull to dispute openly against that Donation; because the Popes and Cardinals, statim diris suis execrationibus eos inuolutos reddunt, will presently enwrap them in their direfull curses: Nay, they will haue them to bee interdicted and forbidden the use both of fire and water. What then, haue you your selfe nothing to say in this matter? Yes, saith he; I will not omit or forbear to say this, Etsi millies in dies morte mulctarer, though I should euery day dye a thousand deaths: That this Donation, (if it was euer made) was not so profitable either to the Church, or to pietie. Doth not our Saniour say, that his house should be called an house of prayer? But by this Donation of Constantine, it is made Latronum spelunca, & omnium vitiorum receptaculum: a den of Theeues, and a sanctuarie for all vices: And then a little after he concludeth thus, Quare mihi videtur, Wherefore I thinke, that that Syluester, (who ere he was) that wittingly tooke this Donation of the Emperour, Diabolus statim effectus est, was presently vpon that acceptance made a Deuill, and changed from an Angell of light, to an Angell of darknesse: And citing the words of Christ, Giue to Caesar the things that are Caesars, he saith; By this it appeares, that neither the Emperour ought to*

Q q 2 forsake,

a Luc. Paul.
Rosell, in Re-
pertorio ad
Francis Areti-
num in verbo
Donatio quan-
tumcunque
magna.

for(ake, nor the Pope ought to accept those things which belong to Caesar, *qua etiamsi millies obtulerit*, which though the Emperour should offer a thousand times, Yet a good and holy Pope would neuer thinke it fitting to accept them: Thus *Paulus Rosellus*. Say now in sadnesse if *Marta* for citing this Lawyer, this Text, and these words, for a prooffe of the veritie and dignitie of *Constantines* Donation, doth not *ex condigno* merit to bee crowned with a garland of folly?

^a Mart. ca. cit. nu. 23.

^b Ant. Ross. tract. de Concil. verbo Postquam. nu. 8.

^c Bart. l. Hostes ff. de Captiuis. nu. 7.

^d Bart. in Prohem. ff. nu. 14.

A third Lawyer cited by *Marta*^a, is *Bartholus*, a man so wauering and vnconstant in his opinions, yea euen *sibi contrarius*, as *Ant. Rosel.* saith^b, that he changed *cum caelo animum*, his mind with the ayre, soile, and place of his aboade; thinking it a point of wisedome, to speake *omnia pro tempore & loco*, what the present place and time perswaded, not what the truth. What his true iudgment was in this matter, appeares certainly by these his owne words, in one of the places^c cited by *Marta*. If any should say that the Emperour is not the Lord and Monarch *totius orbis*, of the whole world, *esset hereticus*. Such a man should be iudged an hereticke, because he speakes both against the determination of the Church, and against the text of the holy Gospell, where it is said; There went out an Edict from Caesar, that the whole world should be taxed. And in another place^d, *Papa non habet aliquam iurisdictionem*, The Pope hath no (temporall) iurisdiction at all. Thus *Bartholus*: who denying all temporall iurisdiction to the Pope, and holding him for an hereticke, that denies

nies the Emperour to be the temporall Lord and Monarch of the whole world, doth euen thereby hold all for heretickes, who defend the Donation of *Constantine*; seeing by it the Pope is said to be the temporall Lord, the Monarch as Pope Nicholas d calls him, and greatest Emperor, as *Steuchus* teaches him, of *Rome, Italy, and all the westerne Prouinces*, that is of a great, and far the best part of the Empire. That this was the true iudgement and resolution of *Bartholus*, it is witnessed by *Petr. de Anchona*; *Bartholus*, saith he f, doth effectually proue, & concludit, and concludes also, that *Constantines Donation is not of force*. Whatsoever *Bartholus* any where saith contrary to this, (as indeed he doth in diuers places) he speaks that, not *ex animi sententia*, but as *Lucius Paulus Rosellus* saith, *Adulando Pontifici*, in flatterie of the Pope, and for feare of his direfull execrations and interdicts; yea, *Bartholus* his owne words import no lesse. For when he comes to speake of *Constantines Donation*, videte, saith he g, marke this well, *nos sumus in territorijs Ecclesie, & ideo dico Donationem illam valere*. We are now in the Popes territories, and therefore I say that this Donation is of force. *Bartholus* for law, was of the like mould and mettle; as were those Romish Deuines, of whom it is recorded h, that priuately they vsed to say to their friends concerning Transubstantiation, and such other questions, *Sic dicerem in scholis, sed tamen (maneat inter nos) diuersum sentio*. Thus I say openly, and in the Schooles, but (keepe my Councell I pray you,) I thinke the contrarie.

d Nich. 3. ca.
Fundam. de
Elect. & elect.
pot. in 6.

e Constanti-
nus cessit ma-
iori Imperato-
ri. Steuch. lib.
cit. pa. 187.

f Pet. de An-
chon. in Pro-
cem. super. 6.
Decr 5. Sacro
sanctæ. nu. 5.

g Barth. in
Procem. ff.
nu. 14.

h Paralip. ad
Abbat. Vr-
sperg. an. 1518
pa. 448.

Bartholus saying, is altogether like. Thus I say in the Popes Territories, or to please the Pope, *The Donation is good*, but (keepe it to your selfe) I thinke the contrarie: for the Pope hath no (temporall) *iurisdiction*, but the Emperour is Lord of all, and he who saith otherwise, is indeede an hereticke.

i Mart. loc. cit.
nu. 28.

Martaes next Lawyer is *Baldus*ⁱ, the Scholer of *Bartholus*; who had perfectly learned of his maister, to Gnathonize to the Pope, and to whom of all other, most fitly agrees that censure of *Lucius Paulus Rossellus*, he durst not speake against the Pope, but by flattery soothed him. Touching his opinion, it is first to be remembred, that *Baldus* in all his speeches concerning this matter, presupposeth the Donation to haue beene truly made by *Constantine*: the Popes both then, and before, had taught him and others, not to call that into question; and the *Palea Constantinus* being long before^k either *Bartholus*, or *Baldus* daies, allowed^l by Pope *Eugenius* 3. *multum grani attulit Ecclesia*, as one of their Lawyers^m saith, had brought by that time, much corne and moulter to the Popes mill. This being then presupposed to be true, (which is vtterly false) that *Constantine* made that Donation, *Baldus* and other Lawyers disputed onely whether this Donation supposing it to be made, were in law good, and of force, or not; or how, and in what manner it might be saide to be good in law. Much like as Schoole Diuines about the same time disputed, whether Christs body were really present in the Sacrament by way of Transmutation, or of Transubstantiation; both the

k Eugen. 3.
obijt an. 1153
Bar. eo an. nu.
10. *Bartholus*
obijt an. 1355
Galter. sæc. 14.
Baldus vixit,
an. 1390. Bell.
lib. scrip. eccle.
in Bald.

l Mart loc.
cit. nu. 37.

m Nish. Eue.
rard. loc. Ar-
gum. legal. in
loco 11. à Ve-
risimili. nu. 16.

the one and the other supposing (but not beleeu-
ing and granting) that which is vtterly vntrue,
that Christ is really and corporally there pre-
sent. Or as at this day, the Romanists contend
among themselues, whether the Pope hath direct-
ly or indirectly, power and authoritie to depose
Kings, and take away their Kingdomes; where-
as the Pope in truth, hath no such authoritie any
way at all: as those disputers suppose on both
sides. The verie like did the Lawyers. They
would not, nor was it safe for them to question
whether *Constantine* made that Donation: but
supposing that, (which is vntrue) they onely dis-
puted whether being made, such a Donation was
good and forceable in law or not: or how and by
what right he could giue away so great a part of
the Empire.

Baldus to please the Popes Holinesse, holds
that the Donation is firme, and that after the sur-
rest manner that can be wished, but withall after
such a manner, as is most vnlikely, and can neuer
be proued. First, by any Imperiall, any humane
authoritie, or law, *Baldus* professeth plainly, that
according to the determination of the ancient
Lawyers, *Constantine* could not make that Dona-
tion, nor could it be of force, to passe away his Im-
periall right. *Constantine* or other Emperours
may passe away, saith heⁿ, the use, profit, or commo-
ditie of their Territories, reseruing alway feoltie and
recognition to the Emperours, but neither *Con-*
stantine nor any other Emperour, can^o passe them
away, quoad Expropriationem territorij dignitatis

n Bald. in
Procem. de
Feudis, nu. 32.

33.

o Non valere,
nec possibilem
esse. ibid.

aut

e Bald. ibid.

aut iurisdictionis, in respect of the supream right, or of Imperiall dignitie and Iurisdiction. Nay, to thinke that any *Emperour* would thus mutilate the Empire is, as *Baldus* there addes, *species fatuitatis*, a point of folly. Seeing then as *Baldus* professeth, neither the Imperiall right and royaltie can possibly be passed away, nor the vse, profit, and commoditie of so great a part of the Empire, can by any humane law be given or granted: how, or by what meanes shall this Donation bee thought *de iure*, to be of force, euen for the *usus fructus*? Heere *Baldus* goes a note farre beyond *Ela*, and tels vs, That this Donation (supposing it was made by *Constantine*) *potius fuit diuinitatis, quam humanitatis*, was an Act of God, rather then of Man: and that it proceeded a *fide catholica*, from the Catholike faith, not from any Imperiall Law. Let either *Marta*, or *Baldus*, or any other proue, that God either by himselfe, or by any Diuine reuelation, or any other way known to the Church, commaunded *Constantine* to make this Ediēt, and we will most willingly assent vnto it, euen *fide catholica*. Till they proue this, (which they are neuer able to doe) both *Baldus* must bee held for a base flattering parasite of the Pope in this matter, and *Marta* for a trifling disputer, who from an vntrue supposall of *Baldus*, and his vntrue collection vpon that supposall, strives to proue an absolute assertion of the veritie and validitie of *Constantines* Donation, and that not onely for the *usus fructus*, which *Baldus* graunts in law to bee good, but euen for the Imperiall rights and roialtie

tie which *Baldus* saith, to be granted away is impossible. The censure of *Paulus de Castro*, falls rightly vpon *Baldus* in this matter: *Baldus*, saith he p, *flies through the ayre and clouds*: that is, bath lostie, but vnstaied opinions, founded on the wind and clouds. *All that he speakes tends to pomp; & plerumque tantum subtilizat, vt seipsum frangat*, for the most part, (specially in this matter) hee so followes subtilities, that hee confounds himselfe.

A first Lawyer alledged, both by Card. *Albanus* q and *Marta* r, is *Albericus de Rosate*: one so directly opposite to the validitie of this Donation, that *Couarruias* saith s of him, *Albericus holds the Donation to be of no force*; and *Boetius Epo* not onely affirmes the same, saying, *Omnium audacissime*; *Albericus* more boldly then any other, affirmes t the Donation not to be of force: adding also, that this is the common opinion of the Doctors of the Ciuil law: but for this verie cause of reiecting the Donation as inualid, *Epo* himselfe calls u *Albericus*, *hostem Ecclesie*, a verie enemy to the Church. *Albericus* owne words alledged before, doe conuince *Albanus* and *Marta*, both of vntruth and folly; for he x direct'y affirmes, and proues, that this *Edict of Constantine*, neither is, nor can be of force, eyther by vertue of any Donation, nor of any prescription; neither by the Imperiall, nor by the Pontificall law; And further, That the successours in the Empire may reuoke and recall the same. And though, vpon the like false supposall as *Baldus* tooke, that *Constantine* did make such a Donation,

Rr

Albericus

p *Paul. de Castro. in l. 1. Cod. Quando non petentium partes, & in l. Edita. Cod. de edendo.*

q *Hier. Alban lib. de Donat. Const. nu. 1. r Mart loc. cit. nu. 28.*

s *Couar. lib. 4. Variar. Resol. cap. 16 pa. 70.*

t *Boet. Epo. Heroic. quaest. q. 3. nu. 78.*

u *Quaest. eadem. nu. 138.*

x *Albericus de Rosate. Bene à Zenone. de Quadrien. præscrip. fol. 111. col. 4. & l. final. de Iurisdic. omnium Iudic. §. per iniquum. nu. 4. fol. 146.*

y Alber. in l.
Bene à Zenon.
supra. cit.

Albericus thought y it to haue beene made not by any humane Law or authoritie, but by some diuine instinct, and commaund from God; (which is a fancie without all colour of truth:) yet withall hee addes two or three remarkable sayings, touching this Donation. The first, that it was onely personall, and tyed *Constantine* alone, and not his successors: to which purpose he saith, *vere credo*, I doe verily belecue, that this Donation is not of force to preiudice the Empire, or the Emperours successour. The second is a Memorandum, touching that fancie which he borrowed of *Baldus*, that this Donation proceeded from God. *Albericus* tels vs, that himselfe heard some great men say, and that it is recorded also in authenticis scripturis, in very credible writings, that when this Donation was giuen, and accepted (which certainly was neuer in *Constantines* time, nor many hundred yeares after) there was then a voyce heard from heauen, saying; *Hodie seminatum est venenum aspidum in Ecclesia Dei*, This day is the poison of Aipes powred into the Church. A pregnant euidence that God commaunded not *Constantine*, nor any else, to make any such Donation: for God doth powre grace, and not poison into his Church. The third is a caueat for their Church, not to be too insolent vpon this Donation. I haue heard, saith hee, of men worthy to be credited, that in the time of Pope *Boniface* the eight, a certaine Cardinall of the order of *Cisterians*, a man of exceeding great reputation and knowledge, openly in a festinall Sermon said, or foretold, *per eosdem passus & gradus*, that the Church

Church or Pope by the same pases and degrees, whereby it had ascended in temporalities, should descend also againe, till it come to the extreame pouertie of Siluester. Sure that propheticall Card. spake not faire amisse. For the spirit of God foretelleth the like concerning Babylon, (which they z professe. & proue to be Rome,) In as much as shee hath glorified her selfe, & liued in pleasure; so much giue ye her torments & sorrow. Albericus by this Cardinals prophesie, giues *Marta* and them all a faire warning, not to be too proud in that or any like Donation, for though they sit like the *Queene of Babel*, and say they shall see no mourning; yet when their sinnes are once ripe, their plagues shall come vpon them, death, sorrow, and famine; and those ten hornes by which they haue beene lifted vp, shall hate that whore of Babylon (that is Rome) and make her desolate and naked, and shall eat vpon her flesh, and burne her with fire. But enough of this witnesse of *Albanus* and *Marta*.

Aretine is brought for another witnesse by *Marta*^b; but he speakes directly both against *Marta*, and that Donation, and that also euen in the place alledged by *Marta*. *Baldus*, saith he^c, doth well teach, that the Emperour cannot giue away any quotient of the Empire, neither a third part, nor a fourth, nor one halfe. Then doubtlesse by *Aretines* iudgement, *Constantine* neither did, nor could giue *Rome*, *Italy*, and all the *Westerne Prouinces*, (which is the better halfe of the Empire) to the Pope.

Cardinall *Zabarella* is another (a seauenth)

Rr 2

witnesse

z Ribera Iesu-
it. com in cap.
14. Apoc nu.
38. & seq. Ba-
bylon mater
fornicationum
quæ casura
prædicatur,
Roma quidem
est, &c.

a Reuel. 18. 7:

b Mar. loc.
cit. nu, 28.

c Aret. in Ru-
br. ff. de ver-
bor. obligat.

d Mart. loc. cit.
nu. 29.

e Card. Zaba-
rel. in Clem.
Pastoralis. §.
Illud. in 2. op-
pos.

f Mart. loc. cit.
nu. 28.

g Luc. de Pen.
Cod. de omni
agro desert. l.
quicunque de-
sertum. fol. 185

h Mart. loc. cit.
nu. 28.
i Ant. Corf.
tract. de potest.
reg. q. 4.

witnesse of *Marta*^d. But he affirms not the Do-
nation to haue beene truly made, but onely sup-
poseth as others did, that it was made. *Sufficiat*
e prasupponere, let it suffice vs to presuppose, that
the Donation was made, and was of force. *Marta*
should haue knowne that there is great oddes be-
twixt a position and a supposition.

Lucas de Penna is another, (the eight) Lawyer,
cited by *Marta*^f, who though he say hee will not
deny the Donation, yet he sets downe that which
doth disproue and ouerthrow the Donation. He
plainly affirms g, That the territories or demaines
of the Empire, cannot be alienated or giuen away. A-
gaine, The Prince is the husband of the Common-
wealth. And therefore as the husband cannot alienate
bona dotalia, the dowrie of the Wife, so neither
can the Prince the Lands of the Empire: and then he
concludes, *Interdicta itaque sit talis alienatio*, there-
fore such alienation is forbidden, least the Common-
wealth by many, though but small alienations, *ad ni-
hilum redigatur*, be at length brought to nothing.
Yea he further shewes, That though such Donations
and alienations be already made, and that also with
an oath, yet may they, and ought they to bee reuoked,
non obstante interposito Iuramento, notwithstan-
ding, an oath (he thinks such an oath to be vnlaw-
full, and therefore not of force to bind) be taken
to the contrarie.

A ninth Lawyer, cited by *Marta*^h, is *Antoni-
us Corsetus*, who in that place alledged i by
Marta, demaunds, whether a King may giue away
the goods of the Kingdome: his answer relying on
the

the iudgement of Pope *Innocentius*, is, That a King or Emperour may doe it moderately, so that the Regall Dignitie be not hurt thereby, non item immoderate, but he may not doe it aboue measure, not in such sort, *ut ladatur dignitas Regalis*, That the Regall or Imperiall dignitie be hurt or impaired by such a giift or alienation. Now seeing this supposed Donation, by which is giuen away *Rome*, *Italy*, and all the Western Prouinces, that is halfe of the Empire: and that also in such sort as *Aluarnus Pelagius*^k vaunteth, That by vertue of this Donation, *in veritate Imperator nihil habet facere Romæ, nec in toto Imperio occidentali*, The Emperour hath in truth nothing at all to doe with *Rome*, or with the whole Western Empire: seeing, I say, this Donation is such, that none can doubt but that it is verie immoderate and excessive; yea as *Baldus* saith, a verie maiming of the Empire: it followes by the iudgement of *Martaes* owne witnesse, that *Constantine* neither might make such a Donation, or if he did, that the Donation is wholly void, inualid, and of no force or effect. The same *Ant. Corset*^l addes diuers testimonies to this purpose: the first of *Baldus*, cited by *Paul de Castro*, who saith that *Baldus* doth determine, that if a King or Emperour giue away the goods of the Empire totaliter, & *expropriando*, totally, & in such manner that he passe away his Imperial right and property therein, such a Donation is of no force. The second of *Durandus* their Speculator, who saith, that *quando regnum enormiter laditur*, when the Kingdome or Empire be daimes an enormous

^k Al. Pelagi
lib. 1. de plane
eccles. ca. 41.

^l Ibid.

mous losse by such Donations, then they are voyd. The third of Oldrade, who teacheth, yea pulcre decidit, defines excellently, as saith Corset, That a King cannot giue away immoderately that which belongs to the Empire. The fourth, of Bartholus, who saith, that if the Donations made by Princes, tend to a great or excessiue alienation of the rights of the Empire, non valent etiam iurata, such Donations, though they be confirmed by oath, are inualid, and of no force. Thus Corset: prouing clearly not onely by reason, but by the consent of Bartholus, Baldus, Durand, and Oldrade, foure of Martes owne witnesses, that this vast Donation of Constantine, is of no worth or force at all.

m, Mart. loc.
cit. nu. 29.

n Felin, in ca.
Solita, de Ma-
ior, & obed.

A tenth Lawyer cited by Marta^m, is Felinus, whose words are so farre from helping Marta, or supporting this Donation, that they indeed overthrow the same. He in the placeⁿ which Marta alledgeth, referres his Reader for this Donation to Pius secundus, saying, Concerning this Donation, vide late in dicto Dialogo Pij, ubi per multa tenet quod Palea sit falsa. See the forenamed Dialogue of Pius the second, where by many reasons he proues, that the Palea (Constantinus) is false and forged, And he inueyeth against the miserable Lawyers, who toyled themselves in disputing about the validitie of that Donation which was neuer made. Doth not Felinus now strongly proue the Donation? And that Felinus his owne iudgement in this matter, concurred with this sentence of Aeneas Syluius, to which he refers vs, Couarruias expressly witnesseth, see 18^o, Aeneas Syluius denyes that

o Couar lib. 4
Var. Ref. ca. 16
p. 70.

Con-

Constantine made this Donation, and so doth Hieron. Balbus, and Felinus Cap. Solitæ de Maiorit. & obedi. which is the verie place that *Marta* citeth: yea *Hier. de Ceuallios* not onely affirmes *P Felinus* to haue held the Donation to be of no force; but further addes, that *Felinus* teacheth this to bee the common opinion of the Lawyers.

p Hier. de Ceuallios, in spec. aureo opin. Commun.

I list not, neither is it worth the labour to examine the rest of *Martas* Lawyers; you may by these coniecture, what faire dealing he vseth in the rest. Specially if you consider that foure moe of them must stand for meere Cyphers, or else for witnesses of *Martas* fraud. For in the places which he alledgeth out of *Oldrade* q, *Iasen* r, *Præpositus* s, and *Iohan. Andreast*, there is nothing spoken touching *Constantines* Donation.

q Oldr. in Conf. 158.
r Ias. in l. Cui qui ita s. qui ita. ff. de verb. obligat. Nul- la laus lex est in eo Tit. s Præp. in ca. Cum ad verū dist. 86.
t Ioh. Aud. in addit. ad Spec. in tit. de pre- script s. ratio- ne, & s. Item quod.

Now least *Marta* should vainely imagine that all his Masters of the Law are wholly of his side, as hee fancied these to bee: to those later foure which are but cyphers, and the other ten which we haue already examined and proued to bee more effectually for vs then for him, I will adioyne so many, as may in number equall, and in weight preponderate the whole Catalogue of *Marta* his Lawyers.

u Hier. de Ceuallios, loco cit.

Of eight other moe, *Hier. de Ceuallios* u is witnesse. The other opinion, saith he, that this Donation was not of force de Iure, is held by *Cagnolus*, in repet. rubr. ff. de Dolo. nu. 79. by *Genadius* sect. 3. fol. 220. by *Paulus Fuscus* de visitat. lib. 2. cap. 21. by *Hier. Monte de finibus reg. ca. 1.* by *Hottoman de Feudis. ca. 8. nu. final.* by *Vulturnus de reg. mundi 2. part.*

part. q. 4. by Sebastian de medicis. de leg. & statut. part. 1. q. 3. nu. 1. 4. by Magdalenus de numer. test. in testamen. part. 1. cap. 12. nu. 20. The same opinion is held, saith Couarruias^y by Hier. Balbus lib. de coronat. pa. 81. by Carol. Molineus, (hee calls it a fable) in Alex. Consil. 24. lib. 5. Col. ult. by Hieron. in Practica. Canceilar. fol. 9. & seq. as witnesseth Iacobatus^z, and by Iac. Beluisus in Proœm. ff. as witnesseth Epo^a.

^z Card. Iacob. lib. 10. de Conc. Art. 8. ca. ult. nu. 15. 16.

^a Boet. Epo. Her. qu. q. 3. nu. 78.

^b Cynus ad l. Comperit. Cod. de Præscrip. 30. vel 40. ann. nu. 1.

^c Ut ait Lupold. lib. de iure reg. ca. 11. & probat ex cap. cum non liceat. Extr. de Præscrip. d Ioh. Ign. Repet. in l. Donationes nu. 22.

^e Sum. in idem cap. nu. 21.

^f Pet. Ferr. in forma reponf. rei conuentæ in verbo. Præscriptionis. nu. 33.

To these twelue may be added Cynus Pistoriensis, who thus saith^b. This text is against them who thinke that the Romane Church may prescribe for the Donation of Constantine, because for that which belongs to subiection it cannot prescribe: (for contra^c obedientiam non currit præscriptio) No man can prescribe for not yeelding obedience, and then not for the Iurisdiction of the Romaine Empire, cui subiectus est totus orbis, to which the whole world (then certainly the Pope and Westerne Empire) is subiect. Ioh. Igneus^d who thus writes, Communis sententia, It is the common iudgement of Historians, that those Donations of Rome, and other cities in Italy, were not made by Constantine: and in his Summarie^e, That Donation made to the Church, falso attribuitur Constantino, is falsely ascribed to Constantine. Pet. Ferrariensis, who saith^f, Italy will neuer be at quiet till the Donation made (as is pretended) by Constantine, be reuoked by some godly and potent Emperour: seeing there is no good concord betwixt Psalterium and Cythara, the Psalme and the Cytheren, neither is it granted either by Christ, or by Saint Peter, that they should possesse such things, but

but they are commanded to giue to Caesar that which belongs to Caesar.

Alciat, who sets downe 8 sixe effectuell reasons, to proue that Constantine made not this Donation, and then concluding, he declares, that not onely the Donation it selfe, but the occasion also of it is false and fabulous. Truly, saith he, that Constantine was not baptized at Rome, nor by Syluester, (both these the Edict expressly auoucheth) but at Nicomedia, and by Eusebius Byshop of that place, Hierom and other writers do testifie. Againe, that he was affected with a leprosie (this the Edict at large sets downe) *apud idoneos scriptores nusquam legitur*, is no where read in any good Writer, or such as may be credited: But of Constantine the first, sur-named Copronius, it is said, that he was a Leaper, unde fortassis *aquiuocatione nominis error inductus*, whence perhaps by the equiuocation of the name, that leprosie is erroneously ascribed to Constantine the first, which befell to Constantine the first. So Alciat: shewing this Donation to be a false, lying, and fabulous writing, and coniecturing also the same to haue beene forged after the time of *Constantinus Iconomachus*, that is more then 380. yeares ^h after Constantine the Great was dead.

g Alc. lib. 7.
Pareg ca. 19:
pa. 475.

^h Constant.
magnus obiit
an. 337. Con-
stantinus Ico-
nomachus naz-
tus est & bap-
tizatus an. 719
Bar. eo an. nu.
20.
ⁱ Did Conar.
lib. 4 Var. Re-
tol. ca. 16. pa.
69. & 70.

In the last place, to make vp the number of thirty two, *Couarruias* ⁱ may be reckoned. VWho besides sundrie authorities, by many effectuell reasons, shewes that Constantine made no such Donation. One is, For that by the consent of Eusebius and all Historians, Constantine in his last will

S I

and

and Testament diuided the Empire to his owne sonnes, and gaue Italy and other places, (which are saide to be giuen to the Pope) to one of them; *quod profecto non fecisset*, which truly hee would neuer haue done, had he formerly giuen the same to Syluester. Another reason is this, Because neither Damasus, nor Historians, either Greeke or Latine, who haue writ the Acts of Constantine, *vllam de hac refecere mentionem*: none of them haue made any mention of this Donation; *Procul dubio non omiffuri*, who without all doubt, would not haue omitted it, if either it had beene made, or if they had knowne that it had beene made, whereof, saith he, they could not haue beene ignorant, seeing they so diligently writ all the Acts which concerned the Church in Constantines time. A third reason he addes, Because it is certaine by the consent of all writers, that the Popes for foure hundred yeares after Syluester and Constantine, did not vse that Donation, nor had the temporall iurisdiction of Rome. Thus he.

By this now it appeares, how vainely *Marta* mustred that troupe of his thirty Lawyers, as bearing witnesse to this Donation of Constantine. Those who among them are most fauourable on his side, presupposing the truth thereof (which neither he nor they can euer proue) vpon that false supposall, strue to maintaine it to be *de iure*, of force: but diuers, and some the verie best of them, denying it to be of any worth, validitie, or force at all: and vpon supposall that it was made by any Emperour, teaching it, not to haue beene made (as *Baldus* flatteringly fancied by *Diuine instinct*,

instinct, but by the Devils suggestion, and the accepting of it, to haue made that Pope who first accepted it, (and then the rest who after him approved it) a verie Deuill and Angell of the darke and infernall pit.

C H A P. XIII.

The testimonies of eigh Emperours: Zeno, Iustinian, Charles the first, Lewis, Henric the second, Otho the fourth, Frederick the second, and Charles the fourth, alledged by Marta, as witnesses of Constantines Donation, examined.



Frer Councils, Diuines, Historians, and Lawyers, *Marta* alledgeth the Emperours themselves as witnesses of this Donation. Among them all he hath found eight, who being of all his witnesses most worthy to be heard in this cause, I shall desire the Reader seriously to consider their testimonies.

The first is the Emperour *Zeno*, whose words as *Marta* citeth^a them, are these; *wee renew the Constitution of Constantine, qui veneranda Christianorum fide Romanorum minuit imperium*: who by the venerable faith of Christians, impared the Romane Empire. Whence *Marta* concludes that

^a Mart. ca. 30.
cit. nu. 27.

Si 2

Constantine

Constantine sure made this Donation, and so impaired the Empire.

b Iura ciuilia,
euz ad nos
pertinent, ibid.

I am much ashamed, that Doctor *Marta*, euen in his owne profession ^b, should bewray so notorious ignorance: was there no way to impair the Empire, but by making this Charter? What if by his diuiding the Empire into three parts among his three children, he be thought to weaken it? Seeing in such causes those sayings seeme especially to take place, *Vis unita fortior*, and *Imperium impatiens consortis*, and, *ἐκ ἀγαθῶν πολυκαιρεῖν*; and many the like. What if *Constantine* gaue away some Citties, Forts or Castles, standing vpon the frontire of the Empire? What if in building Churches, hee bestowed so much of the reuenues, as that the want thereof seemed to some to impair the Empire? It was a rare saturie in *Marta*, to thinke that the Empire could no way be impaired, but onely by giuing away Rome, Italy, and all the Western Prouinces, that is the better halfe of the Empire.

Againe, see what a godly and religious mind *Marta* beares to the Christian Faith. Hee will proue by the Ciuill Law, that Christian Religion, and the true Faith, is the impairing of an Empire, or State, and that *Constantine* impaired the Empire, by the venerable Religion of the Christian Faith. Impious and blasphemous *Marta*! worse then *Matchinell*: Religion and pietie was, and euer will be the onely fortresse and bulwarke of all Christian States and Kingdomes. If he would not learne this of God, who warned *Ioshua*, and

in him all Princes, To doe that ^c which God com- ^c Iosh 1.8.
maundeth, for then shalt thou make thy way prospe-

rons, and then shalt thou haue good successe: if not

of this our most religious Constantine, who by ex-

perience found it true and professed ^d, That when

Religion is neglected, the Common-weale comes to

wracke, but when it is maintained, the state flourish-

eth: if not of Lactantius ^e, *Ideo omnia mala*, the

cause why all calamities dayly inuade the State, is the

forsaking of God; if not of Saint Cyrill, who saith ^f,

That pietie is *inconcussum Regiae dignitatis funda-*

mentum, the sure prop and foundation of any

Kingdome: yet he might and should haue lear-

ned this lesson, in those very bookes of the Law,

which he professeth; either of Iustinian, who

saith, *It becommeth vs to warne all our subiects,*

to bee religious, for so wee shall obtaine more a-

bundant fauour from the Lord; Or of Pope Ni-

cholas the third, who saith ^h, *Fundamenta mili-*

tantis Ecclesiae in montibus sanctis, The foundati-

on of the Church Militant is set in the holy

Mountaine; (that is on true pietie and Religion)

Vpon this holy Mountaine, *tota Ecclesiae fabrica*

confidenter innititur, the whole frame of the

Church doth firmly and surely relye; At least

hee should haue bin ashamed that the very Hea-

thens should teach him this lesson. All ⁱ things

fall out prosperously to the worshippers of God, all

infelicitie to those that despise him; yea euen the

Heathenish Poets also, *Iniqua ^k nunquam*

Regna perpetuo manent: And againe ^l, *Vbi non*

est pudor, nec cura iuris, sanctitas, pietas, fides,

^d Euseb. lib.
10. histor.
ca. 7.

^e Lactan. lib.
5. ca. 8.

^f Cyril lib. de
recta fide ad
Theod. in ini-
tio. §. Ceteru.

^g Iustin. Cod.
lib. 1. Tit. de
summa trinit.
l. 3. Decere.

^h Nich. 2. ca.
Fundamenta
de Elect. & ec-
clesi potest. in
6.

ⁱ Liuius lib. 5.
in orat. Ca-
milli.

^k Senec. in
Medea. Act. 2.

^l Senec. in
Thieste. Act. 2.

instabile regnum est. One might be eloquent in refuting this matchiulian Doctor, it being verie easie to demonstrate, that pietie, and prosperitie in Princes, that the Church and Common-weale, like the two twinnes of *Hippocrates*, doe stand and fall, flourish and fade together. I will onely oppose this one soueraigne Antidote, to his poisonfull doctrine,

*Arx est religio, murus aeneus,
O Rex, est pietas, principibus bonis.*

And all this I haue spoken, supposing *Marta* to haue cited the true words and text of the law of *Zeno*. But now I must further answer, that *Marta* finding the text corrupted (rather by errour, as I thinke, then otherwise) wittingly and maliciously embraceth (as did before him Cardinall *Albanus*ⁱ) that corruption, which is directly contrarie both to the true reading, and true sence of *Zeno*: for the true words are these; *wee^k renew the Constitution of Saint Constantine, who by the venerable faith of Christians, Romanum muniuit imperium*, did strengthen and establish the Roman Empire. So it is read in diuers^l other, and specially in that edition^m of the Ciuil Law, which is called *emendatior*, more corrected; and their learned Ciuilian *Dionis. Gothofr.* obseruesⁿ, That the other reading of *minuit*, is reiected by *Castrin* as false, & *ita est*, and it is false indeede, saith hee. Besides other reasons, the very words themselues doe shew this, seeing it had beene verie absurd for

ⁱ Hier. Alb. lib. de Donat.

^k Zeno Imper. Cod. Iust. lib. 5. Tit. 27. l. 5. Diu. Constantini.

^l Edict. Paris. ann. 1559:

^m Quarta editio auctior & emendatior.

Lugd. an. 1607

ⁿ Gotof. not. in dictam legem Zenonis.

for Zeno to say, That Constantine by the Christian faith had impaired, but hee might most truly and iustly say, That by the Christian faith, Constantine had fortified and strengthened the Kingdome. Again, it had beene most absurd in the Emperour Zeno, to call him *Dium Constantinum*, St. Constantine, and so commend him (as he doth in that very place) for embracing of the Christian faith, if he had meant, that by the Christian faith the Empire had beene impaired. But that which puts this matter out of all doubt, is another Edict of the same Zeno; called *Henoticum*, which thus begins, *Quoniam pro certo scimus Imperium nostrum a sincera solum & vera fide tum initium habuisse, tum stabilitum esse, tum robur, ac praesidium, quod expugnari nequit ex ea sumpsisse*, Because we know assuredly, that our Empire by the true faith, hath both received the beginning, and beene established and strengthened in such sort, that it cannot bee expugned. How could Zeno say here, that the true faith did impair his Empire, who certainly knew it to bee the most inexpugnable prop and stay to uphold his Empire. It was fit that *Marta* for defending of a false, counterfeit, and corrupted Donation, should be so farre infatuated, as that even in his owne profession he should alledge a false and foolishly corrupted Text of the Law.

Next to Zeno, the Emperour *Iustinian* is alledged, from whom *Marta* reasoneth in this manner, *Iustinian* saith, that *Leo* the Emperour post *Constantinum* *fidei principatum auxit*, did after Constantine enlarge the Dignitie or Maiestie of the Faith;

m Henot. Ze.
non. extat a-
pud Euag. lib.
3. cap. 14.

n Mart. ca. 30.
nu. 28.

Faith; From which words, saith *Marta*, it is gathered that *Iustinian* also knew of the foresaid Donation. Doe you not thinke that *Marta* had sent his wit to *Rome*, when he writ this at *Naples*? *Iustinians* words are plainly spoken of the faith; *Marta* expounds them, as meant of the Empire. *Iustinian* saith, *Constantine* planted and propagated, and that *Leo* enlarged the faith; *Marta* thence collectts that *Constantine* diminished, and *Leo* encreased the Empire, whereof there is not any sound at all in the words of *Iustinian*. To conclude, from *Leo* his encreasing the faith after *Constantine*, that *Constantine* therefore impaired it, is as if one should collectt, that *Romulus* impaired the Cittie of *Rome*, because *Seruius Tullius* after *Romulus* enlarged it. And if it were graunted, (which neither is true, nor any part of the meaning of *Iustinian*) that *Constantine* had impaired the Empire, yet doth it no way follow which *Marta* collectts, that therefore *Constantine* gaue away *Rome*, *Italy*, and all the *Westerne* Prouinces to the Pope; or that *Iustinian* knew that *Constantine* made this Edict of Donation. He might impair the Empire an hundred waies, and not giue so much away, or not giue it to the Pope. Besides all this, *Marta* to make his false Glosse more colourable, clips away those words of the Text in *Iustinian*, which evidently manifest both the fraud of *Marta*, and the true meaning of *Iustinian*; these are *Iustinians* words, *Leo* of blessed memorie, after *Constantine* *fidei inter Imperatores principatum auxit*, among those that were Emperours, enlarged the Dignity

• Iustin. in
Authent. coll.
2. Tit. 1. cap.
vnam.

Dignity or Maieſty of the Faith, and ordained the honor and diſcipline of holy Churches. Whence it is cleare that *Iuſtinian* commendeth both *Conſtantine* for planting and propagating, and *Leo* for enlarging the faith, by making lawes for aduancing the honor, and eſta bliſhing the holy diſcipline of the church, which at the firſt planting of the faith, was not ſo fully done by *Conſtantine*. In which words ſeeing there is neither mention, nor intention of imparing or enlarging the Empire; euerie man may conceiue, how well *Marta* deales with writers of other profeſſions, when he ſo maliciously corrupteth the words, and peruerſts the ſence of thoſe verie Imperiall lawes of *Conſtantine*, in the knowledge of which hee profeſſeth himſelfe a Doctor.

The third Emperor whō they alledge, is *Charles* the Great, whom to be a witneſſe of this Donation, they proue by diuers collections. Firſt comes in *Steuchus*, and tels vs, That *Charles the great confirmed, id quod magnus Conſtantineſis editto ſtatu- erat*, that which *Conſtantine* had decreed in his Ediſt. To this purpoſe *Steuchus* recites an whole Chapter out of the *libri Carolini*: And though in al that large Chapter, there be no mention either of *Conſtantine*, or of his Donation, or of his Ediſt, yet *Steuchus* wil ſtill thence proue this Ediſt. And how I pray you? Becauſe there are ſome like ſentēces in that chapter of *Charles*, to thoſe that are in *Conſtantineſis* Ediſt. *Conſtantine ſaith the Pope muſt be the higheſt, and rule ouer al Biſhops in the world: Charles ſaith, The Romane Church primatum habet à Deo,*

p Percurra-
mus iura ciui-
lia, quæ ad nos
pertinent. part.
1. ca. 30. nu. 27

q Steuch. lib.
cit. pa. 111. &
115.

r Pag. 112.
113. 114. 115.

s Steuch. ibid.
pa. 116.

Tt

hath

hath Primacie, and is preferred to other Churches by God. *Constantine* saith, we decree that the Pope shall gouerne all which pertaines to Religion, and stabilitie of Faith. *Charles* in like sort saith, That learned and holy men, as by name *Saint Hierom*, haue implored helpe from the *Romane Church* in doctrines of Faith. From this similitude (there is, as you plainly see no Identitie) of *Charles* his speeches to *Constantines*, *Steuchus* collectts, That *Charles* both knew^r of *Constantines* Edict, and confirmed^u the same.

v. Hoc sciens,
perceptumque
habens. Steuc.
pa. 111.
u. Confirmat
quod Constantinus
statuerat.
Ib. d. pa. 115.

Steuchus hath in many passages before, bewrayed his leaden heart and brazen forehead: In this he will yet once againe demonstrate the same vnto you. Whats Primacie, to Supremacie? Whats Primacie aboue Bishops, to a Temporall Supremacie and Monarchie aboue the Emperors? Or how can a Primacie giuen by God, inferre the Donation of a Temporall Monarchie ouer *Rome*, and all the Westerne Prouinces, giuen by *Constantine*? But the eminency of *Steuchus* his folly appeares in that from one or two somewhat like, but yet different sayings, found the one in *Charles* his words; the other in *Constantines* supposed Edict, *Steuchus* inferres, that *Charles* knew, and confirmed this Edict. Are those speeches of Primacie ouer Bishops, and expecting the Popes iudgment in causes of Faith, no where to be found before the time of *Charles*, but in this base Edict of Donation? Reade the third Epistle^x of *Anacletus*, there it is said, *This Apostolicke See of Rome, Cardo & caput omnium Ecclesiarum à Domino constituta,*

x. Apud. Bin.
tom. 1. Conc.
pa. 104.

was

was appointed by the Lord, to be the head and hinge of all Churches, and all Churches to be ruled by it. Againe, it is there also said, *The Sea of Rome, Primum obtinuit*, obtained from God Primacie ouer all Churches. It is a witlesse reason, and a Topicall place fit onely for *Stenchus*, from similitude of speeches to conclude, that the one writer knew or confirmed the writing of the other. The speech of the *Lyrick* y, *Bene est cui Deus obtulit parca quod satis est manu*, is like to the saying of *Salomon* z? *Giue me not pouertie, nor riches; but feede me with food conuenient*. One might iustly deride him, who from the similitude of these sayings, would conclude; that therefore the Epicurian hog knew what *Salomon* said, or meant to confirme his Prouerbs. But the most witlesse reasons are most fit for *Stenchus*.

y Horat. lib. 3.
Carm. Ode 16

z Prou. 30. 8.

Next comes *Boetius Epo*, and among those seuen reasons, which are brought by some wittie disputers, to proue that *Constantine* by his Donation transferred the Westerne Empire to the Pope, sets this downe for the fift, which carrieth indeed the fairest colour, and is of all the seauen most probable. *The Pope*, say they a, *gaue the Westerne Empire to Charles the great, for so Pope Innocentius the third witnesseth, saying b, the Apostolicke See transferred the Empire from the Gracians, in personā magnifici Caroli, to the person of Charles the Great, and so to the Germanes; Now, say they, the Pope would not giue the Westerne Empire to Charles, vntlesse it were his owne, either by Constantines Donation, or by his proper right from*

a Apud Boet.
Epon. lib. He-
roie. quæst. q.
3. nu. 60.

b Cap. vene-
rabilem. lib. 1.
Decretal. tit. 6.
de Elect. &
elect. potest.

c Constantinus ipsum quoque Imperium Pontifici cessisse videtur. ibid. nu. 55.

d Bell. lib. de Transl. Imp. ubi ait Imperium non translatum Pontificis auctoritate pa. 3. e Ex infra Romano pontificis auctoritate, fuisse impletum affirmamus. Bar. an. 730. nu. 14. & seq. f Car. lib. 2. de Rom. Pont. ca. 19. nu. 7.

Christ. His proper right or title from *Christ*, these men could not finde, nor did thinke so good; and therefore they inferre from this guilt, That the Pope ^c had the *western* Empire by the Donation of *Constantine*.

For answer to this reason, first it may be said, that *Leo* the third was not so free hearted, as to give away his owne, yea all his successours right: specially to an Empire. Such large Donations are not usuall in their Popes. But, howsoever not onely these disputers for the Donation, but *Belarmine* ^d, *Baronius* ^e, *Carerius* ^f, and many others doe vainely boast of the contrarie: the truth is, neither had *Leo* the third the *Western* Empire to give, neither did he give it vnto *Charles*. All that he conferred was but the Imperiall Coronation and vnction, which were but accidentall rites and ceremonies, the substance it selfe he did not, he could not conferre. All the right that *Charles* euer had to the *Western* Prouinces, was first by Conquest, or *Iure belli*, and then by the unanimous consent of the *Roman* State, which is equall to *Ius electionis*; they all accepting him for their King and Emperor: which consent Pope *Leo* the third, as a chiefe member of that State, in their name, and as the mouth of the whole politick body, signified vnto *Charles*, and expressed it, by setting the Imperiall Crowne vpon his head.

Of his former title by conquest, none can doubt, who considers that *Charles* overcame *Desiderius* and the *Lombards*, & so made himselfe Lord of all *Italy*, all the Citties thereof being either by force compelled to yeeld, or else willingly without force

yeelding themselves vnto him. Charles, saith Rhe-
gino^g, returned from Rome to Papia, and tooke it by
force, and then at the Lumbards coming, *de cunctis ci-*
nitatibus Italia out of all the Cities of Italy, *eius se*
subdiderunt dominationi, subiected themselves to
the rule and government of Charles; and he, *Italia*
subiugata & ordinata, Italy being now subdued &
set in order by him, with great triumph returned in-
to France: and in the yeare 751. comming againe to
Rome, his two sons were annointed Kings, Pipin King
(or Viceroy) of Italy, & Lewis of Aquitane. Charles
saith Hermanus^h, overcame Desiderius, he subdued
Longobardos cum Italia, the Lumbards with Italie,
and in triumph came to Rome. Charles, saith Otho
Fasingⁱ, *subacta Italia*, hauing subdued Italy, re-
turned into France, and some yeares after comming
to Rome his sonne Pipin was annointed King of Italic.
Charles comming into Italy, saith Athelmus^k, over-
came Desiderius, and tooke him captiue, compelled the
cuttie of Ticinum to yeeld; which other cities in Italic
following, *omnes se potestati Regis subdiderunt*, they
all subiected themselves to the power of Charles,
who then returned into France, *subacta & ordinata*
Italia, hauing conquered Italie, and set it in order.
Charles, saith Eginhartus^l, did not desist nor giue
ouer war, till he had overcome Desiderius, put to flight
Adalgisus his sonne, *totamque Italiam sua ditioni*
subiugaret, and had brought all Italy vnder the
yoake of his Dominion. Charles, saith Marian.
Scottus^m, went into Italie, and overcame Desiderius
and the Lumbards, *atque Italiam totam subegit*, and
subdued all Italic. Charles, saith Sigebertⁿ, ba-

g Rhegin an.
774.

h Herm. Cont.
Cronic. breui
an. 774. & in
Chron. maio-
ri, an. eod.
i Oth. Fris.
lib. 5. ca. 26. &
28.

k Annal. rerū
gest. à Carolo,
an. 774. Illius,
lib. auctorem
Adelmum aut
Athelmum vo-
cat Papir Mas-
son. in Leon. 3.
& Goldast.

ante libros Ca-
rolinos pa. 83.
l Eginh. de
vit. Carol pa 4

m Mar. Scot
an. 774.
n Sigeb an.
774.

o Aimon. lib.
4. de gest. Fran.
ca. 70.

p Lupold. lib.
de iure Reg. &
Imp. ca. 1.

q Ibid. ca. 7.

r Ibid. ca. 5. &
iterum, ca. 9.

s Cum Roma-
nis nunquam
pugnauit, &c.
qua ratione i-
gitur iure belli
Romanos sub-
iectos habuit.
Bell. lib. 1. de
Transl. Imp.
ca. 7. pa. 127.

Italiam sub iure Regni Francorum redegit, brought all *Italie* into subiection to the French. Charles *uing destroyed the Kingdome of the Lombards, totam* saith Aimonius^o, forced the cittie of *Ticinum* to yeeld; which other citties in *Italy* following, *omnes se Regis & Francorum potestati subdiderunt*, they all subiected themselues to the power of Charles, and the King hauing subdued *Italy*, returned into *France*, carrying *Desiderius* captiue with him. Charles, saith Lupoldus^p, came into *Italy*, forced the cittie of *Papia*, being the cheefe seat of the King of the *Lumbards*, to yeeld; other citties in *Italy* following it, *dicti Caroli potestati se tradiderunt*, gaue and subiected themselues to the power of Charles, and he, *Italiam subiugata*, set his sonne *Pipine* as Viceroy ouer *Italy*, being thus conquered. Againe^q, Charles *bello licito subiugauit*, subdued and conquered by iust warre, *Italy*, *Saxonic*, *Frisia*, and many other *Prouinces*. And againe^r, Charles *licite per bellum acquisiuit*, conquered, and thar lawfully, *Italy* and many other *Prouinces*, and got them to him and his successours, because the Kings and possessours of them dealt tyrannously against the Church.

It is true that many Citties yeelded without warre; but yet their voluntarie yeelding to a Conquerour, hinders not his Conquest, but furthers the same, and makes it more easie and and speedy. And therefore it is a very friuolous cauill of Bellarmine^s, That because Charles fought not with the Romans, nor forceably entred the cittie of Rome, as an enemy; therefore he obtained it not by conquest: for neither did he fight with any Cittie that yeelded

ded it selfe *sine sudore & sanguine*, and yet he was a Conquerour of them, as well as of the other: and of them all, none was so ready and willing to yeeld as Rome it selfe and their State. Yea, they were so forward in this submission of themselves vnto him, *That before t hand, pactio interuenerat*, t Siffrid. Epit. lib. 1. an. 781. there was an agreement, a couenant and compact made, *betwixt the Princes of Germanie, and the Pope with the Romanes*, that when the Lumbards were conquered, the Romane Empire should be transferred vnto him. What needed force, when they freely, and of their owne accord, offered subiection to the Conquerour?

To omit many other, their owne Sigonius speakes most effectually to this purpose, saying ^u; *Desiderius and all the Lumbards being ouercome, Carolus Regnum Italiae sibi, iure victorae vendicauit*, Charles chalenged the Kingdome of *Italie* as due vnto him by Conquest: yea, hee further shewes, that the *Italian* States vpon this Conquest, willingly accepted him as their Lord. After that saith he ^x; *the people being demaunded, if they would subiect themselves to this King Charles, and with constancy and fidelitie obey him and his commaunds, had answered, that they would; hee was according to ancient custome crowned, and then annointed King, and set in the Throne at Madoetia, by the Bishop of Millane. which things being done, Charles thought it his dutie being now made the Lord of Italy, non solum armis, sed etiam legibus*, not onely by Conquest but by Law, to set in order the Commonwealth: and then hauing told what Cities or Dukedomes he.

^u Sigon. lib. 4. de reg. Ital. in initio.

^x Ibid.

y His rebus
Papiæ atque
Modocia ac-
tis, Carolus
ad consilia cū
Hadriano cō-
municanda
Roma iter in-
tendit. Sigibid.

z Iterum Ro-
mam redijt,
Synodum con-
stituit. Sigeb.
an. 773. sed
non ait factam
eo anno. Nam
& reditus Ro-
mam & Syno-
dus habita, post
expugnatam
Papiam ann.
774 & idem
declaratur
Distinc. 63:
Ca. Hadrianus
& Theod. de
Niem. lib. de
de Iur. Imp. in
initio. Herm.
Cont. an. 774.

a Sigeb. Theod.
de Niem. &
Gratian. locis
cit. Nauc.
an. 772. Mart.
Pol. an. 772.
Lupol. lib. de
Iur. regni. ca. 1
Rod. de Co-
lum. lib. de

trans. Imp. §. Hoc. Marf. Patau. de trans. Imp. ca. 10. aliq. b Theod. de Nie-
loc. cit. c Eginh. de vita Carol. pa. 13.

he gave to others, and what to the Pope, for a te-
stimony of his Soueraigntie in both, *Sigonius* de-
clares, That in all the Lands and Territories which
he gave or confirmed to the Pope, hee did still retaine
his principatus & ditionem, Imperiall or supream
Dominion: and for the rest, all the Dukes were to
reseine an oath of fidelitie, euery one swearing to be
faithfull to him and his successours, vt *vassallus Do-
mino*, as a vassall to his Lord. Thus and much
more *Sigonius*. The like consent was expressed at
Rome, and that in a Synod, held shortly after his
conquest and crowning at *Modoetia*, For Charles
saith *Sigonius*, after this y returned to Rome: hee
appointed a solemne Councell to bee held; that Synod
was a most solemnly celebrated in the church of our
Saviour, at which were present not onely Bishops, Ab-
bots, and other religious persons to the number of
an hundred and fiftie, but iudges^b also, Lawyers, and
others, ex vniuersis ordinibus almae urbis, of all the
orders of the cittie, who sought out the customes and
lawes of the church and Empire, *Populus itaque Ro-
manus legem condebat*, the Romane people then
made a law after their vsuall manner, and *Ius &
potestatem Imperij concesserunt*, granted to Charles
the right and power of the Empire, & in eum tran-
stulit omne suum ius & potestatem, and the people
transferred to him all their power and right. The
Testament of Charles set downe by *Eginbertus^c*,
yeelds an vdeniable demonstration, that Charles
from the time of this Conquest, accounted him-

selfe

himselſe the ſupreame Lord and King of Italie, ſee-
ing it beares date *Anno Chriſti 811. of his King-
dome in France, the fortie three, of his Kingdome in
Italy the 36.* The firſt of which thirtie fixe ſals
out directly in the yeare 774. By this now it ap-
peares, and that alſo by the conſent and iudge-
ment of the beſt Hiſtorians, and others, that both
Charles eſteemed himſelſe to haue a right by con-
queſt vnto Italy, and that the Italians and Ro-
manes acknowledged the ſame right in him; and
that both the Pope, and the other Italians, held
their Territories from him as their ſupreame
Lord: In token whereof the Pope^f and Romanes at
the Election of Pope Leo, ſent to Charles the keyes
of St. Peter, and the ſtandard of the cittie of Rome,
and the reſt ſwore fidelitie to him, and therein
professed him to be their Lord, and themſelues
his vaſſals, and the whole State of Italie firſt at
Modoetia accepted, and crowned him for their
King, and then at Rome, in a Synod decreed the
power and right of the Empire to belong vnto
him.

^f Rheg. an.
796. Sigeb.
cod. an. Aimō.
lib. 4. ca. 86.
Naucl. an. 796
Sigon. lib. 4. de
reg. Ital. anno
796.

Now ſeeing both this Conqueſt of Italie
was made by Charles, and this vniforme conſent
was declared by the Romanes, *Anno. 774.* as
Rhegino, Hermannus, and others affirme &, euen
from that time Charles had the *Soueraigne*, and
truly *Imperiall* authoritie ouer Rome, Italie, and
other conquered Prouinces belonging vnto
the Empire, though he neither deſired, nor they
gaue vnto him the Title and Name of *Romane
Emperour*, till more then twentie foure^h yeares

^g Rheg. Herm.
alijque locis
cit.

^h Anno. 800.
quando Impe-
rator Rom.
dictus & Corō-
natus eſt.

Vu

after.

i Sleid. de 4.
summis Impe-
rijs libri scrip-
sit. Medorum
Imperium vo-
cat Perer. lib.
2. in Dan. pa.
164. & Imperi-
um Persarum
ac Græcorum
idem lib. 15. p.
907. Imperiū
Assyriorum.
Aeneas Syl.
lib. de ortu
Imp. ca. 4.

k Aen. Silu.
lib. cit. ca. 1.

l sig. à lib 4.
ad 20. de Reg.
Ital.
m Marf. De-
fen. pac. part. 2.
ca. 15.

n Host Extr.
de verb. signif.
ca. super qui-
busdam, & cit.
à Lupol. lib. de
Iure reg. ca. 11.
o Gelaf. Epist.
8. que est ad
Anastasium
Imp.

p Leo 3. apud
Krantz. Saxon
lib. 2. ca. 18.

q Lupold. de
Iur. reg. & Imp.
ca. 7.

after. For his power being then truly Regall, was also truly Imperiall; seeing it is certaine that *Rex* and *Imperator*, *Regall* and *Imperiall* authoritie differ onely in name and title, not in realitie and substance. How vsually in all writers are the Kingdomes of *Assiria*, *Persia*, & *Grecia*, called three of those foure *summa Imperia*, which haue ruled the world. *Aeneas syluius* calls *k*, the sacred Empire of Rome, *Romanam regiam potestatem*, the Regall power of the *Romanes*. *Sigonius* hath writ twentie bookes of the *Westerne Romane Emperors*, from *Charles the Great* to *Rodulphus*. All his bookes he entitles, *l De Regno Italiae*, of the Kingdom of Italy. The name of the Emperour, saith *Marf. Pataui- nus m*, is vsed to signifie *Regalis Monarchiæ speciem*, a kind of Regall Monarch: to wit, such as is truly Regall and Soueraigne. *Hostiensis* saith *n*, That *Imperiall unction* (at which time the title of Emperour is vsually giuen) *non dat nisi nomen Imperatoris*, giues nothing but the name of Emperour: The substance then is the same with the Regall power, which before he hath. Pope *Gelasius* writing to an Emperour, and of his Imperiall authoritie also, calls it in expresse termes, *Regall power: The world o* is gouerned by two things, by pontificall authoritie, & *regali potestate*, and by Regal power. Pope *Leo* who crowned *Charles*, calls *p* that Regall power, which he had before his Coronation, *Imperiale culmen*, the Imperiall height. *Lupoldus* handling this point at large, saith *q* of the *Romane King*, *that eo ipso quod est Rex, est Imperator*, euen for this cause that he is King, he is also Emperour: and

and that ^r in those Territories which belong unto him, he may exercise all Imperiall Acts: and particularly of Charles, he saith ^f; That before his Coronation to be Emperour, he had plenariam & omnimodam potestatem, plenarie and al Soueraigne power in Italie. He further addes ^t, That it is the generall custome of all the westerne Kingdomes, from time beyond all memorie, that their Kings doe, and may exercise all Imperiall acts in their kingdomes, and that by reason of this custome, quæ valet et licita est, which is both lawfull, and of force, the Romane King may before he be crowned Emperour, exercise in his Kingdome all Imperiall rights, acts, and offices; vpon which ground hee particularly affirmes ^u, that Rex Gallie the French King, as now hee is called, hath the same power in his Kingdome, that the Emperour hath in the Empire: and the like is to bee said of England, whose Crowne is expressly called ^x Imperiall. To the like purpose Hier. Baldus saith ^y, that the King of the Romanes, and the Emperour, idem omnino valent, et sunt Synonima, are all one in substance, and are Synonimal titles: which he proues, both because the yeares of ones Empire, incipiunt fluere, begin to be accounted from the time that one is elected King of the Romanes, and specially by the law ^z, Bene à Zenone, wherein, that which is in one line called Imperialis maiestas, in the very next, is called Regale culmen: whence it is euident, and that by the Imperiall law, that the Regall and Imperiall maiestie and height is the verie same; yea, Charles himselfe to haue iudged no otherwise is euident by his owne Act, for hee

V u 2 professed

^r Ibid. habet Rex. Rom. eandem potestatem exercendi actus reservatos Imperatori, quam habet post Coronationem.

^f Ibid. ca. 9.

^t Ibid. cap. 7. Consuetudo generalis est omnium regnorum occidentaliū, &c.

^u Ibid. ca. 7.

^x 25. H. 8. ca. 21, 22. & 1. Mar Parl. 2. ca. 1. & 1. Eliz. ca. 1. ^y Hier. Balb. lib. de Coron. pa. 68.

^z Cod. de Quadr. præscrip. lib. 7. tit. 27.

a Eginhart. de
vita & gest.
Carol pa. 11.

a *professed that if hee had knowne that Leo would haue crowned him Emperour, hee would not haue come to Church that day, though it was one of the chiefeft festiuall daies in the yeare; euen the day of Christs Natiuitie. Now none may doubt, but that if Charles had thought hee had got by Imperiall Coronation, either a better right, title or interest, or more authoritie and power then before he had, to Rome, Italie, and the Prouinces which he had subdued, he would most willingly haue accepted, yea twenty yeares before that, haue sought for Imperiall Coronation, and the Imperiall Name. But knowing that though he got a more glorious and pompous title, yet he obteined no power or authoritie to, and ouer Rome, Italie, or the Prouinces which he had conquered, then before hee had; he in modestie declining the name of Emperour, which he knew would breed enuy, (as afterwards indeed it did b) contented himselfe with the authoritie and power of an Emperour, which before that solemne Imperiall inauguration, he both had and exercised in Rome, Italie, and other Westerne Prouinces, which he had got *iure belli*, by Conquest and law of Armes.*

b Inuidiā suscepti nominis, Constantino-
politani Imperatoribus su-
per hoc indignantibus, magna tulit patientia. Eginhart.
Ibid.

His other title was the willing consent of the Italian States and people to haue him for their Lord. And this was indeede sufficiently performed: first, when after his Conquest, hee was crowned at *Modoetia* King of Italie; and then at Rome, when the Councell of all the Italian States decreed him to bee their Lord and King; yet the same was againe, and that with farre
more

more pompe and solemnitie then euer before performed at Rome^c, in the Church of Saint Peter, on the day of Christs Natiuitie, in the yeare 800 d. when Pope Leo the third, in the name of the Senate and whole people of Rome, and so of all the Italian States, Crowned him for the westerne Romane Emperour, and with many most ioyfull acclamations expressed their full consent thereunto, and so transferred the Empire vnto him. For though Bellarmine, and other flatterers of the Romane See, challenge this wholly and solely to the Pope, that he onely^e, and none else could transferre the Empire; that hee^f suo iure, by his owne Papall right, did transferre the Empire to Charles, and that Charles^g obtained the Empire, nullo alio titulo nisi pontificis maximi auctoritate, by no other Title at all, but onely by the Popes authoritie: yet is this but meere ventositie, and puffing vp the Popes pride. For neither hath he right to giue or transferre any Kingdome: neither at this time was there ought (either for Title or Power) conferred vpon Charles, but what was giuen by the consenting Decree of the whole bodie of the Romane State. And this, by the vni-
torme consent of the best Historians & writers is so cleere, that none but such as are perucacious, and wilfully wedded to their owne errors, can doubt thereof.

Athelmus, a most^h faithfull author, and contem-

^g Ibid. ca. 12. pa. 207. ^h Author Annalium Francorum, omnium consensu fidelissimus, & qui tempore Caroli vixit, Bell. lib. de transf. Imp. ca. 4. pa. 93. Is fuit Athelmus vt ante ostendi.

^c Anast. in vita Leon. 3 alij- que.

^d Nam obijt an. Imperij 11. an. Chri. 811. vt ex Testamento eius certum est apud Eginhart. pa. 13. Quod vero Athelmus, Otho Fris. Rhegin. Hermi. Sigeb. & alij Coronatum dicunt an. 801 hoc eo fit, quia olim annum inchoabant à die Natiuitatis Christi, non vt nunc à die Circumcisionis, & Kalend. Ianua. Quod obseruat etiam Bell. lib. de Transf. Imp. ca. 4 pa. 105.

^e Vt ipse qui solus id facere posset, Imperium transferret Bell. lib. de Transf. cap. 4. pa. 103.

^f Bell. lib. eod. in tit. ca. 12.

i Athel. Annal.
de reb. gest.
Carol. an. 801
videntur autē
Annales Fran-
corum editæ
per Pythæum,
huius libri Epi-
tome.

k Aimon, lib.
4. ca. 90.

l Ado Vien.
an. 799.

m Ab. Vsp. an.
801.

n Trite. de Or-
rig. Franc. an.
801.

o Rheg. in
Chron. an. 801

p Anast. in vit.
Leon 3. S.

Post hæc,

q Litp. de vit.
Pontif. in Le-
on. 3.

r Greg. 7. ora-
tio habetur a-
pud Auent. lib.
5. p. 453.

s Helm. Chr.
flau. ca. 3.

porall with Charles, saith ¹, Leo put the crowne on
the head of Charles, *cuncto Romanorum populo ac-*
clamante, all the people of Rome crying, To
Charles the Emperour be life and victorie, which
being done, *a Pontifice more antiquorum principum*
adoratus est, Pope Leo adored the Emperour, as
the ancient custome was to doe. The verie like
words, both for the Coronation of Charles, ac-
clamation of all the people, and adoration giuen
to Charles by the Pope, are set downe both in *Ai-*
monius ^k, in *Ado Vienenfis* ^l, in *Abbas Vspergenensis* ^m,
in *Tritemius* ⁿ, and for the most part in *Regino* ^o.
All the faithfull people of Rome, saith Anastasius ^p,
seeing how Charles had defended the Church, did
with one voyce proclaime Charles the Romane Em-
perour, *et ab omnibus constitutus est Imperator*, and
he was made Romane Emperour by them all. Leo
the third, saith Litprandus ^q, purged himselfe by
oath before Charles the King, and all the Cleargie
and people; after which, *ab omnibus pradietus Rex*
Romanorum Imperator est constitutus, the same
King Charles was made Romane Emperour by al,
(by the Cleargie and people) and was crowned by
Pope Leo. The Romane people, saith Pope ^r Grego-
rie the seventh; being the head of the world, and
Lords of all, may transferre the Empire, in quos li-
buerit, vnto whom it list; as 275. yeares since it
transferred the Empire from the Grecians to the Ger-
manes. The Romane people did it, not the Pope.
Pope Leo, saith Helmodus ^s, called a solemne
Councell; *omnium ergo votis, omnium laudatione*, so
by the votes or suffrages of all, by the collaudati-
on

on of all, was Charles honoured with the Imperiall crowne; and the Empire translated from the Grecians to the Frankes.

The Romanes, saith Sigebert ^t, with one consent ^t Sigeb. an. 801 gave to Charles the imperiall praises, *cumque per manum Leonis Papa coronant*, and they crowned him by the hands of Leo, and called him Emperour. They crowned him, but by the hands of Leo. The Romanes with one consent, saith Waltramus Naumbergensis ^u, praised Charles, *cumque per manus Leonis coronauerant*, and they crowned him by the hands of Leo. Gotofride Viterb. speaking of the Imperiall title giuen to Charles, saith ^x, *Tollere sic nomen curia tota monet*, the whole Court (the Cleargie, Senate and people of Rome) willed Charles to take the title of Emperour vnto him. Leo 3. saith Platina ^y, *populi Rom. Scito ac precibus*, ^y Plat. in Leon. 3. *Carolus magna voce Imperatorem decernit*, by the Decree, and vpon the entreatie of the people of Rome, with a loud voice decreed (that is declared) Charles to be the Romane Emperour, and set the Imperiall Crowne vpon him. Charles, saith Beneu. de Rambaldis ^z, *electus est Imperator à senatu populoque Com. confirmatus à summo Pontifice*, was chosen Emperour by the Senate and people of Rome, and was confirmed by the Pope. Leo saith Egnatius ^a, *Scito populi Romani, clerique rogatu*, by the Decree of the people of Rome, and by the request of the Clergie, called and consecrated Charles for the Romane Emperour. Pope Leo. saith Sabellicus ^b, *Scito rogatuque populi*, by the Decree and entreatie of the people of Rome, consecrated and appointed.

^u Walt. tract. de Inuestit. in initio.

^x Got. Viti Chron. in Carolo mag.

^z Ben. de Ramb. libr. Augustali, an. 801 inter opera Petrar.

^a Egn. Bap. in Carol. mag.

^b Sabell. Ennead. 8. lib. 8. in fine.

c^e Blon. dec. 2.
lib. 1.

d Wimphe-
lingius^d, in
Epit. rer. Ger-
man. ca. 9.

e Aen. Sil. lib.
1. Epit. in Dec.
Blond.

f Aene. Silu.
lib. de ort. &
auth. Imper.
ca. 9.

g Onuph. prae-
fat. in lib. 4.
Fastor.

h Phil. Achil.
in somni. Viri-
dar. ca. 183.

annointed Charles for the Romane Emperour. Leo, saith Blondus^c, Crowned Charles with the old Diadem of Emperours, *populi Romani Scito, precibusque Imperatorem Romanorum declaratum*, being declared to be the Romane Emperour by the Decree and entreatie of the people of Rome. What Pope Leo did, was done by the Decree of the whole Roman State. Pope Leo, saith Iac. Wimphe-lingius^d, *Populi Romani Scito ac precibus*, by the Decree & at the request of the People of Rome, declared with a loud voyce Charles to bee the Romane Emperour, and set the Imperiall Crowne upon him. Leo crowned Charles, saith Aeneas Syluius^e, After he was declared to be Emperour, *populi Romani Scito*, by the decree and entreatie of the people of Rome. And againe^f, The Romane people, which with their bloud (that is bloudie warres) had got the Empire; and by their vertues and valour had founded the Monarchie of the world saluted Charles first Patricius, and afterwards Emperour, *concurrente summi Pontificis consensu*, the consent of the Pope concurring with them. They did it, the Pope in that Act consented to what they did. Pope Leo, saith Onuphrius^g, *Romani populi & procerum Italicorum Scito*, by the Decree both of the people of Rome, and of the Peares of Italie; as also by the entreatie of the Cleargie, called Charles the Romane Emperour of the west. Phil. Achillinus handling this very point, by whom the Empire was translated to Charles, after that testimonie so often mentioned of the peoples acclamation at the crowning of Charles, These words, saith he^h,
seeme

seeme to imply that Pope Leo crowned Charles, *de voluntate, ac ordinatione populi Romanz*, by the will, ordination, or appointment of the people of Rome, to whom it did belong to dispose of the Empire. Wherefore that translation of the Empire, was made a *populo Romano*, by the people of Rome, the Pope being included as one of them. And to this purpose he brings this reason. To them principally doth belong the translation of the Empire (if it ought to be transferred) by whom it was instituted: but the *Romane Empire* was instituted by the people, not by the Pope; and therefore by the people, and not by the Pope must it be transferred also. And againe¹, I answer, saith he, that this translation of the Empire was made not by the Pope, but by the people, who did at the beginning institute it, and from whom at first, the Emperour tooke it.

i Lib. eod. ca. 185.

Pope Leo, saith Guiccardine^k, together with the people of Rome, named Charles the *Romane Emperour*, *Verum Pontifex haud alia auctoritate, quam ut eius populi caput*, but the Pope did this by no other authoritie, but as the chiefe of that people. The *Romanes*, saith Iohn de Parisijs^l, commended and magnified Charles the Great, & *Imporatoris ei nomen dederunt*, and they gaue the name of Emperour vnto him. And this was done, saith he, *non per solum Papam*, not by the Pope onely, but by the people, in whose power it is to subiect themselves to whom they will without prejudice to another: and they did it upon a necessary cause to defend themselves against Infidels and Pagans: *nam populus facit regem*, for the people

k Fr. Guicc. in Paralip. loc. 2. pa. 43.

l Ioh. de Paris. tract. de potest. Reg. & Pap. ca. 16.

m Mich. Coc
cin. lib. de trāfl.
Imperij.

n Auent. lib. 4.
pa. 259.

o Sigon. lib. 4.
Reg. Ital. ana.
801.

p Krantz. in
Saxon. lib. 3.
q Krantz. lib.
1. Metrop. cap.
14.

r Canzo Tu-
rient in gest.
Caroli mag.
ca. 7. citatur à
Goldast in
suo Ration.
part. 1.

by their consent make an (Electiue) King, and the
Armie an Emperour. The Romanes and other Ita-
lians, saith Michael Coccinius m, seeing on the
one side the auarice and sluggishnesse of the Grecians;
and on the other, the fortitude and iustice of the Ger-
manes, transferred the Empire from the Grecians
to the Germanes, in the person of Charles, and this
translation of the Empire was made, *Romanorum ca-
terorumque Italiae populorum consensu, & authorita-
te*, by the consent and authoritie of the Romanes,
and other people of Italy. The Pope, Senate, and
people of Rome, saith Auentinus n, decreed, *tacito
plebiscito* (their consent being in effect as if it had
beene a written Decree of the Senate and people)
to transferre the Romane Empire from the Greci-
ans to the Germanes, and to Charles, and then was
Charles crowned by Pope Leo, all the people applau-
ding it, which done, Charles was adored by the same
Pope, and other Romanes.

Pope Leo, saith Sigonius o, put the imperiall
cloake and Crowne upon Charles at the people applau-
ding it with their cries, & *Imperatorius illi titulus à
populo confirmatus est*, and the people confirmed
vnto him the title of Emperour. when the Roman
Noblemen, saith Kranizius p, came to a Council, the
western Empire was translated to the Germans. A-
gaine q, Charles was proclaimed Emperour by all the
people: Pope Leo performed that sacred ministerie,
the people (*cui ius ac fas esse videbatur de Imperatore
creando*, who thought they had right to make an
Emperour,) willing Leo so to do. The Romane
Church, saith Canzo r, *cum Proceribus*, together
with

with the Nobles or Senators transferred the Empire from the Grecians, to the person of Charles and the Germanes. The Romanes, saith Alb. Argentinensis^f, *præscripserunt*, appointed unto Charles the Romane Empire, and he being moued by the request of Leo, of the Princes of the Kingdome, and all the chiefe men consented to the will both of God and men, and was consecrated Emperour. Pope Leo, saith Bergomensis^t, being entreated by the Romane people, crowned Charles, being declared to be the Romane Emperour. The translation of the Empire, saith Lupoldus^u, from the Grecians to the Frankes, *per ecclesiam Romanam facta*, was made by the Romane Church. The very same, saith Radulph. de Columna^x. Now by this name of the Church is meant, not the Pope alone, or Cleargie; but the whole body of the Christian State of the Romanes, as Lupoldus himselfe declares; for both he y holds, that the election of the Emperour is still made by the seauen Electors, *vice & autoritate vniuersitatis principum ac populi*, by the authoritie of all the Princes and people of the Empire; and particularly for Charles, hee saith z, That those lands and power which he held, he had not from the Church, (that is from the Pope) either in Fee, *vel aliquocunque titulo*, or by any other title whatsoever, but hee held them either by succession (as the Kingdome of France) *vel per bellum licitum*, or else by iust conquest, as Italy and other Prouinces which he subdued. Card. Cusanus^a, though he knew and alledged the Chapter *venerabilem*, wherein the Pope is saide, to haue

^f Alb. Argent. in Fragm. Historic. inter Hist. Germ. editas à Chr. Vrsitio.

^t Phil. Bergō. lib. 11. Supplement. in prim.

^u Lupold. lib. de Iur. Reg. & Imper. in præf.

^x Rad de Colum. lib de Trans. Imp. §. Quantum.

^y Lupold. lib. cit. cap. 6.

^z Ibid. cap. 9.

^a Cusan. Concor. eccl. lib. 3. ca. 2.

transferred the Empire vnto Charles, yet directly
 denies any such translation to haue bene made; yea
 he goes further, and shewes, that to make an (E-
 lectiue) Emperour, the Popes authoritie is not
 sufficient, *Imperatorem. b facit consensus eligenti-*
um, non Papa, the consent of the Electors, not the
 Pope makes an Emperour, and hee^c sets this
 downe, for a Maxime, *Esse & posse Imperatoris ab*
uno homine non dependet, the Essence and power
 of an Emperour doth not depend on one man,
 (that is the Pope) and therefore euen at this day,
 as he teacheth^d, the Electors of the Empire, *radica-*
lem vim habent ab ipso communi omnium consensu,
 haue power to elect, from the common consent
 of all that are subiect to the Empire, that being
 as the roote and foundation whence their electi-
 on hath force: And againe, The Election made by
 the Electors hath force, *non e ab ipso Romana Pontifi-*
fice, not from the Pope, but per^f *concordem omnium*
qui subsunt Imperio transfusionem in eos, but from
 this that all the subiects of the Empire, (one^g of
 which is the Pope also himselfe) haue transfused, or
 transferred their power of electing into those se-
 uen Electors: and so in their consent vpon any,
 is virtually included the consent of all the sub-
 iects of the Empire, euen of the Pope himselfe:
 The verie same touching the Electors, doth Lu-
 poldus teach. They, saith he^h, are esteemed to elect
 the Emperour in the stead, and by the authoritie of
 all the Princes and people of the Empire. Now
 vpon this true discourse of Cusanus, it cleerely
 followeth; that if Charles was by any Election
 made

b Ibid. ca. 4.

c Ibid.

d Ibid. ca. 4.

e Ibid. pa. 785

f Ibid. pa. 786.

g In qua qui-
dem concord. a
Rom Pontif. x
Gregor. 5. in-
cludeba. ur.
ibid.h Lupol. lib.
c. 1. ca. 6.

made ⁱ Emperour, it was not, neither could it be made by the Pope, but by the whole bodie of the Romane State consenting vpon him; which consent was onely vttered and expressed by the voyce and act of Pope *Leo*, when hee nominated and crowned *Charles*. Many moe authorities (beside reasons) might bee alledged to this purpose, but these being so cleere, are sufficient euerie way to encounter *Bellarmines* ^{fiftie} wrested testimonies, whereof he boasteth.

It is, and not without cause, disputed what effect this Imperiall Coronation had in *Charles*, and what he obtained by this making of him the Romane Emperour. Some teach it to be onely a matter of Title, not of Realitie. So *Hosiensis* ¹. *Imperiall Vnction*, giues nothing but the Name and Title of Emperour. Whence *Iohn de Parisijs* saith ^m of this very Translation of the Empire, when *Charles* was crowned, *Non transfudit veritatem, sed Nomen*, it did not transference Imperiall power, but the Imperiall name vnto him. And Cardinall *Casanius* ⁿ, *It is euident that Vnction and Coronation, nihil prestant Imperiali potestati*, adde nothing to Imperiall power. And to the same effect *Jacob. Almaine* ^o, *Coronation giues no power, sed est tantummodo solemnitas*, but it is onely a solemnitie.

And truly for Rome, Italie, and other Prouinces which before that Coronation and translation *Charles* had conquered, in respect of them, their sayings are verie true. For it is most certaine, that in respect of these, *Charles* obtained

Xx 3 thereby

ⁱ Electione principis ecclesiastici, asserimus Carolum & alios Germanos Imperatores ius Imperij adeptos esse Bell. lib. 1. de Transl. Im. ca. 7. pa. 126.

^k Aduersus nostros circiter quinquaginta, ib. d. ca. 1, pa. 229.

^l Host, Extr de verb. signif. ca. Super quibusdam.

^m Ioh. de Par. lib de potest. regia. ca. 16.

ⁿ Cus. lib. 3. cit. ca. 4.

^o Iac. Alm. lib de potest. eccle. & laic. ca. q. 2. ca. 10.

thereby neither more right vnto them, nor more power and authoritie ouer them then before hee had: for hee formerly held them both *iure belli*, and *iure consensus populi*: and his power which before hee had being royall and *supream*, was truly *imperiall*: and so neither for right vnto, nor authoritie ouer those Countries did hee receiue any increase. In this respect the addition was onely *Nominall*, as giuing him the highest stile and name of *Augustus*, or *Emperour*, it was not *Real*, as giuing him either more right, or more authoritie in those Prouinces. *Hier. Balbus* teacheth this, saying °; *All interpreters of the law, vno ore, parique consensu statuunt*, do determine with one consenting voyce, that what belongs to the *Coronation*, is done *honoris & officij causa*, rather for honour and office, then of necessity, or that *quicquam hac actione Cesaribus accedat*, that any thing should be added to the kingly power. And hee further saith; *That the election alone is of the substance, the rest, to wit; Confirmation, Coronation and Vnction, are onely matters of solemnitie.* *Lupoldus* P is earnest for the contrary. But if we rightly consider the point, the *realitie and power*, which he thinks to haue beene added to *Charles* by crowning him *Emperour*, is not so great as at the first it seemes. He supposeth, that by this ¶ making him *Emperour of the west*, the *Romane State* did therein giue vnto him and his *successours*, a right vnto all other *western* Kingdomes and Prouinces which formerly belonged to the *Empire*, and which as yet he had not conquered, which is the onely matter of *realitie* superadded, that he could

o *Hier. Balb.*
lib de Coron.
pa. 68.

p *Lupold. lib.*
cit ca. 4. & cap.
11.
q *Virtute translationis huius Carolus eiusq; successores receperunt potestatem imperalem in omnibus regnis, Prouincijs & terris occidentibus quæ non erant ante translationem sub potestate Caroli.* *Lup.*
locis citatis.

could finde. But there must necessarily be added two restrictions, to make good this assertion. The one, that he had to those vnconquered Prouinces such right onely, and so farre, as the people of Rome and States of Italy could giue vnto him. Now because there was in them no right at all at this time to doe this, they hauing long before transferred whatsoeuer power and right they had vnto the Emperour of Constantinople, it seemes that in him the right and rightfull power ouer such Prouinces still resided, till either by *inst conquest* those Prouinces were taken from him, or else by *voluntarie cession*, or *other right*, he passed them away. By reason then of this former defect, that may be said of the peoples giuing or transferring to Charles the right vnto those Prouinces not as yet conquered, which was often said of the Ordinations made by *Gregorius Syracusanus*, and *Photius*. *Pater meus nihil habuit mihi dare, nihil dedisti*; they had no power to giue ought, they gaue nothing.

The other restriction is, that admitting they had rightly giuen such power vnto Charles, vnto those as yet vnconquered westerne Prouinces which once belonged to the Romaine Empire, yet was this right giuen onely ouer such Prouinces, as were *iniuria ab alijs occupata*, to vse *Belarmine's* own words, iniuriously withheld from the Empire: for if any of those Countries or Prouinces had either *iure belli*, or by the consent either *Expresse* or *Tacit* of the Emperour and his State, or by any other *inst title* freed themselves from

r Vnde Roma
seruulis vrbs, &
Italia seruulis
prouincia Cō-
stantini pogo-
nati vocatur,
ab Agathone
& occidentali
Synodo. Act. 4
Conc. gen 6.

f Nich. 1. Epi.
10 §. Quonia.
& Hadr. 2. E.
pist. 4.
t Bell. lib. 1. de
Trans. Imp.
ca. 13. §. Deci-
mo sexto.

u Hi reges dis-
ciposunt con-
stituti seu crea-
ti à Principe,
propter laciū
ipsius consensū.
Nam qui pati-
tur rem præ-
scribi, vel con-
suetudine in-
duci, præsumi-
tur consensum
præstare. Lup.
lib. cit. ca. 15.

x Qui Imperatorem Rom. pro suo superiore in temporalibus non recognoscunt; sicut apparet de regibus Hispaniæ, Fraciæ, & alijs omnibus regibus Occidentis. Lupold. lib. cit. ca. 13.

from the yoke of the *Romane* Empire, and so erected a Soueraigne or Monarchicall kingdome of their owne; as in *Spaine*, *England*, *France*, and other western Kingdomes, is not to be doubted x but they had; for these, neither had the *Romane* State any power to giue, nor did *Charles* by their making him Emperour, receiue any right at all vnto them. It in respect of such vnconquered Prouinces onely, as were iniuriously deteined, the words of *Lupoldus* be admitted, that *Charles* by being made western Emperour, receiued an addition of *reall power* or right vnto them, so far as the Romanes and Italians could giue the same, it is not much materiall. But for the maine point which concernes our present purpose; thus much is euident and cleerely demonstrated, that whatsoever it was that *Charles* receiued by his Imperiall Coronation, and by being made Emperour at that time, whether onely a *Nominall Title*, or some *Reall authoritie* together with it, he both receiued and held the same, not from *Pope Leo*, nor from any *Papal authoritie* and power, but from the ioynt consent and Decree of the whole *Romane* and *Italian* State; whole consent and Decree for giuing that *Title* of western Emperour vnto *Charles*, and either confirming what right he before had vnto the conquered, or giuing a new right vnto some vnconquered Prouinces iniuriously deteined, was but signified and ministerially expressed by *Pope Leo*, as the mouth and hand of that politicall bodie. The Act it selfe was the Act of the whole bodie, which being the onely principall agent, transla-

translated both the Imperiall Title, and whatsoever authoritie was with it conferred.

Neither is it to be doubted at all (or so much as questioned) but that *Charles* and his successors had a most iust and rightfull Title vnto Rome, Italy, and other parts of the western Empire, which he subdued: seeing hee first obtained them *Iure belli*, and then *Iure consensus populi*, declared vpon his conquest, first at *Modoetia*, then at *Rome*, in a verie great assembly of all the States, and after both these, *An. 800.* confirmed by the vnanimous consent and Decree of the Romane and Italian States at the time of his Imperiall Coronation. Which his rightfull Title is yet more cleere, if those two points bee rightly considered, which both *Baronius*, and others of his stamp doe often professe and teach. The one, that the Cause of those warres by which *Charles* conquered Italy, was iust; seeing it was for defence y of Gods Church against invading oppressors, vndertaken also at the earnest solicitation^z, yea entreatie and supplication of the Popes Holinesse; and furthered by the speciall, yea, miraculous fauour^a of God, who opened a way for *Charles* b to overcome the *Lumbar ds*, as he did vnto *Cyrus*. The other, that *Titulus* c *iuraque occidentalis Imperij iacebant absque possessore*, both the Title and Rights of the western Empire remained then without any possessor, being taken, and that iustly, as they teach, from the Grecians by the Popes authoritie, for that they pertinaciously adhered to heresie: All which are expressed, saith *Baronius* d by Pope *Hadrian* in his Epistle to *Charles*. Now seeing a

y Ecclesia liberatur à durissimo iugo, & durissimo sceptro regū Longob. Bar. an. 774. nu. 1.

z Deprecans Caroli excellentiam, vt succurreret ecclesiæ. Bar. an. 773. nu. 1.

a Fuga miraculosa Longobardorum. Bar. an. eod. nu. 8.

b Deus Carolo viam semper aperuit, tanquā Cyrus. ibid. nu. 7.

c Bar. an. 800. nu. 12.

d Sunt ista onania expressa in fine Epistolæ eiusdem Hadriani. Bar. ibid.

Y y Conquest

Conquest made vpon a *iust cause of warre*, doth *Iure Gentium* produce a iust Title in the Conquerour, it hence ensueth that the Title of Charles to Italy, was iust, seeing his conquest thereof was grounded vpon a *iust cause of warre*. Againe, seeing the westernne Empire was then vacant both for the Title and Right, it hence againe ensueth, that Charles wronged none of their right or possession, by taking vpon him Imperiall authoritie in Rome, Italie, and other subdued Prouinces of the westernne Empire; the right vnto them being then *tanquam ius in nubibus*, did descend vpon him, who was the first *Occupant*. So vpon these their owne assertions, both the Conquest of Charles was iust, in respect of the *Lumbards* oppression of the Church: and his taking of Soueraigne, that is Regall or Imperiall dominion of the whole Countrey of Italy, was iust also in respect of the vacancie of the Empire, the right vnto it, and those Prouinces hanging yet in the Clouds, and belonging to none but *primo Occupanti*, and that was Charles.

This is more then sufficient to answer that doubt of the disputers in *Epo*, who inferre, that Constantine gaue the westernne Empire to the Pope, because Pope Leo conferred it vpon Charles. Yet to this which I haue already laid, let me adde the answer of *Boetius* himselfe, who contrarie to those disputers, holding that ^eConstantine by his *Donation*, transferred not the Empire of the west vnto *Syluester*, or other Popes; to this their fifth reason, answereth^f in this manner. That which is added touching

^e Boet. *Epo*.
quest. Heroic.
q. 5. nu. 31. &
seq. & Glossé.
in cap. Con-
stantinus, nu.
21.
^f Ibid. Quest.
5. nu. 48.

ing the western Empire giue by the Pope vnto Charles the Great, is not rightly said. For the Pope as being the head or cheefe of the Church declared Charles to be Emperour, *nomine totius populi Romano Imperio subiecti*, in the name of all the people subiect to the Empire, the people themselves, *sic desiderante*, desiring the same; the Emperour of Constantino-ple being at that time iustly deprived of the western Empire by the Pope. *Dedit ergo populus Christianus per Pontificem Imperium Carolo*; therefore the Christian people subiect to the Romane Empire, gaue the Empire vnto Charles by Leo, that is by his hands or ministerie. Euen as when the succession of heires happens to faile in any Kingdome, the people of that kingdome, *per ordinum eiusdem regni primores dat regnum nouo regi*, giues that kingdom to a new King, by the chiefe Peeres and Orders of the same Kingdome. Thus *Epo*; who cleere-ly both reiects and refutes that vaine boast of *Bel-larmine*, and others, that the Pope by his right, gaue or transferred the Empire vnto Charles.

But what shall bee said to Pope *Innocent* the third, who in the Chapter *venerabilem*, doth ex-pressly affirme, that the Apostolicke See (that is the Pope) transferred the Empire from the Grecians to the person of Charles, and to the Germans. True-ly it might most iustly, and by the rule of the law, be said, that Popes are *usq; witnesses in their owne causes*. It might againe be said with *Alberi-cus de Rosate*, That this Chapter ^h *venerabilem*, is one of those Decretals, which are not *iuri consona*, consonant to the Law, but are set forth *contra iu-*

g. Nullus ido-
neus testis in
re sua intelli-
tur, ff. lib. 22.
t. t. 5. l. 10.
h. Alber. in
Diction. iuris
in verbo. Elect.
Imper.

ra & libertatem Imperij, against the right and libertie of the Empire. But I rather chuse, to giue that fauorable construction of the words of Pope *Innocentius*, which others haue done before, and which is consonant to the Historicall narration.

i Philoth A-
chil, in Somni,
Viridar cap.
182.

*Innocentius*ⁱ said, that the Pope transferred the Empire to the person of Charles, either because he did it *authoritate Romanorum*, by the authoritie of the Romanes: or because the Roman people, *tribuit Papae potestatem transferendi*, had then giuen or committed to the Pope their power (so much as in them lay) to make that translation, *Vel quia Papa persuasit, seu consuluit fieri*, or else because the Pope did perswade and aduise this translation to bee made vnto Charles. Any one of which waies, if the words of *Innocentius* bee taken, they are true, and consonant to the Histories: if they be so expounded, as that the translation was made either by the Pope alone, or else by his owne, or any Papal authoritie, they are vnture, and to be reiected, as vnterly repugnant to the vniforme consent of the best Historians, as before we haue already declared.

Marta in the third place, will yet after another fashion proue this Ediēt by Charles the Great, Because he^k by his owne Donation made to Pope Hadrian, confirms this Donation of Constantine. *Marta* hath so invred his tongue to truthes, that one can scarce expect ought vnto else from his penne. That Charles confirmed what *Pipine* had giuen before, *Anastasius*^l at large declares. So doth *Baronius*^m, and after them

k Mar. ca. 30.
cit. nu. 31.

l Anast. in vit.
Had. 1. S. Alio.

m Bar. an. 774
nu. 5. & 6.

them both *Gretzer* ⁿ; and in all these, as also in *Leo Ostiensis* ^o, is expressed the forme of that *Donation* which *Pipin* ^p made, and *Charles* confirmed. Let any one peruse that Donation, and hee will admire the vile and shamelesse dealing of *Martina*: For neither in that which is mentioned of *Charles*, nor in that of *Pipine*, is this Donation of *Constantine* either confirmed, or so much as named. I say more, those Donations of *Pipin*, and *Charles*, doe evidently, and vnderiably conuince this Donation of *Constantine* to bee a forgerie. For in those Donations, is particularly expressed what Citties, Dukedomes, and Territories in Italy, *Pipine* gaue, and *Charles* confirmed to the Pope: what was not expressed in their Donations, neither *Pipin*, nor *Charles* iudged to belong to the Pope. Nay *Charles* disposed otherwise of diuers Dukedomes, and parts in Italie, and gaue them to others, as *Sigonius* ^q expressely witnesseth. *Apulia* and *Calabria* he left vnto the (*Easterne*) Emperour, as after the victorie of *Iustinian* they were; and these afterwards became a new Kingdome, which was called the Kingdome of *Naples*. The Dukedome of *Beneuentum* he gaue to *Aragisus*, the sonne in law of *Desiderius*: the Dukedome of *Spoletum*, to *Hildebrand*; the Dukedome of *Foroiulium*, to *Rodgandus*, what remained in Italy besides, & these that which he gaue to the Pope, of them *Sigonius* saith ^r, *Reliqua ipse sibi nomine Regni retinuit*, he reteined all the rest to himselfe, as belonging to his owne Kingdome or Empire. Had *Charles* confirmed

ⁿ *Gretz*, lib. de Munif. princ. ca. 3.

^o *Leo Ost.* in *Chror.* *Cassie.* l. b. 1. cap. 9.

^p *Donatio Pipini* extat apud *Anast.* in vit. *Steph.* 3. §. *De quibus.* *Bar an.* 755. nu. 26. *Gretz.* citat. ca. 1.

^q *Sigor.* lib. 4. de *Reg Ital.* an. 773. pa 90.

^r *Sigon.* *ibid.*

the Donation of *Constantine*, he neither would, nor in right could, haue either reteined to himselfe, or giuen to any other, any of all these, but he should haue restored them all, and that onely to the Pope, to whom by *Constantines* Donation they belonged; yea hee should in iustice haue resigned al the other western Proninces also which himselfe held, to the Pope, not retaining any part of them all. Besides, euen in those verie Territories which he gaue, or confirmed to the Pope; to wit, in the *Exarchate of Rauenna*, in *Pentapolis*, in the *Dukedomes of Rome*, *Tuscaine*, and *Campania*, *Charles* when he gaue, or confirmed them to the Pope, he reserved^t in them all, *Ius principatus & Ditionem*, the Soueraigne, and direct dominion to himselfe. For *Ius principatus, & ditio*, import the direct and high dominion, as *Gretzer*^u also confesseth. Now had *Charles* confirmed the Donation of *Constantine*, hee should haue passed away, yeelded vp, or acknowledged the Soueraignie in them al, to be in none but in the Pope alone, and the Pope to be a *superiour Lord*, both in those Territories of Italy, and other western Prouinces then himselfe. Seeing *Charles* did none of these, his Donation or confirmation, howsoeuer you call it, doth vndeniably demonstrate, that *Charles* either knew not of this pretended Donation, or if he did, hee contemned and condemned it (as iustly he might) for a base and counterfeit fiction.

^t sigon, ibid.

^t Quid quæso est, esse in iure, principatu, atque ditione allicuius, quam habere Dominium directum illius. *Gretz.* lib. 2. Cont. Replic. ca. 15. S. Horribiliter.

^u Mart. lib.

cit. ca. 31. nu. 1

The fourth Emperour alledged by *Marta*, is *Lewis* the sonne of *Charles*. He, saith *Marra*^u,
prones

proues or confirms this Donation. He confirms and demonstrates the vaine and vile dealing of *Martia*. His Donation is set forth by *Baronius* ^x, out of their vaticane monuments (which are, you may be sure, made to speake most fauourably for the Popes cause.) Is either the Edict, or Donation of *Constantine*, or *Constantine* himselfe so much as once named therein? No verily: nor one syllable whence ought for the Donation can be so much as coniectured. But as the Donation of *Charles*, so this of *Lewes*, expressing what citties in Italy he either gaue or confirmed to the Pope, and how hee reserved as *Charles* had done before, the Soueraignie to himselfe, at least in the Dukedomes of *Tuscaine* and *Spoletum*, by the acknowledgement of *Gretzer* y the most earnest Proctor for those Donations, expressing this very clause, *salua super eosdē ducatus in omnibus nostra dominatione, et illorum ad nostram partem subiectione*; Sauing ouer those Dukedomes in all things our Soueraigne Dominion, and their subiection to vs. Besides, as *Card. Molineus* ^z rightly obserues, *nec verum nec verisimile est*, neither is it true, nor yet probable, that *Lewes* surnamed *Pius*, would make a deed of Gift of those things, *Qua donare non poterat*, which were not his to giue (as particularly *Calabria* and the Dukedome of *Naples*) which *Charles* his Father, *Græcorum Imperio reliquerat*, had left to the Greeke Empire, as before out of *Sigonius* was declared. These besides many the like doe euidently demonstrate, that *Lewes* either knew not of this *Constantinean* Donation, or if he did, that he

^x Bar. an. 8: 8. nu. 9. 10 & seq.

^y Gretz. lib. 2. contra Replic. ca. 15. §. Porro vbi de Othone agit, sed par est ratio in Ludouicidonatione, & in Apol. pro Bar. ca. 20.

^z Car. Molin. contra paru. Datas. in Epit. Gloss. 15. subz ft. nu. 157.

z Mart. ca. 30.
nu. 31.

he reiected it as a forgerie. And the very like is to be answered to the Donation of *Henrie* the second, who is the fift Emperour z alledged by *Marta*.

a Otho de S.
Blas. in append.
ad Othon.
Frising. ca. 52.

b Sig. lib. 16.
de Reg. Ital.
an. 1209.

c Nauc. in O-
thone 4. ann.
1209.

d Chron. mag-
num Belg. an.
1209.

e Henrici pri-
uilegium, quo
patrimonia
Rom. Ecclesie
ab antecessori-
bus Imperato-
ribus collata
confirmavit.
Bar. an. 1014.
nu. 6.

f Friderici Au-
rea bella extat
apud. Baron.
an. 1097. nu.
72. & apud
Gold. part. 1.
Imperial. con-
stit. pa. 72.

Otho the fourth confirms this Donation, saith *Marta*. That *Otho* the fourth confirmed to *Innocent* the third the patrimonie of *St. Peter*. *Otho* de *S. Blasio*^a, *Sigonius*^b, *Naclerus*^c, *Cronicon Belgicum*^d, and many others doe witnesse. But that he confirmed this Donation of *Constantine*, there is not in any of them one word: and the patrimonie of *St. Peter* *Baronius* shewes, was the same^e which *Pipine* gaue, and which *Charles* and *Henrie* the second confirmed to the Sea of *Rome*, in neuer one of all which, the Donation of *Constantine* is so much as mentioned; but in the all, that is expresse, which clearly proues the Donation of *Constantine* to be forged.

The very same must be said of *Fredericke* the second, who is the next Emperour alledged by *Marta*. He in his *Aurea Bulla*^f, made Ann. 1113. confirms not onely what his predecessours, *Charles*, *Lewes*, *Otho* and *Henrie* had done before, but further he addes, that he will maintaine and defend the right of the Pope vnto *Sicilie*, *Corfica*, and *Sardinia*. But of this Edict of *Constantine* there is not so much as one word, from whence the confirming of it can so much as probably be concluded. Nay, such particularizing of the Popes Title in some parts of *Italie*, and some Prouinces or Ilands in the West, manifestly proues, that hee neuer meant to confirme all the westerne Prouinces to
the

the Pope, which by confirming of this one Donation of *Constantine* he should certainly haue done, yea, had he confirmed but this one, all the other Confirmations had beene most idle, needlesse, and of no effect.

The last Emperor alledged by *Marta* is *Charles* the fourth. That he (as *Otho* & *Friderick* had done) confirmed the patrimony of *S. Peter* vnto the Pope, is euident by *Naucerus*, who saith g, he tooke the vsuall oath at the time of his coronation: yea, further also, the Pope^h refused to crowne him, till hee had sworne neither to stay at *Rome*, nor in *Italy*. The Pope, as they obserue, could not indureⁱ any to be his peere in *Italy*. Besides this, In the presence, and with consent of all the Electors of the sacred Empire, and other Princes, Barons, and Nobles, An. 1356, the same *Charles* the fourth, made that large and most famous Charter, called *Aurea Bulla*^k, concerning the rights of the Empire, of the Electors thereof, and particularly of the kingdome of *Bohemia*, decreeing^l, that the kingdome of *Bohemia*^m should for euer enioy their rights, customes, and priuiledges which formerly other Emperours had granted vnto them, that the *Regnicole*, people of the same kingdome should in the vacancie thereof make choice of their owne King. Hee made also another *Imperiall Constitution*ⁿ for the liberties and immunities of the Church, and exempting them from iudgement, imprisonment, and other

g Nauc. in Carol. 4 an. 1355.

h Paralip. ad Abbat. Vesper. an. 1346. & H. Mutius in Chron. Germ. lib. 25. an. 1355.

i Pontifex cōfortis impatiens. Mut. ibid.

k Aur. Bull. Caroli. 4. extat apud Goldast. part. 1. Imper. Constitut. pag. 105.

l Ibid. ca. 7.

m Saluis semper priuilegijs iuribus & consuetudinibus Regni nostri Boemix, super electione Regis, in casu vacationis, per regnicolas (qui ius habent eligendi Regem

Boemix) facienda, iuxta continentiam eorundem priuilegiorum, & obseruatā consuetudinē diuturnā à Diuis Romanorum Imperatoribus obtentorum, &c. Quæ decernimus nunc & perpetuis futuris temporibus in omni suo tenore et forma, indubiam tenere roboris firmitatē. ibid. n. Constit. Car. 4. de libertate Ecclesiastica, apud Gold. part. 3. Imper. Constit. pa. 415.

• H. Mut.
Chron. Germ.
an. 1355.

punishment by secular men. But in none of all these is there any, no not the least mention of confirming this Donation of Constantine. Nay, it is expressed by Historians, *How^e diuers cities in Italie belonged to the Emperour, performed all honour and obedience vnto him, quod à subditis domino exhiberi potest*, which subiects can doe to their (Soueraigne) Lord; that they *swore fealtie to him*, that *obruabant officijs*, & *denis*, they euen oppressed him with multitude of gifts and obsequies. An euident demonstration, that when himselfe held (as supream Lord) so many Citties in Italy, that hee neuer confirmed this Charter of Constantine, whereby, Rome, Italy, and all the Westerne Prouinces, were for euer giuen to the Pope.

p Bar. an.
1191, nu. 61.

q Ibid.

Besides, that none of all those forenamed Emperors confirmed this Donation of Constantine, Baronius whom *Marta* professeth to bee the wisest Cardinall, doth euidently witnesse. Let *Marta* heare, and seriously ponder his words, and he wil see his owne folly in pretending them, as confirmers of this Donation. *Sed ꝑ nec Imperatores eiusdem edicti meminisse Certum est*, It is certaine, that the Emperours haue not mentioned this Edict of Constantine, Though *Otho* the first and *his* sennie make mention of *Pipines* and *Charles* his Donation, and *Henric* mentions both them, and that of *Othoes* also, If they mentioned it not, then most certainly may *Marta* know, they did not confirme it: yea the Card. addes q, That the Popes to whom those Emperors made such grants, *de pratermissa Constantiniane Donationis mentione*;

non

non inueniuntur questi, neuer complained that the Donation of *Constantine* was not mentioned in them: which doubtlesse they would haue done, had they knowne *Constantine* to haue made this Donation.

But all this will not serue the turne with *Marta*. He will yet further proue, that those foresaid Emperours did confirme this Donation. And how I pray you? That *Charles* the first, *Henrie* the second, *Otho* the fourth, *Friderick* the second, and *Charles* the fourth, confirmed this Donation of *Constantine*, it is gathered, saith he^r, from the Chapter *Romani*, tit. de *Iureiurando in Clem.* by the Cap. *Fundamenta*, tit. de *Elect.* lib. 6. Decretal. by the Chap. *per venerabilem*. tit. *Qui filij sint legitimi*, and by the Chap. *Ego Ludonicus distinct.* 63. Thus *Marta*. ^r Mar. ca. 30. nu. 31.

Against which prooffe of his I might first oppose the Imperiall Charters themselves, which directly shew that none of those Emperours confirmed it. I might againe oppose the *Certum est* of his wisest Cardinall, It is certaine, that Emperours made no mention of it. I might further oppose another most iust exception, that the Popes and their lawes are no fit witnesses in this, which is their owne cause; specially seeing the Imperiall Charters of those Emperours do testifie the contrary. Yet, if in any one of these Chapters it be said, that the foresaid Emperours confirmed it, I will confesse, that *Marta* hath some colour for his vntruth. But if you examine those places, you shall find that there is not one syllable in them whence this may be collected.

In the Chapter *Fundamenta*, Pope *Nicholas* the third saith, (but saith vntreuly) *That Constantine gaue to Syluester and his successours, the Monarchy of Rome, but that either Constantine gaue Italie, and all the Westerne Prouinces to Syluester, (as the Charter of Constantines Donation saith hee did) or that any of the forenamed Emperours, did confirme that Donation of Constantine, Pope Nicholas saith not. Gretzer himselfe confesseth^t, That this Chapter fundamenta, doth not so farre extend as the Donation of Constantine. Besides, Nicholas doth not once name in that Chapter, either, Charles, Henrie, or Otho: and of Fridericke, whom he names with great contumely & scorne, (because he stoutly resisted the Popes tyrannie) he speakes no better, but that he was^t a Snake, iustly reprobated and reiected by the Church, which is a very poore testimonie to proue hee confirmed this Charter.*

In the Chapter *Romani*, Pope *Clement* the fift names indeed Constantine, Charles, Henrie, Otho, and Fridericke, and mentions them to haue giuen priuiledges^u to the *Romane Church*. And many priuiledges, and great giustes, no doubt both *Constantine*, and the rest did giue; but that either *Constantine* made this Charter, and gaue so large priuiledges as are conteined therein; to wit, Rome, Italie, and all the Westerne Prouinces; or that either *Charles*, or any^e of the forenamed Emperours, confirmed this Edict of *Constantine*. *Clement* hath not one word, nor ought whence this can be collected. Whereof

^f Caput, Fundamenta, in 6. Donationem Constantineam tam late non extendit, vt legenti planum fiet Gret. Append. 2. ad lib. de munific. princ. pa. 118.

^t Frederici, colubri toruosi, iusto ecclesie iudicio reprobati, cap. Fundamenta. loco. cit. u Priuilegia omnia per prædecessores concessa, &c. cap. Romani. loc. cit.

if *Marta* will not bee perswaded by vs, let him heare their owne *Gretzer* x, In the Chapter *Romani, nulla prorsus fit, mentio edicti Constantiani*, there is no mention at all of *Constantines* Edict; and then citing the very words of that Chapter, to which *Marta* hath reference, he saith, *There is nothing heere specified concerning the Edict of Constantine, but there is onely mention in generall of priuiledges and Lands giuen by Constantine to the Romane Church.* Thus *Gretzer*: which shewes plainly the vanitie of *Marta*, who from the grant of soine priuiledges or Lands giuen vnto the Romane Church by *Constantine*, would conclude that therefore *Constantine* gaue Rome, Italie, and all the Western Prouinces vnto the Popes for euer.

x *Gretz. App.*
2. ad. lib. de
munif. princ.
pa. 114.

In the Chapter *Ego Ludonicus*, is set downe a parcell of the Donation of Lewis, of which before I shewed, that in no part of that grant of Lewis, either *Constantine*, or his Donation is so much as named; but *Lewis* his confirming of some parts onely in Italie to the Pope; being there expressed, and his reseruing of Soueraignty to himselfe, vndeniably proues, that hee thought not all Italy to belong to the Pope, nor to him as supream Lord; and therefore this Donation of *Constantine*, by which Italie and all the Western Kingdomes are giuen to *Syluester* and his successours, as to the chiefe Monarches in them to bee a meere fiction and fable.

In citing the Chapter *per venerabilem, Martia* sheweth himselfe to bee more then foolish: for neither is *Charles*, nor *Henrie*, nor *Otho*, nor *Eri-derick*, nor *Constantine*, nor this Donation of *Constantine*, nor ought that can inferre it, so much as once mentioned in that place. Nay Pope *Innocentius* the third in that Chapter, sets downe that which directly ouerthrowes this Edict. *we, saith the Pope, haue in the patrimony of the Church full power in temporall causes, but in other regions (as particularly in France) we exercise temporall power but by casualtie.* Now seeing by *Constantines* Charter, the Pope is made a *Monarch*, as Pope *Nicholas* y saith, *A Prince and Emperour*, as *Steuchus* calls z him, to whom is giuen *a the gouernment of the whole west*; it is euident, that by *Innocentius* his decree, *Constantine* did not make this Charter, for then the Pope should haue had directly, and not casually, both in *France*, and all other *western countries* and kingdoms, a *supreame, monarchicall and temporall iurisdiction*. Thus you see, that for al which *Marta* hath said in this cause, still that which his most-wise Cardinall auoucheth stands firme. *Certum est.* It is certaine, *that the Emperours doe not make mention*, much lesse doe confirme this Edict of *Constantine*, for which *Marta* hath mustered together, but with most vnhappy successe, an whole armie of all sort of witnesses.

We haue now examined the chiefe of *Martiaes* witnesses of all sorts, Councels, Diuines, Historians, Lawyers, and Emperours. Some few I confesse,

y Decernens
Monarchiam
Rom. Pontifi-
cibus, Nich. 3.
ca. Fundamēta

z Maiori prin-
cipi cessit Con-
stantinus. Steu-
chus lib. de
Donat. Const.
pa. 17. & ma-
iori Imperato-
ri urbem reli-
quit. ibid. pa.
187.

a In Edicto
Constantini.

confesse are omitted; Either for their vnworthi-
nesse: of which sort is *Ptolomeus Pogius*,^a an Au-
thour so obscure and ignoble, that after long and
diligent search, I can no where so much as heare
of his Booke: or else because their testimonies are
too slight, and scarce worth refuting. Of this
sort there are three cyted in *Marta*. The first is
Christ. Massens^b, who saith^c onely, *that Constan-*
tine yeelded to the pope his pallace in Rome: but of gi-
uing either all the Westerne prouinces, or all
Italy, or but Rome it selfe to the Pope, *Massens*
speakes not one word. Nay he^d expressely declares
that *Constantine by his last will and Testament gaue*
the westerne Kingdomes to Constantine his sonne,
and the East to Constantius. So that testimonie
of *Massens* which *Marta* produceth for prooffe of
the Donation, doth indeed directly ouerthrow
the Donation.

^a Eius mem-
nit *Marta*. lib.
cit. ca. 30. nu.
25.

^b Apud *Mar.*
ca. cit. nu. 25.

^c *Ch. Massens*.
cron. an. 314.

^d *Ibid. an.*
336.

^e *Citarum* 2
Mar. ca. cit.
nu. 25.

^f *Ioh. Hugo*
lib. de offic.
4. prælatus seu
quadriuo
eccles. s. sed
sunt.

^g lib. eod. s.
est autem im-
perator.

Not much vnlike is *Iohannes Hugo*^e, whom
Marta should haue ranked among his Lawyers:
for though in one place he say^f, *that Constan-*
tine granted recall dignitie to the Pope, and subiected
Rome to the Church, yet a little after he withall
saith (that which cleerly demonstrates the false-
hood of this supposed Donation.) *That g the Em-*
perour is princeps and Dominus totius Mundi, the
Prince and Lord of the whole world, (then sure
Lord of Italy, Rome, and of the Pope himselfe.)
That all Prouinces and all nations (then Italie & the
west) *are subiect to him; & that whosoever wil not be*
subiect to the Emperor nec hereditatem habere potest,
he can neither hold any inheritance, nor other
things

things which are humane. So by *Hugoes* testimonie, the Pope must either acknowledge his subiection to the Emperour, (and so this Donation to be false) or else renounce all his earthly possessions, and so all the right which he pretends to any part of his lands, either by other title, or by this Donation.

^h Cit. a Mar.
loc. cit.

ⁱ Tac. de va-
ualenti. in
Cant. expos.
10.

The third is of no better note. *Iacob. de Valentia* whose ^h words if *Marta* had duely considered, he might haue seene directly to oppugne this his pretended Donation. For he ⁱ saith, that *Constantine* gaue to the Church, Rome with the adjacent patrimonie, and 72 Cities in Italy, with many other Townes, adding that other Kings by his example bestowed such like giftes on the Church. Had *Valentia* thought *Constantine* to haue made this Donation, hee could not haue said either that other Westerne Kings had done the like, or that *Constantine* himselfe had giuen some few Cities and townes in Italy, seeing by this Donation, not onely all Italy, but all the Westerne Kingdomes are giuen to the Pope.

Besides all those that *Marta* produceth, there is one passage in *Lud. Vines*, which I could wish to ouerpasse in silence. But his wordes are so iniurious and opprobrious to the most religious *Constantine*, more befeeming *Iulian*, *Zosimus*, or some malicious Pagane, then any Christian or child of the Church, that they may not bee omitted without that iust censure which they deserue.

^k Lud. vines
lib. de vita sub
Tit. c. 1.

Dies ille Constantini, saith he ^k *tristis pietati fuit*, It was a lamentable & an vnhappy day to the church,
wherein

wherein Constantine was made Emperour. Hee entred into the Church not as a true Christian, but bringing with him, wealth, honour, and pride into the Church. *Veni in Christi Domum comitatus Doabolo*, hee entred into Christs house accompanied with the Deuill. *Martyrdome then ceased, zeale was cooled, pietie declined, and the faith began to totter.* *Vines* might as iustly commend Nero, Dioclesian, Galerius, or other persecutors, because they made many Martyrs, and sharpened the zeale and pietie of Christians; as dispraise Constantine for bringing peace, and with it all the blessings of peace to Gods Church, euen that free passage of the Gospel throughout the whole Empire, at which thogh heathens repined, yet the holy Church, yea the holy Angels of God sung Halleluiah, and sounded foorth many Hymnes of praise and thanksgiuing vnto God. Hee might as iustly declaime against Phisitians, for freeing of those from sicknesse and affliction, who in the time^l of their aduersitie seeke diligently vnto God: or write inuectiues against Moses and Ioshua, and call their dayes vnhappy, seeing they brought the Israelites out of the fornace of Egypt, and out of the wildernesse, and brought them to the land of their peace and prosperitie, a land flowing with milke and hony, where being fat with Gods blessings, they began to kicke and spurne against the Lord. Was it not sufficient for *Vines* to declaime against Constantine alone, but to condemne also the pietie, faith and zeale of the whole Catholike Church in those

1 Hof. 5. 15.

A a a happy

happy dayes. Neuer was the faith more constantly maintained, neuer did the zeale and piety of Bishops more abound then in the dayes of *Constantine*, and diuers hundreths of yeeres after. If in some Christians that most happie peace and prosperitie occasioned security, yet is the fault thereof in no respect to be imputed to *Constantine*, but to the corruption of their owne nature, which waxeth wan on with Gods blessings and being luxuriant with prosperity, turnes his best blessings into a curse vnto them. *Viues* should haue remembred that good or bad actions are neuer to be measured by Euent, but by their owne vprightnesse. But an inexcusable error blinded and misled *Viues* in this matter. He supposed (not without a great blemish to his iudgment & learning,) *Constantine* to haue made this excessiue and exorbitant Donation. He had heard it said that when this Donation was accepted by the Pope, a voyce from heauen had proclaimed: This day is poyson powred into the Church. Vpon these erroneous supposals he inueyes against *Constantine* as the giuer, against the holy ancient Church, as the receiuer of this Donation: whereas had he but with any diligence examined the cause, he might haue easily discerned, that this Donation was neither giuen nor accepted in *Constantines* dayes, and that the poyson of Antichristian souereigntie, pompe and pride maintained by this Donation, neuer infected, nor infested the Church, till the dayes of Pope *Hildebrand* and his successours, to which times that

that prophesie doth fitly^r and onely agree.

There remaines now but one more whom I will mention, *Remundus Rufus*, in whom (seeing *Boetius Epo* ⁿ commendes him for a worthy defendour of *Constantines* Donation) I expected some more weightie perswasions then in others : the rather because hee professedly writes against ^o *Carol. Molineus*, who hath by many and very pregnant reasons conuincd ^p this Donation to be a counterfeit, a lie ^q and as he further cal^r it *famosam fabulam*, a famous fable. Now the trueth is *Remundus* speakes so faintly for the Donation, that vnder pretence of defending, he seemes to be a refuter thereof. *Nihil mehercule habeo*, verely, saith he ^t, I haue nothing at all *whereby it can be firmly prooued that Constantine made this Donation* : yet wee will not call it a Fable, as *Molineus* doth, and this he striues to prooue by a foolish definition of a Fable. Againe ^r *Satis constat*, It is very cleare that before *Pipins* time (that is more then 400. yeeres after Constantine) the Popes did not vse that Donation, and this by diuers reasons he declareth. Againe, ^u the Popes did not touch nor meddle with that Donation, *quoad Imperij Romani per occidentem gubernacula*, for the rule and gouernment of the Empire in the West ; nay they neglected that, and for this cause *ius illius Donationis prescriptione extinctum fuisse ante Carolum magnum*, that the right of that Donation was by prescription extinct before the time of *Charles*. Thus *Rufus* professing what right was coferred by the Donation to haue bene extinct, and so the Do-

ⁿ Boet. Epo.
Heroic quest.
q. 2. nu. 35. que
comode Rufus
refrauit.
^o Rem. Ruf.
responsio ad
Molineum de
Donat. Conz
stant.

^p Car Molina.
lib. contrapar.
uas Datas in
Epit. Gl. 15.
subtractionis
nu 157, et seq.
^q Mendacium
mendacio cus
mulantes ibid.
nu 167.

^r Ibid nu. 159
^t Rem. Rufus.
lib. citat. pa.
614.

^u Ibid.

^u Rem. Rufus
lib cit. pa. 644.
et seq.

nation it selfe to bee of no force, if it had beene made, and yet so faintly pleading for the veritie of the making thereof, that his most miserable defence of the same, against the manifold and solid reasons of *Molineus*, may iustly perswade any, that it both is a most base forgery, as we haue already demonstrated, and a famous fable, as *Molineus* fitly calls it. And so much for the testimonies, alledged by *Marta* and others for this Donation.

C H A P. X V.

Four Reasons brought by Doctor Marta, and Card. Albanus for the Donation made by Constantine in the pretended Edict, refuted.



After authorities, in the last place there are brought by *Marta* and *Albanus*, some few reasons to confirme the truth of this Donation, which are well worthy obseruing.

The first is drawn from the Iustice of God, who^a being omnipotent would neuer, or as *Marta* saith, could not haue suffered this Edict of Donation, if it had beene a figment, to haue deceiued and darkened the minds of the faithfull, and of the Romane Church euen vnto this day.

First *Marta* doth well, to acknowledge their

Romane

a Nec est verisimile Deum omnipotentē perferre potuisse, vt hoc figmentum in hanc vsque diem fidelium mentes, sanctā Ecclesiam Romanam obte-
nebrasset.
Marta. ca. 30. cit. nu. 32.

Romane Church, or as *Carerius* ^b saith, such as are true *Catholikes* among them to hold this Charter to be true. For seeing *Leo* the ninth in his Decretal Epistle hath declared it to be the authentick writing of *Constantine*, their Church, and all who are rightly catechised among them, with *Super hanc Petram*, cannot chuse but hold and beleue it; to bee such as the Pope saith it is: heerein they build vpon that Rocke, which will neuer faile them. But I trust by this time *Marta* sees, that herein both their Pope and Church builde vpon sand, euen on a fond, fabulous, and forged Donation. Againe, if true *Catholiques*, yea and their *Catholike Romane Church*, hold this for the true Charter of *Constantine*, what must bee thought of *Card. Cusanus*, of *Card. Baronius*, of *Iac. Almane*, of *Gretzer*, yea, of *Pope Aeneas Sylvius*, who all condemne and reiect this Edict for a figment and forgerie? None of these in *Martaes* iudgement, are of the *Romane Church*, nor with *Carerius* true *Catholikes*; They all must now bee cashiered, and blotted out of the booke of life, rather then this one base and witleffe forgerie must be forsaken.

Againe, whereas *Marta* saith, that God would not suffer their Church and her Children to bee blinded, deceived, or deluded with this figment, he should haue considered that to be most iust with God, which the Apostle foretelleth, *Because* ^c *they recei-* ^c 2. *Theff.* 2.
ued not the loue of the truth, therefore shall God send 10. 11.
them strong delusions, that they should beleue lyes.
Neither would it seeme strange to *Marta*, (if hee

^b *Constanti-*
ni donationē
Orthodoxī &
veri catholici,
veram esse fa-
tentur. Car.
lib. 2. de potest.
Pont. Rom.
ca. 21. § Verū.

d Rom. 2. v. 3.

4.

e Gen. 15. v.

16.

f Apoc. 18. 2.

g Ibid. v. 7.

h Babylon,

quæ casura

prædicatur,

Babylon mere-

trix purpurata,

& mater fœrni-

cationum, Ro-

ma quidem

est. Riber. in

Apoc. ca. 14.

nu. 38. Roma

non tantum

propter priora

peccata, con-

flagratura est,

sed propter illa

quæ extremis

illis temporibus

commis-

sa est. Ibid. nu.

44.

i Apoc. 18. 21

k Apoc. 20. 10

l Hier. Alban.

lib. de Donat.

Constant. nu.

23.

m Ibid. nu. 12

were not a meere stranger to the word of God) that the omnipotent and iust God, should suffer them and their Church to be so long deluded with a figment. The iustice and omnipotency of God winkes at and suffers with long patience greater abominations in the Romane Church then this. The aboundance of their Idolatries and tyrannies, the Apostacy of the Romane Antichrist, and his Antichristian Synagogue, God seeth and suffereth long; But *tarditatem supplicij grauitate pensabit*. Knowest thou^d not that the long suffering of God, leadeith thee to repentance? But thou, after the hardnesse of thine heart, that cannot repent, heapest up wrath against the day of wrath, and of the declaration of the iust iudgement of God. He suffers them, as he did the *Amorites*^e and *Iebusites*, till their wickednesse be full; but as soone, as their sinnes are ripe, he will powre downe at once, all the Viols of his wrath^f upon that proud Cittie, which saith g, *in her heart, I sit as a Queene*; and he will cast *Babylon* (which they^h know and professe to be Rome) like a milstoneⁱ into the bottome of the Sea, yea into a lake^k of fire and brimstone, where the beast and the false Prophet that seduceth the world, shall bee tormented both day and night for evermore.

A second reason brought by Card. *Albanus*, is drawne from the truth of God, who by the mouth of his Prophets, foretold that *Constantine* should make this very Charter of Donation. This grant of *Constantine*, saith he^l, (and hee speakes of that which was made^m *scripto interueniente*,

ueniente, by writing and Charter) *diuinis traditionibus vel maxime innititur*, doth especially relye on the Diuine Traditions, or Scriptures. And, amongⁿ them all, offert *se vaticinium illud*, that Propheſie of *Dauid*^o offers it ſelfe to vs, who am I, and what is my people? or what can we promiſe to thee O God. All things are thine: but theſe things which we haue receiued at thy hands, wee giue vnto thee. *Quis neget hoc in loco conſeſſionem illam Constantini iam inde à primis temporibus à vate illo fuiſſe inſinuatam?* Who may or can deny ſaith *Albanus* P, but that this Donation of *Constantine* was from ancient time intimated and fore-ſignified by the Prophet *Dauid*? I anſwere, that whoſoeuer hath either wit or iudgement, or any learning, either in diuinitie or humanitie, may iuſtly, and ought to deny it. Is there any one ſyllable there which can be proued to be propheticall, or to foreſhew what ſhould come to paſſe? eſpecially touching the future guiſt of an Empire? of giuing it by *Constantine*, rather then by *Charles* or *Otho*? or giuing it to *Sylueſter*? What prooſe, either from the words of the Text, or from the coherence, or from the auncient Fathers, or from the Rabbinicall; yea, or from the very Cabaliſticall Expoſitors, doth *Albanus* produce? Not any, nor ſo much as any coniecture for his propheticall prediction of this Donation. But ſeeing *Albanus* is ſo delighted with voluntarie expoſitions of the Scriptures, he may finde 1000. farre more likely texts then this of *Dauid*, wherein this Donation is ſignified. That of the Prophet *Ieremie* 9, q. *Ier. 23. 28.*

n Ibid. nu 22.

o 1. Chron.

29 14.

p Hier. Alb.
loc. cit.

Quid

Quid Paleas, ad triticum? what is, the Chaffe to the Wheate, saith the Lord? A faire Propheticall allusion, or insinuation of their *Palea Constantinus*. Or that which *Michaia*^r foretold, *I will goe and be a false spirit in the mouth of all his Prophets:*

^r 1. King. 22.
ver. 21.

^f Psal. 118. v.
85, in vet. vul-
gata lat. editi-
one.

^t Respondent
Veneri, Mirari
se quod iube-
rentur osten-
dere priuilegia
quorū Arche-
typa Pontifex
ipse suis Archi-
uis custodiret:
reperiturus fa-
cile, si Dona-
tionis Constā-
tini membra-
næ partem ex-
teriores, in
qua maiuscu-
lis literis ea
scripta essent
accurate inspi-
ceret. Phil.
Camer. medi-
tat. historic.
centur. 1. ca.
61.

ⁿ Steuch. lib.
cit. pa. 189.

^x Ioh à Cas-
pist. part. 2. de
author. Papæ.
nu. 120. pa. 46

Another faire allusion to those Prophets of Antichrist, who either deuised, or who applaud this lying Donation. Or that of the Psalmist^f, *Narauerunt mihi iniqui fabulationes*, wicked men haue told fables vnto me. Where the Prophet both describes what this Donation is, a meere fable and lye; and who they are that relate, embrace, and defend it, none but wicked and vngodly men. To euery one of which Texts, if one should adde the words of Card. *Albanus*, *Quis neget hoc in loco*, who can denie, but that the Donation of Constantine, and all defenders of it, are prophetically insinuated by these and like Scriptures; all these expositions may be iustified and proued against *Albanus*, in the same manner, as the Venetians proued their right for tribute in the Adriaticke Sea, against the Pope. Let^t the Pope, or *Albanus*, or any of them all looke on the back-side of the Autographum of the Donation, that which Constantine writ (as Steuchus^u tels you) with his owne hands, and maiusculis literis ea scripta esse accurate inspiciet, he shall cleerely see, that all these texts, and expositions of them, are written there in great Characters, yea euen in such Golden letters, as *Capistranus*^x tels you, the Donation it selfe is written in.

A third reason, and that is *Martaes*, is drawne from

from the Iustice of their Popes; *Those holy Bishops*, saith he^l, *after Syluester held the possession of those things by vertue of this Donation; and seeing they would not, occupare*, that is, vniustly inuade them, *therefore it is very likely that Constantine gaue them*. Truly, this kind of argument drawne from the *Popes iust and upright dealing*, is the worst and weakest Topicke place, that was euer deuised: There is neither tyrannie, nor oppression, nor fraud, nor forgerie, which may not very easily by it bee iustified. But for this particular, it is euident, that *neither Syluester, Iulius, nor any of those ancient^m Popes*, none till *Gregorie the second, Zacharie, and stephen*, held or possessed so much as those Dukedomes of Rome, Rauenna, & other large Territories in Italie, which they now enioy; much lesse did they possesse the whole Countrey of Italie, and all the western Prouinces, which by this Charter of *Constantine* is giuen vnto them. Those ancient, more modest and honest Popes, were content with a farre lesse portion and patrimonie. But when afterwards *Gregorie the second, & other succeeding Popes*, had by *treacherieⁿ and rebellion* withheld some faire possessions from the Emperour, and then to cloake this their iniustice, had procured some Charters from *Pipine, Charles*, and other succeeding Emperours, to confirme (and that with an over-plus) the same; when they saw that those also were not large enough, they^o sent abroad, ratified by their Pontificall authoritie this forged Charter, as if it had bin the true and authen-

^l Nec est verisimile sanctiss. pontifices, qui post Siluestrum bona hæc tanquã ad se spectantia vigore donationis Constantini possederunt, voluisse occupare. Mart. loc. cit. nu. 32.

^m Ecclesia tempore Gregorij magni, (i. 600. annis post Chr.) nondum habuerat principatum politicum, sed possidebat bona temporalia ad eum modũ quo priuati ciues possident. Bellar. lib. 5. de Pont. Rom. ca. 10. §. Quarto. ⁿ Vid. sup. ca. 3.

^o Hadr. 1. & præcipue, Leo 9.

tick deed of *Constantine*. So what they first got by *treachery and treason*, that they after studied to hold and enlarge by *fraud and forgery*. I must entreat *Marta* for this one Argument drawne from the Popes iust and vpright dealing, that he will be pleased, not to call it a Topicall, but as it is indeed a Sophisticall, a Treacherous, a Tyrannicall place of arguing.

p Mart. ca. 30.
cit. nu. 33.

q Alex. de
Imol. in l. filio
quem. ff. de li-
ber. & postu-
humis.

r Verba dona-
tionis, quam in-
tendimus cō-
probare in hoc
capite, sunt
ista, Mart. loc.
cit. nu. 1.

The fourth and last reason is *Martaes* P also: & it is as he boasts, *argumentum firmissimum*, a most strong argument, euen another *Achilles Zenonis*: because the Emperours when they are crowned by the Pope, do sweare not to violate or infringe the Donation of *Constantine*. To the like purpose is that of *Alex. de Imola*, The Emperour, saith he q, when hee takes his crowne, iurat de non contraveniendo dictæ *Donationi*, sweares that he will not doe ought against this Donation of *Constantine*. I answer: first, that if it be indeede true which *Marta* and *Alexander* say, that Emperours sweare to maintaine this pretended Charter of *Constantines* Donation, (for of that r they speake) then are the Popes most vile and iniurious persons, who doe not onely perswade, but enforce Emperours to sweare to maintaine and defend a false, forged, and Chimericall Charter, and to make God a witnesse of that as a truth, which hath no realitie nor truth at all in it. It may againe be answered, that if this oath be offered to Emperours at their coronation, they might, and still may vpon iust warrant refuse to take the same: not onely, for that it is impious & blasphemous for any (much more

more for an Emperour) to sweare that they will maintain that as a true & real Charter of *Constantine*, which was neuer made by him : but because It is most preiudicial also to their owne Imperial rights and royall dignities. And they may more safely refuse to take it, seeing the Pope vpon such their iust refusal, may not rightly deny the crown vnto them. *Mich. Coccius* saith^f very rightly in this case, *Non potest Papa Regi coronam Imperij denegare, etiamsi Rex non iuret se Constantini donationem quam vocant ratam habiturum*, the Pope cannot in right deny to crowne him, that is truly chosen Emperour, although he doe not, or will not sweare, to hold as firme and of force, that pretended Donation of *Constantine*.

^f Mich. Cocci.
lib. de Imper.
translat. prope
finem.

But say the Pope doe refuse and deny to Crowne him (though in right hee ought not) what damage, hurt, or inconuenience doth insue to the elected Emperour vpon such refusall? Truly none at al, as the same *Coccius* rightly declares. For, *ex ipsa electione*, saith he^t, by vertue of his verie election, *hee may notwithstanding exercise all Imperiall authoritie, and doe whatsoever belongs to an Emperour after his Coronation; neither neede hee seeke either the Popes Coronation, or Approbation*: And heereof he giues a demonstratiue prooffe: *Because hee who is surrogated, and succedes in the place of another, hath the right and power of him vnto whose place hee succedes. But by due Election made by the Princes Electors, the elected succedes in locum populi Romani*, into the place, and receiues the

^t Ibid. fol.
præced.

authoritie of the whole Romane State; the consent of them all being virtually included in those Electors, into whom they transferred their power of electing an Emperour. And seeing before they transferred this power, or while they retained it in themselves, presently upon their election, the party elected, had full Imperiall authoritie, without expecting either the examination, or approbation of any other: the very same power also must presently upon the election be in the partie elected by those, unto whom they have transferred their power of electing; and seeing neither Constantine, Theodosius, nor Iustinian, nor Charles the great, (which is to be remembred) nor Lewis, nor the Othoes, Fridericks and Henries sought for, or desired of the Pope either nomination or approbation; surely others who have not or seeke not that Papall approbation, may yet without it bee fully Emperors, & exercise all Imperiall authority, as the forenamed Emperors without it have done.

a Ibid.

The same Coccinius giues yet another reason, why the Pope may not deny the Imperiall Crowne, though the elected Emperour refuse any oath of feoltie, or homage, (and such is that whereby they swear to defend this Donation of Constantine) offered to him by the Pope. For the Pope saith he ^u, *can doe nothing in prauidicium iurium alterius*, to preiudice the right of another: but by such an oath of feoltie or homage hee should preiudice the Emperour, who by meanes of this oath should become the Popes vassall, and hold his Empire from him. But the Emperour holds his Empire from

from God, not from the Pope. The imperiall authoritie being conferred vpon him immediately by God, vpon the consent of the Electors, in which is virtually the consent of the whole Romane state: euen as Bellarmine^x saith of the Pope and of papall or Episcopall authoritie, *that it is conferred immediatly from God to the Pope vpon the election of the Cardinals or any other, to whom the right of electing belongs. Seeing then by vertue of the election, the whole imperiall power is giuen to the elected Emperour, and seeing the Pope cannot preiudice the Emperors right, specially seeing the consent y of the Pope himselfe, is included in that of the Electors, it were iniurious, by reason of the refusall of any such impious oath, to deny the solemnitie, when the substance is fully conferred vpon him, and that euen by the Popes owne true, though implicit and virtuall consent, though in this particular he should explicite expressly and actually happen to dissent.*

The like is taught by Lupoldus, I conclude, saith he^z, *that the Romane King after his election by the vniuersall consent of the Electors, or of the greater part of them, habet eandem potestatem* hath the same power to exercise imperiall acts in the prouinces subiect to the Kingdome and Empire *quam habet post unctionem & coronationem*, which hee hath after Vnction and Coronation. To this agree Hostiensis^a, and Card. Cusanus^b, who both hold, *that Coronation addes nothing to Imperiall authoritie, nor giues ought but the name and title: and specially Hier. Balbus*, who not onely affirmes^c and proues

Bbb 3

that

x Bell. lib. 2.
de Rom pont.
ca. 17. §. ob-
seruandum

Tria sunt in
Pontifice, Pon-
tificatus ipse,
vt forma, per-
sona, vt sub-
iectum formæ
& Coniunctio
vnius cū altero
Ex his, ponti-
ficatus à solo
Christo est,
persona qua
electus est,
ab electoribus.
Ipsa vero con-
iunctio est à
Christo, me-
diante actu
humano ele-
ctorum.

y In qua con-
cordia Rom
pontifex Greg.
5. includeba-
tur Cusan. lib.
2. concer. ca-
thol ca. 4.

z Lupold lib.
de Iure Regni
& Imp. ca. 7.

a Hos. Extr.
de verb. signif.
ca. Super qui
busdam.

b Cusan lib. 3.
Concer ca. 4.

c Hier. Balb.
Coronat. pa.
68.

that Coronation giues no power at all to the elected, but onely addes solemnitie vnto him, but hee further teacheth, that *omnes legum interpretes statuunt*, all the Doctours of the Law doe with one consent determine the same. Wherefore seeing the oath of confirming *Constantines* Donation is not onely impious, as being a confirming of a meere fiction and Chimera, but if it were true, is *preiudiciall* to all Emperours; if the Pope should require such an oath of the Emperour at his Coronation, (as *Marta* and *Alexander* say the Popes doe) the Emperour elected without any detriment or impairing of his Imperiall authoritie or dignitie, not onely may, but ought vtterly and absolutely to refuse such an impious and *preiudiciall* oath.

And all this I haue said, supposing that to bee true which *Marta* and *Alexander* affirme, that Emperours indeed take such an oath for ratifying and confirming this forged Charter of *Constantines* Donation. But there is another defect also in this reason, which they esteeme their *Achilles*, and this it is, that both *Marta* and *Imola* mistake their aime, about this oath of Emperours. For though such be the wicked and vile dealing of their Popes, that they regard neither what insupportable burdens they lay vpon the backes, nor what vnreasonable oathes and snares they impose vpon the consciences of Emperours, (by which meanes they may the better afterwards play at fast and loose with them) yet the grauitie, wisdome, and pietie of Emperours, may easily

fily perswade, that in swearing to ratifie the grants, gifts, or priuiledges of *Constantine*, they meant onely such territories and priuiledges, as are knowne to haue beene truely giuen by *Constantine*, and not as *Marta* and *Alexander* fancy, what in this fictitious & Chymericall Charter, he is fained to haue giuen to the Romane Church. *Marta* and *Alexander* allude no doubt, to the chapter *Romani* ^d in the Clementines, where the oath of the Emperour is set downe to be this, *that hee will alwayes keepe and maintaine all priuiledges granted by his predecessours at any time to the Church of Rome, particularly and specially those which were made by Constantine, Charles, Henry, Otho 4. Frederick 2. & Rodulph.* Besides which, there is an other *forme* also set downe by Pope *Hildebrand* ^e, wherein *Rodulph* the King, (or rather vsurper set vp against *Henry 4.*) is required to sweare, *that he will not sacrilegiously take away those lands or reuenues which Constantine, Charles, or any other made to the Church.*

^d Clementi
lib. 2. tit. de
Iureiurando.

^e Forma ipsa
Iuramenti ex-
tat lib. 9. Epist.
Grego. 7.
Epist. 3.

These two are the onely places, where I can finde any *forme* of this oath to maintaine the Donation of *Constantine*, taken by Emperours. To which may be adioyned that which *Mich. Coccinius* ^f affirmes of *Sygismond* the Emperour, *That Pope Eugenius the fourth refused to Crowne him, nisi Constantini Donationem ipse ratam habere promitteret*, vnlesse hee would promise to ratifie the Donation of *Constantine*. Now, this last being no oath, but onely a promise, comes not within the compasse of *Martaes* speech, though

^f Mich. Coc-
cin lib. de Im-
per. translat.
prope finem.

it

g Innoc. 3.
cap. per vene-
rabilem, qui
filij sint legiti-
mi, lib. 4. De-
cretal. tit. 17.

h Hier. Balb.
lib. de Coro-
nat. pa. 86.

it were admitted, that both *Eugenius* and *Sigismund* intended this verie Charter of Donation. But that neither in this promise, nor in those formes of oaths set downe by *Hildebrand* and *Clement* the first, that in none of them the Charter pretended from *Constantine* is intended, there are three euident reasons. First, which of all the Emperours that euer tooke this oath, acknowledged Rome, Italy, Spaine, France, Germany, and all the Westerne Prouinces to belong, and that also as to the supreame Lord, to the Pope? as by this Charter it is said they doe. For the Kingdome of France, to say nothing of many other westerne Kingdomes, seeing Pope *Innocentius* the third professeth g, *That the King thereof, superiorem in temporalibus minime recognoscat*, acknowledgeth none to be his superiour in temporall matters; it is incredible that either the Popes would require, or any Emperors, though required by the Pope, would euer take a solemne oath and sweare, that the Pope were a superiour temporal Lord in that kingdome to him. Nay, if Emperours sweare to maintaine that the Pope was and ought to be the supreame Monarch in Rome, Italy, and all other Westerne Prouinces, how doth their owne *Hier. Balbus* say, and confidently auouch vnto *Charles* the first, the Emperour, *Charles 5. primus^h ex Christianis Imperatoribus*, first of all Christian Emperours, gaue the Citie of Rome, with the adiacent Townes to the Apostolike See, abdicating from himselfe, and renouncing all iurisdiction in the citie. Let either Mar-
ta or

or *Imola*, or any other shew, by faire and vndoubted recordes, that all Emperours since the time of *Clement* the fifth, or *Hildebrand*, acknowledged the Pope to be the *supreame Monarch in all the westerne prouinces*; or else let them esteeme it no other then a slander of Imperial Maiesty, and an imputation of periurie to al Emperours since that time, to say, that they sweare to maintaine the Charter of *Constantines* Donation. And yet I say nothing all this time of that which *Albericus* rightly obserues q, that this Chapter *Romani* is another of those Decretals which are not *iuri consona*, and which were made against the dignitie of the Empire.

q Alberi, in diction. verbo electionis Imperatoris.

A second reason is taken from the confession of *Gretzer*, who expressely professeth, that in the Chap. *Romani*, there is no mention of this Charter or Edict at all, *There is nothing* saith he r, *particularly spoken of this Edict, but Priuiledges granted by Constantine are there specified*: and priuiledges *Constantine* might, and did no doubt grant many to the Chnrch, and yet not such ample Priuiledges as this Charter speakes of, to wit, Rome, Italy and all the Westerne prouinces. So they might both take and obserue that oath, and yet withall hold this Donation to be a forgerie.

r Gretf Appen 2. ad lib. de munif. princ. pa. 114. S. In Epilogo.

f Othonis iuramentum extat apud Math. Paris in Io: han. pa. 306.

t Henr. 5. iuramentum extat apud Leon.

Ostien. in Chron. Cassin lib. 4. ca. 42.

u Sup. cap. 8. pa. 166.

x Apud Luc. de Pen. loc. cit.

The last reason is, that other oath which *Otho* the fourth f and *Henry* the fifth t, are recorded to haue taken, and which to bee vsually taken by all Emperours, out of *Baldus* u and *Lucas de Penna* we haue before declared. Their oath x is, *iura regni & honorē corona illibata seruare*, to keepe intirely,

Ccc

and

y Vt Osten-
sum est ex co-
uar. sup ca: 8.
pa. 161.

and inuiolably the rights of their Kingdome, and the honour of their Crowne. Can they possibly sweare that the Pope ought to haue and enioy, Rome, Italy, and all the Westerne prouinces, and yet keepe inuiolate the rights of the Empire? Is Rome and Italie no part of the Empire. Can they againe sweare, that the Pope ought to bee Supreamie Monarch in all those, and yet preserve or keepe inuiolate the Honour of their Imperial Crowne? Is not *Soueraigntie* of *Dominion* the honour, yea the very forme and essence of *Imperiall authoritie*? Or may wee thinke that the wisdom of Emperours can admit both these, being directly repugnant, and contradicting oaths the one to the other? Seeing it is certaine that *Constantine* granted Priuiledges and Donations to the Church, they may well with their former oath, sweare to maintaine those, so farre as they are, or shall be made certainly knownen vnto them: but to sweare that they will maintaine this pretended Charter of *Constantines* Donation, and withall sweare to preserve the rights and roialties of their Empire, without open and euident periurie they cannot. Nay I say more, that seeing they are by vertue of this Imperiall oath bound to maintaine both the *Rights* & *Royalities* of their Empire, they are euen thereby and by that sacred oath, bound not only to abandon and abolish for euer this pretended Charter of *Constantine*, which is most preiudiciall both to their *Rights* and *Royalities*: but further also, to labour and strue to recouer both their *Imperiall*

Souc.

Soueraigntie in Rome and Italy, and whatsoeuer *Lands, Citties, or Territories* the Pope vsurpeth, and for which euident and certain prooffe cannot be shewed, that by iust and legall conueiance they haue bene either for the *usus fructus* giuen, or otherwise passed vnto the Pope. But hauing spoken of this point before, I will not now further insist vpon it.

You haue now seene, whatsoeuer of any worth or weight, either *Marta, Steuchus, Albanus, Epo, Rufus*, or others of that rancke, could finde to gaine any credit or countenance to this Donation of *Constantine*. All which being now fully refuted, you doe see how desperate their cause is, which they so eagerly and pertinaciously striue to support, by such false, forged, and legendary writings. But that which now after the full refuting of this Donation, I would specially obserue, is this: That seeing by this Charter and Donation of *Constantine*, the Popes neither haue, nor can haue any right or iust title, either to Rome, Italie, or any Citties which therein they possesse; and seeing againe Card. *Albanus* tels^z vs, *That the Popes nullum alium suae possessionis titulum attulerunt*, haue brought or produced (they would no doubt if they could) any other Title, but onely this grant and Charter of *Constantines* Donation, it hereupon cleerely ensueth, that the Popes neither now haue, nor euer had any right or iust title, either to Rome and Italie, or to those Citties and large Territories which they possesse therein.

^z Hier. Alb.
lib. de Donat.
Const. nu. 5.

Lastly

a August. lib.
16. cont. Fau-
stum, ca. 26.

Lastly for *Marta*, who hath of all most labour-
ed in pleading for defence of this base and wit-
lesse forgerie, though there can no more be said
for excuse of him, then was said for *Faustus* the
Manichee, that the badnesse of his cause enforced him
to plead so badly, yet may it, and will it still iustly
be answered, as *S. Austen*^a did to *Faustus*; I grant
indeed, that in a bad cause you could not possi-
bly plead better, *Mala causa vana loqui coegit, Ma-
lam vero causam te habere nemo coegit*. A bad cause
to vse a vaine defence inforced you; but to vn-
dertake a bad cause, no man enforced you.

b Melc. Cas-
nus loc. Theod.
lib. 11, S. Lex
vero secunda.

But for his alledging so many false, counter-
feit and forged writings, and giuing credit to
them, there is no excuse at all to bee made for
Marta, vnlesse one will say, that his credulitie
was such, as *Melchior Casus*^b mentions to haue
beene in one of their Priests in his time, *Cui per-
suasissimum esset nil omnino esse falsum quod semel
typis excusum esset*, who was verily perswaded,
that nothing was false which was
published in print.



CHAP. I.

*Of the Popes Temporall Monarchy,
and what important Consequents
doe ensue thereof.*



Auing in the former Treatise fully demonstrated the forgery of that pretended Donation of *Constantine*, there remains yet one consideration touching the Popes title both to those Kingdomes which are said to be giuen therin, & to all other Kingdomes in the world. For though they magnifie & make much (as you haue scene) of this and other Donations, yet doe you thinke the Donation of *Constantine*, *Charles*, *Henry*, *Otho*, or any other Emperors, by some (a) of which *Rome*, *Italy*, and all the *Westerne Provinces and Kingdomes* are said to be giuen to the Pope, that this will satisfie the pride and insatiable auarice of the man of sin? No, the whole world must be his Kingdome; and

A

his

a Nempse per
Edictum Con-
stant.

his title to it, and euery part of it, must not be from any mortall man; he in Christs right, and immediately from him, will be the direct supream temporall Lord of all: from him must hold all Kings, Princes, and all other persons whatsoeuer, or else they can haue no right vnto either lands, goods, or possessions in this world. But lest I may seeme to impaire their Popes right, let vs heare their claime and challenge in their owne words.

b *Gregorius 7 in sua execrationis Henrici Imperatoris, confirmatione, qua recitatur a Platina in vita Greg. 7. 14. 178*
 c *Leo 9. Epist. 1. cap. 13.*
 d *Nobis diuinitus, & humanitus concessam gloriam ibid. cap. 39.*
 e *Nich. 2. in Epist. ad Mediolanens. dist. 22 ca. Omnes sed illic falso ascribitur Nicholao 1. qui longe ante Petrum Damianum (is huius Nicholai legatus dicitur) obierat. f Lib. 1. Sac. Cerem. sect. 7. fol 84. & 85.*

Goe to now, O ye most blessed Apostles (saith Pope (b) Hildebrand vnto Peter and Paule,) doe you confirme what I haue done, that all men may know, if you being in heauen can binde and loose, that I also here on earth can both giue and take away Empires, Kingdomes, Principalities, & quicquid habere mortales possunt, and whatsoeuer any mortal man can haue. This ought, saith Pope Leo (c) the 9. to satisfie you de terreno, & caelesti Imperio, imò de regali sacerdotio, that both the temporall and heauenly Kingdome, yea a kingly priesthood is giuen to the Apostolike See, and that diuinitus (d) by God himselfe, and not onely by men. Christ hath committed to Peter saith Pope Nicholas the 2. terreni (e) simul & caelestis Imperii iura, the rights both of the earthly and heauenly Empire. When the Pope giues or sends a consecrated sword, saith their booke (f) of sacred cerimonies, to the Emperour or other King, which is vsed to be done on the night of Christs natiuitie, he then by Sixtus quartus, is appointed to say, This Pontificall sword doth figure or betoken summam temporalem potestatem a Christo Pontifici collatam, That the supream temporall power, is giuen by Christ vnto the

Pope

Pope his vicar, according to that saying, *Data est mihi omnis potestas*, All power is giuen to me, both in heauen and in earth; and according to that also: He shall rule from Sea vnto Sea, and from the flood vnto the worlds end. Pope Boniface (g) 8. boasting that he had the power of both swords, shewed this by his actions also, when in the yeere of that grand Iubile 1300. the first day, he rode as Pope in his Pontificali-
bus, and the next day, *imperiali habitu, infula Casarea insignis*, he rode in his imperiall robes with the imperiall Crown, hauing a naked sword carried before him, & one proclayming with a loud voice, *Ecce hic duo gladii*, Behold here are two swords, the spirituall and temporall, both giuen vnto me.

g Paral. Abb.
 Vesperg ad annū
 1298. pag. 343
 & seq.

The Papacie or papall authoritie is defined by *Alu. Pelagius* * in this maner, *Papatus est Principatus tam in spiritualibus quam in temporalibus*, The Papacie is a Supremacie both in spirituall & temporall matters. The Pope, saith August. *Triumphus* (h) is greater then any King or Emperour, *tam in temporalibus quam in spiritualibus*, as well in temporall as in spirituall matters: and as God is the Lord of all by vniuersall iurisdiction, so is the Pope his Vicar greater then any King or Emperour, both in spirituall and temporall things. The supream power and dominion, saith Thom. Bozius, (i) which subordinates vnto it all other dominions, *datū est iure diuino pontifici Romano*, is giuen by the diuine Law to the Pope: And by this, *Pasce oues meas* which was spoken only to Peter, *significatur sacerdotalis ac regalis potestas simul*, is signified both pontificall and regall power. So that in the Pope alone is *Apex viri-*

* *Alu. Pelag*
 lib. 1. de planctu
 Eccl cap 13.

h *Aug Triumph.*
 de potest. Eccles.
 q 36. art. 3.

i *Thom. Bozius*
 lib. 1. de iure
 status &c. ca 12
 sect. Ob hac.

h Ibid. sect.

sic itaque.

i Rod Sanc. li.

de orig. ac dif.

fer. princ. part 1

et cit. a Carer.

lib. 2. de potest.

Rom pontif. cap.

9. sect. Sequitur

k Rad. Cupers

Com. ad Cap.

Oportebat. dist.

79. pa. 253. nu.

23.

l Ibid. pa. 257

nu. 64.

m Anton. in

Summa, par. 3.

tit. 22. ca. 5.

sect 15.

n Lel. Zecch. in

Tract. Theolog.

pa. 81.

o Fr. Bos. lib. 1

de temp. Eccl

Monarc. cap. 3.

pag. 52.

p Jdem lib. 5.

ca. 18. pa. 807.

q Th Borz. praf.

ad Clement. 8.

r Baron. an. 57.

nu. 28.

usque potestatis, the top of both powers, spirituall and temporall. The temporall (h) power rests and resides in the Pope, *tanquam capite sacerdotum mundi*, as in the head both of Priests and of the World. The Pope, saith Rod. Sancius, (i) in Christs stead is chiefe in the whole world, both in spirituall & temporall affaires. To the pope, saith Rad. Cupers (k) God hath committed the rights both of the terrene and heauenly Kingdome: againe, (l) The direct dominion of the Empire belongs unto God, and by consequent to the Pope his vicar. The Pope, saith Antoninus, (m) for vniuersall iurisdiction both in temporall and spirituall matters is greater then any other King or Emperour. The Pope, saith Lel Zeccus, (n) by the Law of God hath power and temporall dominion ouer the whole world. The supream temporall iurisdiction throughout the whole world, saith Franciscus Bosius, (o) belongs to Peters successor, so that he is both Hierarch and Monarch in all things, Again (p) The supream Monarchy in all temporal affaires, belongs to Peters successor, and that *iure diuino*, by the diuine Law expressed in the Scriptures. The scope of his whole booke is, as himselfe declares, to shew, that Peter (q) and the Pope succeed to Christ, as well in his Kingdome as in his priesthood, and that Peter and the Pope is both King and priest according to the order of Melchisedeck. It is certaine, saith Baronius (r) that iudiciall power (in secular causes) is giuen to Bishops (to wit, to Christs vicars) not only by Apostolicall institution, but euen by Christ, whose priesthood is according to the order of Melchisedeck, both a King and a priest. The secular power, saith Aquinas

Aquinas(s) is ioyned in the Pope, with the spirituall, s Aquin. in 2. Senen. dist. 44 q. 9. art. 2. & citatur a Tho. Boz. l. 1. de Iure status c. 13 sect. Primam. the Pope hath *utriusque potestatis apicem*, the toppe of both powers spirituall and temporall, by the disposing of him, who is both a King & a Priest according to the order of Melchisedech. That the Pope iure diuino hath power ouer the whole world, as well in temporall as Ecclesiasticall matters, is taught, saith Bellarmine (t) by August. Triumphus by Aluarus Pelagius, Hostiensis, Panormitan, Siluester, and diuers others: yea Hostiensis teacheth, that Christ by his comming, translated all the dominion, euen that of Infidell Princes, vnto the Church; and that this Dominion so resides now in Christs Vicar, that hee may giue by his owne right the kingdomes of Infidels to whomsoever hee will. The Pope, saith Marta(u) hath supreme laicall power in temporall matters, and that not onely in order to spirituall causes, but naturally and temporally. And again(x) As in the Church Triumphant, so also in the Church Militant, there is but one supreme Gouvernour, to whom all other as well Clerkes, as laicks, both Kings and other, are to obey, and that both in temporall and in spirituall matters; and this supream Gouvernour(y) is the Pope. Again, (z) The Pope hath the same power that Christ had, and Peter exercised: but Christ as man, had the fulnesse euen of temporall power, and Peter exercised temporally, that temporall power. Therefore the Pope hath and may exercise the same temporall iurisdiction temporally, and in his owne nature. Both by the Law Diuine and naturall, saith Henr. Gandauensis(a), doth the priesthood excell the Empire, & *penes ipsum residet de iure* a Henr. Gand. quodl. 6. q. 23.

t Bel. l. 5. de Pont. Rom. c. 1. sect. Restat.

u Habere summam laicam potestatem &c. Mart p. 1. c. 18 num. 1. x Ibid. nu. 5.

y Ibid. ca. 18. per totum z Idē c. 22. n. 1.

b Alex. Carer. re diuino utraque iurisdictio, and both iuridictions
 ib. 2. c. 9. num. as well in temporall as spirituall matters, as also
 1. & lib. eod. the immediate execution of that iurisdictio doth
 c. 13. num. 7. reside in the Priest, by the Law both diuine and na-
 c. Ibid. c. 16. n. turall. It is the common opinion of Schoole Diuines,
 11. saith Carerius (b), that the Pope hath iure diuino
 d Gasp. Sciop. plenissimam potestatem in uniuersum orbem terra-
 in Ecclesiast. rum, the most full power ouer the whole world,
 c. 36 p. 122. both in Ecclesiasticall and temporall matters. A-
 e Ipse utrum- que (postquam rum, the most full power ouer the whole world,
 in cœlum as- cendit) per E- gaine(c), As the Pope cannot say that he holds not
 piscopos exercet, Christi place here in earth, so neither can hee deny,
 in primis autem that he hath the temporall dominion of things; for
 per S Petrum as the earth is the Lords, and all that is therein, euen
 cui soli dixit, so are all subiected vnto Christ, and by him vnto the
 pasce oues meas Pope; to whom, being his vicar, Christ hath com-
 idem lib. eod. c. 38 p. 126. mitted the right both of the heavenly and earthly
 f Esse autem Empire. Christ, saith Scioppius (d), is the Lord of
 virgam nihil the whole world by a double title, of Creation, and
 aliud quam Redemption; and he (e) ascending into heauen,
 sacularem sine made the Pope his Vicegerent in them all, to whom
 coactiuā pote- he gaue not onely directiue, but coactiue power, that
 statē, ex Is. 14. he might rule them with a rod of yron, that is, by his
 discimus. ibid. secular power f. Again, the Church, saith he (g), is like
 g Ecclesia simi- vnto a Calf, whose horn, that is, his secular power (h)
 lis virulo, sue is set in the head, (that is, in the Pope) which power
 boni trituranti though in the yonger age of the Church, it was not
 ibid. c. 38. p. growne, yet afterward (when (i) the Calfe was
 29. in marg. stronger) he did with his hornc, push at Kings and
 h Aduerten- Kingdomes, and bring them in subiection vnto him.
 dum quod Ec- And a 1000. such like sayings, he, and others haue
 clesia secularis to this purpose.
 potestas tribu-
 atur, per cornu
 significata, sed
 in capite residet
 postquam scili-
 cet iam adole-
 uit, ibid. p. 129.
 i Cornua cum
 atatis maturitate habiturus sit. Vt ea postquam Ecclesia adoleuisset vteretur. Ibid.

Nor

Nor doe they holde this assertion of the Popes supream temporall dominion, as a doubtfull opinion, but as a doctrine of faith. It is *tenendum recta fide*, saith Rod. Sancius (a), to bee by the right faith, that the Pope, *iure diuino*, hath the true and onely immediate principality ouer the whole world, as well in temporall as in spirituall matters. The Pope, saith Rad. Cupers (b), hath and that *iure diuino*, both powers, temporall and spirituall committed to him, and they (*) who deny the Pope to haue both these powers, *Euangelium negant*, doe deny the Gospel. Tho. Bosius (c) approues that saying of Hostiensis, That as it is Heretical to make two beginnings, so it is hereticall to make two Vicars of Christ heere vpon earth. As it is hereticall, saith Marta (d), to hold *duo principia*, two Authors of the world, so to hold that there are two Vicars of God (the one in temporall and the other in spirituall matters) *est haeticum*, it is hereticall, and therefore the Pope himselfe saith, It is of necessitie of saluation, that euery creature should be subiect to the Pope, *tam in temporalibus*, both in temporall and spirituall matters: & Dantes (e) the Florentine who held the contrary, was after his death condemned for an heretike. Boniface the 8. saith Carerius (f) and Martinus Polonus (g) writ letters to Philip the French King, wherein he told him, that the Pope is Lord through the whole world, both in temporall and spirituall matters, & *contrarium sentire haeticum indicabat*, and he iudged it to bee hereticall for any to hold the contrary. The same Carerius writing in defence of the Popes direct, temporall, dominion ouer

a Rod. Sanc.
l. de Orig. ac
differ. princip.
& cit. a Carer.
l. 2. c. 9. n. 13.

b Iure diuino
Papam vtram
que potestatem
habere demon-
stratur. Rad.

Cup. Comment.
ad Cap. oportet
bat. distinct. 79.
p. 48. num. 1.

* Ibid. p. 46. in
Sumar. nu. 9.
c Thom Boz. l.
5. de Iure sta-
tus c. 10. S. Is-
hannes.

d Mart. par. 10.
c. 18. nu. 25.

e Idem. 19. 3.
5. & nu. 14.

f Alex. Carer.
l. 2. c. 3. nu. 16.

g Mar. Pol.
Chron. An.
1301.

*a Aduersus im-
pios politicos, et
huius temporis
haereticos. tit. l.*

*b Confutatur
opinio Bellarm.
Car. lib. 2. c. 5, 6
7. & 8.*

*c Bellarmineus
satisfacere non
potuit ambi-
oni Sixti 5.*

*Itaque parum
ab fuit quin
omnia illius
Doctōris opera
aboleret. Guil.*

*Barc. l. de potest.
Papa c. 13. &
delere atque
extinguere in
animo habuit.
ibid. ca. 40.*

*d Bel. l. 5. de Pot.
Ro. c. 6. et seq.
e Carer. lib. 2.
c. 10. nu. 1.*

*f Couar. part. 2.
Relect. sect. 9.
nu. 6 p. 505.*

*g Bar. an. 1053
num. 14.*

ouer the whole world, in titles his booke (a) Against impious polititians, and heretikes of this time; accounting all for heretikes, who deny that temporall, direct dominion; one of which is Cardinall Bellarmine, against whom Carerius (b) professedly writes.

Nor is this the Censure of Carerius alone, touching Bellarmine; Sixtus quintus (c) so condemned that doctrine of Bellarmine, (although he indirectly (d) yeelds as much as can bee desired to the Pope) that because he did not hold this direct temporall dominion of the Pope, he purposed to haue abolished and burnt as hereticall all the books of Bellarmine.

Bartolus, as both Carerius (e) & Covarruvias (f) obserue, confidently affirmed that opinion which denies the Popes temporall Monarchy, to be hereticall. And Card. Baronius (g) doubted not to say, That the Catholike Doctrine, *Hæresis errore notauit omnes*, hath branded with the error of heresie all those who take from the Church and chaire of Peter, either of the two swords, and who grant vnto it onely the spirituall sword.

From this supream temporall Dominion which they thus giue to the Pope, they draw many pretty conclusions. First, that neither the Emperour nor any King hath any temporall authority, power, or Iurisdiction, but only such as they deriue from the Pope. The reason hereof is euident; for seeing all power, both spirituall and temporall, is giuen first and immediately to him, none can haue any part of either, but from him. As all starres, saith

saith Carerius (x), haue their light from the Sun which is the fountaine of light, so all power and authority, quoad temporalium administrationem, euen in the gouernment of temporall matters, depends on that supream power which is giuen to the Pope. Againe (y), The Pope hath primo & per se, primarily and of himselfe, the Dominion ouer all temporall things; Emperors (z) Kings, and secular princes, receiue their power from God, but mediante Papa, by the mediation of the Pope, that is, Recipit (a) a Papa loco Dei, the Emperour receiues it from the Pope in Gods stead. Againe, the Pope (b) is the husband of the world (a very fit wife sure for the Pope,) and all others depend upon him as on the Architect. The Empire, saith Marta (c) depends not on God, but on the Church and the Pope. The power of iurisdiction, saith Aug. Triumph. (d) in temporall & in spirituall matters, est immediata in Papa solo, is immediat in the Pope alone. Againe (e), The power of Emperors & secular princes is such, that it is giuen to them by another (that is, the Pope) & euery one of the, ab eo recognoscit esse omne quod habet, must acknowledge whatsoeuer they haue to bee from the Pope. It must be granted, saith Alv. Pelagius (f) That no Emperors did rightly exercise the sword who receiued it not from the Pope. All secular power, saith Th. Bozius (g), in all things depends and is from the power Ecclesiasticall, and that iure ipso diuinissimo, by the most diuine Law.

A second conclusion is this, that the Pope is an higher temporall Lord, and Emperour, then any, yea then all the secular Kings & Emperors in the world.

B

The

x Carer. l. 2. c. 12. nu. 3 4. 5.

y Car. l. eod. c. 14. nu. 14.

z Ibid. nu. 20.

a Cap. eod. n. 16

b Ex quibus concluditur pontificem esse orbis virum Idem c. 15. n. 10.

c Mart part. 1. c. 19. nu. 9.

d Aug. Trium. de potest. eccl. q. 1. art. 1.

e Ibid.

f Alv. Pelag. l. 1. de Planct. eccl. c. 13.

g Th. Boz. l. 2. de iure stat. c. 19. § Ex his.

The reason of this is cleere : For seeing hce is the fountaine from which they deriue all their temporall authority, the same Kingly and Imperiall authority, must needs be more eminently in him, then in them all, euen as light is more eminently in the Sun then in the Moone and Starres which borrow their light from it. *It is knowne*, saith Pope (e) Innocent 3. that there is as great difference betwixt the Pope and the Emperour, as there is betwixt the Sunne and Moone. Now the Sunne being sixe thousand five hundred thirtie nine times greater then the Moone, as Astronomers (f) teach, (for the Canonists (g) ignorantly talke of 47 times) the Pope is by Innocentius Decree, 6539. times greater then the Emperour. There is, saith Carcerius (h) that proportion betwixt the Pope and the Emperour, as is betwixt the Sunne and the Moone; as the Sunne then is farre more excellent and eminent then the Moone, seeing she borrowes her splendor and light of the Sunne, so is the Pope then the Emperour, seeing his authority depends on the Pope, and is deriued from him. Bishops, and the Priesthood, saith Waldensis (i), is as much preferred to the Kingly state, as gold is to lead, or the soule to the body, or heauen to earth. So much, saith Orichouius (k), doth the Priest excell the King, as a man doth excell a beast, yea, as much (l) as God doth excell a Priest, and that is by infinite degrees. Vpon consideration of these so great ods, Steuchus (m) saith, That Constant. yeelded the City of Rome to a greater Emperour then himselfe, and that was, to the Pope. The Canons, saith Marta (n), put the Pope *super verticem Imperatoris*,

e Cap. Solita,
Extrav de
Major & Obed.

f Ioh. Clav. com.
in Ioh. de Sa-
crobof. pa. 189.
g Gloss. in Cap.
Solita, de Ma-
ior & Obed.

h Car. lib. 2 c.
12. nu. 5.

i Th. Wald. Doct
fid to. 1. l. 2. ar.
3. c. 74.
k Stanisl. Orich.
in Chimara.

p. 97.
l Quantum
Deus praestat
sacerdoti, tan-
tum sacerdos
praestat regi.
ibid.

m Ang. Steuch.
l. de donat. Con-
stant p. 187.
n Mart. par. 1.
c. 19. nu. 7.

peratoris, aboue the very top and crowne of the Emperour, and the Pope, saith Rad. Cupers, (o) is deservedly accounted *Rex regum & dominus dominantium*, The King of Kings and Lord of Lords. *Aug. Triumphus* yet more triumphingly saith, (p) The Sonne of God hath declared the altitude of Ecclesiasticall power, to bee aboue all principalities and powers, that vnto it should bow euery knee, both in heauen, in earth, and vnder the earth: and yet Stephanus Patracensis goes one step further, which will reach euen to God himselfe. In the Pope, saith he (q), who is the supream Hierarch in the Church, there is *omnis potestas supra omnes potestates tam celi, quam terræ*, all power aboue all powers, both in heauen and in earth: whom Rad. Cupers, following, saith (r) The Lord hath so magnified the Church, (that is, by his owne exposition (s) the Pope) that he hath preferred it not onely to Kings and Keisars, sed *omnibus sub celo, & supra cælum existentibus*, but to all that are either vnder, or aboue the heauens; and there is none, I thinke aboue the heauens, but God onely.

A third conclusion is this, That none can giue any lands, goods, or possessions to the Pope, but onely restore those things vnto him; The reason whereof is euident, for all these are the Popes own before, & that *iure diuino*, seeing as Marta saith (t) *Vniuersus orbis est papæ territorium*, the whole world is the Popes territorie. If it be found sometimes, saith Thom. Bozius u, that certaine Emperors gaue some temporalties to the Pope, as Constantine to Silvester, that is not to be vnderstood, that they gaue any

o Rad. Cupers
com. ad cap. O.
portebat. p. 43.
nu. 39.

p Aug. Triumph.
in princ. sum-
ma de potest.
Eccles.

q Orat. Steph.
Patrac. in
Conc. Later. sub
Leone 10. Sess.
10. p. 624.
r Rad. Cup l. ci-
tat. p. 3. nu. 7.
s Papa totam
ecclesiam signi-
ficat. id. p. 125.
num. 43. in
Summar.

t Mart. part. 1.
ca. 15. nu. 14.
u Tho' Boz. l. 3.
de iure Stat. c.
5. sect. Quin-
audet.

x. Car. li. 2. ca.
21. nu. 5. & ca.
16 nu. 31.

y. Ibid. ca. 21.
nu. 7.

z. Mart lib.
cit. ca. 25. n. 20.

a. Idem cap. 29.
nu. 13. 14.

b. Ibid nu. 15.

thing which was their owne, they restored that which was vniustly and tyrannically taken from the said Bishops. Constantine, saith Carerius x, did restore that which before he had vniustly deteyned, he restored to the Church and to the Pope those things, which he had deteyned from him, and had long withheld and abused by his tyrannicall power in seruing the Infernall prince and Idols; therefore that Donation of Constantine was in truth only a restitution: for seeing the earth and all that is therein, is the Lords, and by consequent the Popes, Constantine gaue nothing at all of his owne, but he restored them, in recognition of the Lords, and the Popes Dominion. Againe (y) they are vtterly deceiued, who thinke that Charles, Pipine, or others, gaue Rome and other Cities in Italy to the Pope. The Pope hath immediatly from God his temporall dominion, the same he hath from Councils declaratiue, from Constantine promulgatiue, that is, Councils only declared, and Constantine proclaimed the Popes right and temporall dominion in them. We denie, saith Marta (z) that the Pope founds his iurisdiction vpon the Donation of Constantine; for we haue alreadie proued that the Pope had, and still hath the whole power which Christ had, as well in temporall as in spirituall matters, neither did he preiudice his own right in accepting those Donations, of Constantine and other Emperours; they in those gifts did but recognise (a) therein, his supream iurisdiction and so interrupted that prescription of an absolute dominion which they did pretend, acknowledging (b) their Kingdomes, Dominions, and States, to be held of the Pope, as of the Fountaine of Iurisdiction, and Dominion.

Dominion. I haue often, saith Scioppius*, laught at those who altercate about the Donation of Constantine, neither doe we care whether there be any publike record either of any such Donation, or cession and yeelding up of Rome; for constat, it is manifest that Rome could not be giuen to the Church: and the reason is, not that which the Lawyers suppose, for that Constantine could not alienate that, which belonged to the Common-wealth, sed quia tantum, iure diuino tenet, but because the Pope holds Rome neither by any Donation, nor by inheritance, nor by right of warre, neq; vlllo alio humano iure aut titulo, neither by any other humaine law or title whatsoeuer, but onely by right from God. It is God that gaue Rome to the Church, as meat to feed, as cloathes to apparell the Church. Constantine (c) and other Emperors did but performe the office of an hand to reach the meat to the mouth, and put the apparell vpon the head.

* Gas. Sciop in
Eccles. ca. 51.
p. 168. 169.

c Idem ca. 32
p. 171.

This right of the Pope, when diuerse Kingdomes (as they teach) acknowledged, they yeelded the possession of those Kingdomes to the Pope, and so they became his. Of the Kingdomes of Spaine, Pope Gregory the seuenth thus writes, to the Kings and Princes thereof, (those were at that time & long after seuen, (d) Arragon, Castile, Portingall, Granado, Lions, Nauar, and Gallicia,) Notū (e) vobis fieri volumus, we will haue it knowne vnto you that which we may not conceal, and is needfull for you to know; that the Kingdome of Spaine in ius & proprietatem traditum, was for right and proprietic yeelded to the Romane Church. And againe (f), writing to all Princes that goe into

d Munst. Cosm.
li. 2. p. 57.

e Greg. 7. lib. 4.

Epist. 28. Regi-

bus ceterisque

principibus

Hispania.

f Greg. 7. li. 1.

Epist. 8.

Spaine, We beleue (saith he) that you are not ignorant, that the Kingdome of Spaine from ancient time, *propriū iuris sancti Petri fuisse, & adhuc nulli mortalium, sed soli Apostolica sedi ex aquo pertinere*, to haue been the proper right of Saint Peter, and now also to belong in right to no mortall man but onely to the Apostolike See; for that which once comes to the Church, can neuer be taken from the same. Particularly of the Kingdome of Arragon, Steuchus (g) out of Innocentius the third saith, *esse Apostolica sedis*, that it is the Popes. Of the Kingdome of Portingall, Steuchus also saith, *h Ecclesie Romane est*, that belongs to the Church of Rome, and because Hildefunsus knew it to belong to the Romane See from ancient time, he offered it to the Pope, and subiected it to him. Of the Kingdome of France, Boniface the eight said i, *It is subiect to the Pope both in temporall and in spirituall matters*. Of the Kingdome of England, Alexander the second (k) affirmeth, *that euer since it receiued Christianitie, it hath been in the hands and power of Saint Peter*. Of the Kingdome of Scotland, Pope Boniface saith, (l) *that it is in the Popes power, and that he may giue and take away the same*. Of Italy, Steuchus saith, (m) *Tota Italia est Ecclesia*, all Italy belongs to the Romane Church. Of the Kingdome of Sicily, Marta saith, (n) *The lawes doe expressly teach that it is a part of the patrimonie of the Church*; and Baronius hath writ an whole booke o to confirme the same. Of the Kingdome of Hungary, Gregory the seuenth saith, (p) *Proprium ecclesia est*, It properly belongs to the Church of Rome.

g Steuch. li. de
Jon. Const pag.
193.

h Steuch. ibid.
i Bonif. 8. littera
apud Carer. li. 2
ca. 3. nu. 16.

k Alexand. 2.
epist. pars qua
id aseritur ex-
tat apud Baron.
an. 1068. nu. 1.

l Bonif. verba
citatur a Pol.
Virg. hist. li. 17.
et a Mart. lib.
cit. ca. 26. nu.
60.

m Steuch. lib.
cit. pa. 200.
n Mart. lib. cit.
ca. 26. nu. 6.

o Bar. tract. de
Regno Sicilia
to m. 11. Annal.
an. 1097. nu. 18
& deinceps.

p Greg. 7. li. 2
epist. 13. ad Sa-
lomonem regem
Hungaria.

Rome. So doe also the Kingdomes of Croatia, and Dalmatia, as out of the same Pope (q) Hildebrands Registrie, Steuchus auoucheth. Of the Kingdome of Russia, Steuchus out of the same Hildebrand saith, (r) *Est iuris ac ditionis Romanae ecclesiae*, the right and dominion of it belongs to the Church of Rome. Of the Kingdome of Denmarke, Steuchus out of Alexander the second saith, (s) *It is peculium & vectigal, the proper substance and tribute of the Romane Church. And what should I adde more, saith Steuchus t, The power of the Romane Church is most ancient, super omnibus regnis & regibus, ouer all Kings and Kingdomes; all monuments of the Popes are full, in shewing this power, whereby Popes haue ruled by their Empire, the whole World, habenas omnium terrarum tenentes, holding the raines and regiment ouer all Kingdomes in the Earth. Thus Steuchus.*

q Verba citantur a Steuch. li. de don. Const.

pa. 191.

r Steuch. li. cit.

pag. 190. &

Greg. 7. idem

declarat, lib. 2.

Epist. 74.

s Steuch. li. cit.

pa. 189.

t Steuch. ibid.

pa. 195.

A fourth conclusion is this, That as Emperors and secular princes deriue all their authoritie, so doe they hold all their Kingdomes, Crownes, Territories and possessions from the Pope, as tenants, as homagers and vassals vnto him, or else they are meere usurpers of the same. The reason of this also is manifest; for seeing the whole world is the Popes Territory (d), and he the Lord, yea the husband (e) of the world, none may, nor yet in right can, enioy any part of his Territories, or company with his deare Wife, but by his allowance and dispensation. Whence hath he (Frederick the King) the Empire

d Vt Marci sup.

e Vt Caven. sup.

f Hadr. 4. epist. citatur apud
 Auem. l. 6. p. 506.
 g Lal. Zech. tract de Rom. Pontif p. 82.
 h Ibid. p. 83.
 i Mart. lib. cit. c. 18. nu. 11. & 12.
 k Idem c. 20. n. 4.
 * Idem. c. 25. nu. 16. Papa Imperatorem confirmat iuramentum sibi fidelitatem et homagium.
 l Distinct. 63. c. Tibi domino.
 m Lib. 1. Sac. Cerem. sect. 5. fol 48.
 n Cap. Romani in Clement. tit. de Iureiurando. Declaramus illa iuramenta fidelitatis existere, & censi debere.
 o Forma iuramenti Lotharii extat apud Bar. an. 1133. nu. 2.
 p Post homo fit Papa, etc. Ver. sus extant apud Radevic. lib. 1. de gest. Friderici l. c. 10. & Sigon. lib. 11. de Regno Ital. an. 1133.

pire but from vs: saith Pope Hadr. (f) the 4. by election of the Princes, he hath the name of King, by our consecration he hath the name of Emperor; Imperator quod habet totū habet a nobis, whatsoever the Emperor hath, he hath it of vs. It is in our power, ut demus illud (Imperium) cui volumus, to giue the Empire to whomsoever we will. We are placed of God above Nations and Kingdomes, to destroy and roote out, to build and to plant. The Emperor, saith Lal. Zecchus (g) takes the Empire de manu Pontificis, at the Popes hand, and to the Pope doth belong the direct dominion of the Empire. Againe (h), The Pope is absolutely the Lord of the whole Christian world; Kings and Princes Imperia & regna ab illo recognoscere habent, must acknowledge their Empires and Kingdomes to be held of him. The Emperor, saith Marta (i) is Feudatarius ecclesie, & ab ea omnia recipit. He is feudatary to the Pope, and holds in fee all that he hath from him. Againe (k), We haue declared the Emperor, vniuersa humana habere a Papa, to hold all his worldly possessions and goods of the Pope. And for this cause he sweares * feoltie and homage to the Pope: the forme of which oath, being expressed, both in their booke of the Decrees (l) and of sacred ceremonies (m), Clem. 5. hath decreed (n) it to be an oath of feoltie; and when Lotharius the Emperour had taken that oath (o), hee was thereby made (p) Homo Papa, the Popes man; that is to say, the Popes seruant or vassall; (for the

word

word *vassus* a, whence cometh *vassallus*, signifieth a
 servant) and then as Marta *b* obserueth, Pope Inno-
 cent the second permitted him, but in truth, as Sigo-
 nius *c* testifieth, *mandauit*, the Pope commanded
Lotharius to be painted on a wall in the Popes pallace,
quasi vassallum ad pedes prostratum, as a vassall pro-
 strate at the Popes feet. The King of Arragon,
 saith Steuchus *d*, *accepit in feudum, prae dictum reg-*
num, tooke that Kingdome in fee of Pope Inno-
 centius the third: & *recognoscitur a papa*, saith Mar-
 ta *e*, and it holds of the Pope, by the annuall pay-
 ment of 250 ducates (*f*). The Kingdomes of Na-
 uar, and Granado, saith Marta (*g*), were giuen by
 Iulius the second to Ferdinand King of Spaine, and
 his successors, *cum pacto ut recognoscerent Romanā*
ecclesiā in fidem & homagium, vpon this couenant,
 that they should hold those Kingdomes by feoltie
 and homage from the Church of Rome. The
 Canary Islands (*h*) and Nigraria, *fuerunt data in*
feudum, were giuen in fee to the Emperour by the
 Pope, and Lewes King of Spaine, did feoltie and ho-
 mage to the Pope for them, Anno 1343, binding him-
 selfe to pay yeerely for the same 400 florens of gould.
 When Alexander the sixth gaue the Indies to the
 Kings of Castile and Portugall, saith Marta, (*i*)
reseruauit sibi recognitionem feudalem ab ambobus,
 he reserued a pension to be payd to the Pope by
 them both, as an acknowledgment, that they held
 both the Indies in fee from him. Iulius (*k*) the se-
 cond gaue to Ferdinand King of Spaine, the King-
 dome of Naples, in *feudum perpetuum*, in a perpetu-
 a Episcopis,
 Abbatibus, &
 vassis nostris
 dicimus, Capit.
 Carol. magni li.
 2. cap. 9. & de
 vassis dominicis
 qui in hac casā
 seruiunt, ibid.
 li. 3. ca. 73. &
 Anima vestra
 de corpore nuda
 ac desolata sine
 solatio, et comi-
 tatu vassorum
 exhibet. in capit.
 missis ab Episc.
 Rhem. ad Ludo-
 uicū Vassi a
 Saxonibus Lass:
 dicti. ait Glossa-
 rium in capitu.
 Aliter, a vas-
 sasis, vassallū
 deducit Mart.
 par. 4. ca. 188:
 nu. 1
 b Mart. li. cit.
 part. 1. cap. 18.
 nu. 22.
 c Siglib. cit.
 an. 1123.
 d Steuc. li. cit.
 pag. 191.
 e Mart. li. cit.
 ca. 26. nu. 43.
 44.
 f Maximus 7
 ait Marta, sed
 Bar. an. 1097.
 nu. 106. massi-
 mutenas no-
 minat.

all fee, but so that Ferdinand should sweare feoltie and performe homagium & vassallagium, homage and vassalage to him: And that also for the Kingdomes (l) of Sicily and Ierusalem he should pay yeerly to the Pope 8000 ducats of gould, and a white palphrey, in recognitionem veri domini regni Sicilia et Ierusalem, in acknowledgement that the Pope hath truely the dominion of Sicily and Ierusalem. And both Philip the second, and after him his sonne Philip the third, Anno 1599. did take, as Marta (m) tels vs, this oath of feoltie and homage. The Pope, saith Marta (n) gaue in feudum, in fee the Kingdomes of Sardinia and Corsica, which in proprietie belongeth to him, but so that the Feudatarie do swear feoltie, and perform homage, et plenum vassallagium and full vassalage for the same, besides the pension of 200 markes of siluer, and finding of 100 furnished herse with men for warre. And Iames King of Arragon tooke this oath of homage, and after him Ferdinand, and others. Of the Kingdome of France, that it is held of the Pope, Boniface the eight boasteth, who writ (o) to Philip the French King, Necessesse esse pontificem vti dominum regni sui venerari ac colere, that he must of necessitie acknowledge and worship the Pope as his Lord. And Marta saith, (p) Recognoscitur a Romana Ecclesia, the Kingdome of France is held of the Church of Rome. And at the time of the annointing their Kings, the Archbishop of Rhemes saith, that he gads the Kingdome, by the authoritie which Pope Hormisdas gaue to Remigius: And then he qads diuerse reasons, That the Pope hath supremam potentiam, et iurisdic-

l Ibid. nu. 9.

m Ibid. nu. 31

o 34.

n Ibid. nu. 35.

o Verba Bonif.
citantur a Sten.
li. cit. pa. 19.p Mart. lib. cit.
ca. 28. nu. 1.q Ibid. nu. 11
o 12.

iurisdictionem in regno Francia, the supream power and iurisdiction in the Kingdome of France. And Steuchus speaking both of France and Spaine, saith, (r) *They honour, yea adore the Romane Church as a Queene, pensionibus persolutis*, paying their pensions and tribute vnto her: and the pension in France was the annuall payment of a penie for euerie house therein, as Pope (f) Gregory the seventh declares, who expresly demaunded the same. Of the Kingdome of England, they are vainely confident, that it was semper (t) *beneficarium & tributarium Romano pontifici*, euer held in fee of the Pope, and payd tribute vnto him. King Ina (u) payd yeerely for it a penie for euerie house King Offa confirmed the same Anno 740. The like did Adelphus Anno 847. And the Pope had alwaies in England his gatherers of this tribute, of whom the last was Polydore Virgill. Of Henry the second, they bragge (x) that he acknowledged the Pope to be his temporall Lord, himsele to be the Popes feudatarie, and his Kingdome the Popes patrimonie. And of King Iohn they neuer cease to boast, that he resigned (y) the Kingdomes of England and Ireland to the Pope, and tooke (z) them in fee of him againe for the annuall pension of 1000 markes, as appeares by his Charter sealed with Gould. Thus said Pope (a) Innocent the third, and the bull or authenticall Charter hereof, is yet, as they boast (b), extant in

cat. et in signū subiectionis fidelitatis et homagii prestare debent. nec non in annos singulos 1000 marcas eidē numerare. Bell. et Becan. loc. cit. a Regnū suū Angl. et Hibern Rom. eccl. cōcessit, recipiens illud a nobis in feudū sub annuo censu 1000 marcarū. Innoc. 2. in epist. ad omnes fideles; qua extat apud Math. Paris. pa. 386. regnū Angl. est suū propriū & c. dixit Innoc. ibid. pa. 381. b Cuius bulla authentica est in Vaticano. Mart. ca. 26. nu. 41

c Directū do-
miniū habet

Eccl. in regnum
Angl. et Hiber-
nia. Bell. loc. cit.

d Se summo
pontifici vasa-
los constituerūt
et tributarios
Mart. loc. cit.

e Innoc. 3 ver-
ba apud Math.
Paris. in Iob. p.
379 & 381.

f Alexandri
verba citamur
a Bar. an 1062
nu 109.

g Steuch. li. cit.
pa. 191.

h Sub nomine
census missis
Eccl. Greg. 7.
li. 2. Epist. 7.

i Steuch. li. cit.
pa. 194.

k Mart. ca. 26.
nu. 49. 50.

l Mart. ca. 26.
nu. 3. vbi 27.
regna esse de-
scripta in regi-
stro curia Ro-
mane air.

the Vaticane. That by this meanes, the Pope hath direct (c) dominion in those Kingdomes, and that both King Iohn and his successors are made (d) feudataries and vassals to the Pope, as the Pope himselfe in a boasting maner, said e, *vassallus noster est rex Anglia*, the King of England is our vassall. Of the Kingdome of Denmarke, as being tributarie to the Romane Church, Pope Alexander (f) the second, warned Suenus their King to pay the accustomed rents or tribute for that Kingdome. The Kingdomes of Croatia and Dalmatia, saith Steuchus (g) are the Popes, and the King is to pay yeerely 200 Byzantines as a trybute for the same, and to sweare feoltie to the Pope. That the Kingdome of Bohemia, is tributarie to the Pope, Gregory the seuenth boasteth, who saith, (h) *It payd vnto him a trybute of a 100 markes of siluer. The Kingdomes of Suetia and Norway*, saith Steuchus (i), pay trybute to the Church of Rome, and euerie house in Suetia paies yeerely a penie to the Pope. The King of Hungaria, saith Marta (k), declares that he takes and holds his Crowne of the Pope, and Annd 1280. he entred an obligation, to pay yeerely 100 markes of siluer, as a tribute for the same. Now all these, besides some other Kingdomes, to the number of twentie and seuen, Marta l particularly recites, and tels vs, that they are recorded in the Registrie of the Romane Court or Exchequer, as Kingdomes feudatarie and tributarie to the Pope. Thus are all Emperours, Kings, and Princes, made to hold their Crownes, Kingdomes, and possessions, of the Pope, as from the supream, direct, temporall Monarche of them

them all. To him they must be subiects, feudataries, homagers, and very vassals. The Popes, saith Steuchus, (m) *tanquam eorum domini*, as their Lords, doe command kings throughout the world as their subiects. The Emperour, saith Carerius, (n) is the Popes Minister, or Seruant: and Marta (o) addes, That it is the forme of the Emperors Coronation, that he doth sweare *se seruiturum papæ*, that he will serue the Pope; yea both their doing of homage vnto him, and receiuing vnction from him, doth witness this; seeing as Marta (p) saith, *Homage is maximum subiectionis signum*, the greatest token of subiection and seruice; And againe, (q) *Reges qui unguntur ab Ecclesia, sunt vassalli ipsius*, those kings which are annoynted by the Church are made her vassals; that is in effect, the Pope annoynts no kings, but he thereby sets a marke vpon them that they are his vassals.

Now seeing they are become the Popes seruants, and tenants, it is worthy remembring, first, in *what tenure* they hold their Kingdomes, and possessions from him. Secondly, *what seruice* they are to performe to this their Lord. And lastly, *what account* this land-Lord makes of his tenants, and seruants. Their *tenure* is of all most base; for howsoeuer in words, the Pope giues them fee-simple, or fee-tayle, or any kind of free-hold, they are in verie trueth no other, but meere *Tenants at will*, to the Pope, so that he at his pleasure may take their Crownes, Kingdomes, and possessions from them, and giue the same to whomsoeuer hee will. The Church, saith Steuchus, (r) *suffers Kings*

m *Eis uti subiectis imperabant.* Steuch. li. cit. pa. 182.
n Carer. li. 2 c. 18. nu. 2.
o Mart. li. cit. ca. 18. nu. 19.

p *Idē c. 27 n. 3*

q *Idem ca. 18. nu. 11. in Summar.*

r Steuch. lib. cit. pa. 189.

to raigne, *modò dominam reginamq;* agnoscant, so that they acknowledge the Pope to be their land-Lord. If they once refuse this, they forfeit all their estates, As by the examples (f) of Henry the fourth, Otho the fourth, Friderike the second, and diuerse others is euident. The Pope, saith Marta t, is Lord of the Empire (and so of other kingdomes) *quia transfert illud ad libitum*, because he transfers it at his owne pleasure and giues it vnto whom he will, as we haue proued. Popes haue giuen, saith Carerius (u), and Thomas Bozius (x), great Empires and Kingdomes, to those who had formerly no right at all vnto them, taking them away from those to whom by right they did belong, though they demerited nothing, but were wise, industrius, pious, and Catholike kings, such as had done nothing, or giuen no cause at all, why they should haue beene depriued; whereof there are diuerse illustrious examples. Placuit Gregorio,* It pleased Gregory the tenth to take the Eastern Empire from Baldwine the second, who was the rightfull Lord thereof, and giue it to Michael Paleologus, who had no right at all to the same. When Richard (y) Duke of Cornewall, and Alphonfus King of Castile, were chosen to the Empire, though the Empire in right belonged to the one of those two, yet placuit Gregorio, it was the Popes pleasure to admit neither of them both; and so Rodulph of the House of Austria was then created Emperour, Alphonfus in vaine gainsaying the same. And by what (z) other authoritie or power did Alexander the sixth giue to Ferdinand king of Arragon, and to his heires and successors, the Islands of the new found world?

f De quibus agitur Carer. lib. 2. ca. 19. per totū.
t Mart. par. 1. ca. 29. nu. 12. et c. 25. nu. 26. et 22

u Car. li. 2. c. 19. nu. 26.

x T. Bozius lib. 3. de iure stat. c. 4. sect. 1. et c.

* Carer. et Tho. Boz. locis citatis

y Carer. et Tho. Boz. loc. cit.

z Idem Car. c. 21. nu. 14. et T. Boz. loc. cit. sect. Neque id.

world: (that is, the West Indies.) Truly by none at all, but for this, that Christ gaue vnto the Pope his Vicar iura vtriusque Imperii, the rights both of the celestiaall and terrestriall Empire, and so he might at his own will dispose them to whom he pleased. To these Scioppius ads one more, Spaine, saith he *, doth hold the kingdome of Nauar at this day, nullo alio titulo, nisi quia pontifici sic visum fuerat, by no other title but because, it is the Popes pleasure that he shall haue it.

As their tenure, so their seruice which they must performe to this their Landlord, is most base, most vnsubstantiable to Imperiaall Maiestie; Nor doe I meane that seruice which Marta saith, (a) That the Emperors swears se seruiturū Papæ pro subdiacono, that the will serue the Pope, for a subdeacon, that is, serue him when he saith Masse with the Challice, and other things; in regard of which seruice Durandus saith (b) That the Emperor being made a Canon of the Romane Church, debet ordinem subdiaconatus habere, must enter into the order of Subdeacon; though this be by others (c) denyed. But the seruice which I meane, is, that the Emperor like a groomme of the stable must hold (d) the Popes stirrop, and leade his horse; So Pipine (e) did to Pope Stephen, Fredericke to Pope Hadrian 3. If more (f) Kings be present; then the more worthy King must lead the Popes horse on the right side, and the other on the left. If his Holynes be not pleased to ride, then foure (g) of the greatest kings (euen the Emperour for one, if he be there) must beare the Popes chaire, and the Pope sitting therein, on their shoul-

* Gas. Sciop.
in Eccles. ca.
141. p. 512.
a Mart. lib. cit.
cap. 18. nu. 19.
b Durand. Ra-
tional. lib. 2.
c. 8. nu. 6.
c Gloss. in Cap.
Valentinianus
Dist. 63 & Boet.
Epo. tract. de
Regn. vel Jure
princ. nu. 48.
c. 51.
d Stapham equi
papalis tenere
debet. Impera-
tor ei deinde
ducere equum
per frangum.
Mart. lib. cit.
ca. 18. nu. 19.
ei sac. Cerem.
lib. 1. sect 5.
p. 61.
e Pipinus vice
stratoris iuxta
papa sellam
properauit.
Fredericus
Hadriano 3.
offitium stra-
toris exhibuit
Stech. lib. cit.
pa. 135.
f Lib. 1. sac.
cer. sect. 2. p. 8
g Ibid.

a Ibid. p. 43.

b Ibid. p. 45.

c Ibid. tit. 2.

pa. 28. & 29.

d Henricus,

foris depositio

cultu regio, nu-

dis pedibus, ie-

unus a mane

vsque ad ve-

sperum persta-

battriduo. Lamb

scasia ab pa.

249.

e Carnem suam

nudam disci-

plina virga

rum supponens

a singulis viris

religiosis quo-

rum multitu-

do magna con-

uenerat istus

ternos vel qua-

ternos excepit.

Matth. Paris.

in Hen. 2. pa.

174.

f Papa Impera-

toris collum

pede compri-

mens ait, Scrip-

tum est super

aspidem &

basiliscum am-

bulabis. Naut.

ad an. 1177.

g Becanus

Controv. Ang.

q. 3 m. 14.

15. & 16.

h Per Canes

intelliguntur

parum reges &

Imperatores.

Ibid. m. 15.

ders. At his feast, the Emperour (a) or greatest king must bring water to wash the Popes hands, they must carry (b) the first dish of meat and set it on his table. At his coronation (c) two Cardinall Deacons, must hold the two sides of his Pluuiale (or loose vpper garment) and the Emperour, or in his absence, two of the chieftest kings, must hold up the taile thereof. If they happen to offend the Pope, they must dance attendance bare-footed at the Popes gates, as did Henry (d) the 4. the Emperor, and that for diuers dayes, and in a colde season; or they must be whipped on their naked body with rodde (e) as was Henry 2. of Engl: or suffer the Pope to trample on their neckes as Alexander 3. did (f) on the necke of Fredericke Barbarossa; not without blasphemy also abusing that Scripture for iustifying his proud insulting ouer the Emperor, Thou shalt tread upon the Adder and the Basiliske.

And yet that which in the third place I proposed, to wit, the account which they make of kings, and all secular persons, farre surmounteth all these indignities, and to men of heroicall spirits, cannot chuse but be more grieuous and insupportable then all the rest. Omitting all their other opprobrious & reuiling speeches (which are innumerable) heare but the words of two of their late reuilers rather then writers. The former is Becanus, who calling (g) the Pope a Shepherd, and Kings and Emperors dogges (h) or Currers of this Shepherd, and sporting himself with these titles, saith, Igitur hi Canes, therefore if these Dogges be watchfull and trusty, they must be ready at the Shepherds hand; but if

if they be lazy, mad or troublesome, the Shepheard must presently remoue them, and put them from their office. This doth reason teach, this doth the Councell of Lateran decree. Againe, Christian kings are sheepe, are rammes, are wolues, and are dogges. Whence it is that the Pope carrieth himselfe in a diuers manner towards them. As they are sheepe, if they be scabby, he may put them out of the fold: as they are rammes, if they be troublesome, and push with their hornes, he may shut them up: As they are Wolues, he may driue them away; Quatenus Canes, as they are dogs, hee may put them from their office, if they be defectiue therein: and some of these, he doth by excommunication, some by depositio. So Becanus.

The other is Gaspar Scioppius, whose words are so contumelious, euen in the highest degree, that one may iustly wonder that any of their Catholikes, but especially their Catholike Kings, can patiently digest them. The Churchsaith he (a), is mandra iumentorum, siue asinorum, a great fold of beasts or Asses; some are packe Asses (b), some dosse Asses, and others burden Asses. And then telling, cuiusmodi (c) Asini sumus nos Catholici, what manner of Asses, himselfe, and other Catholikes are; We, saith he (d), must be beasts which haue understanding and reason to obey Bishops with all humility and patience; for they (e) are the Men, they the Muliters, and Asse-driuers, they must yoake, bridle, and saddle vs, put halters about our necks, load and driue vs; for others (f), they are like to beasts, but tame and obedient beasts, such as must doe what they are com-
D manded:

a Ecclesia est
Mandra, siue
Grex. aut mul-
tudo iumen-
torum, siue A-
sinorum, cli-
tellariorum,
aut Sagmario-
rum Gasp.
Sciop. in pref.
ad Imper. in
summa Cap.
147.

b Cum nos
Christiani si-
mus dei iumen-
ta siue pecora
subiugata, e-
qui, muli, siue
Asini Clitella-
rii, dossuarii,
sarcinarij, Idem
in Eccles. c. 147
p. 534.

c Ibid. in Marg.
d Ibid.

e Illi enim sunt
Homines, siue
Agasones, Mu-
liones, Iugarij:
illi nos frangat,
illi loro alli-
gant, nos a-
gant, nos sti-
mulant, nobis
iugum impo-
nunt ibid. pag.

534.
f Ibid. p. 535.

a Bonus & intelligens Asinus audit consilia et praecepta sui Mulionis. *ibid.* p. 536.
 b *Ibid.* in Marg.
 c Tum ceteros Asinos, qui sonitum tintinnabuli de collo vestro pendentis audiunt, viam ingredi faciatis. *Ibid.*
 d *Ibid.* p. 536.
 537.

manded: for a good (a) and understanding Assc, is hee, that heareth and followeth the direction and command of the Muliter. Further yet hee addes concerning Kings, that Reges (b) *Catholici sunt Asini cum tintinnabulis*; Catholicke Kings are Asses with belles about their neckes, as being the foreasses, which leade (c) the way to other inferiour Asses. And particularly for Charles the great, whom he much commends, he saith (d), that Charles was a farre greater and wiser Assc, then those Kings who cast off the Popes yoake; for Charles being tantus *Asinus*, so great an Assc, cryed (or rather brayed) out with a loud voyce, *uniuersæ Asinorum mandra*, to the whole folde of Asses, that is, to the whole Church, in this manner; For the memory of Saint Peter, let vs honour the Romane Church, and though the yoake which the Pope imposeth be such as we can scarcely beare, yet let vs with deuotion endure the same. Ex quibus verbis, saith Scioppius, *verum Issachar agnoscas, de quo Genes. chap. 49. Issachar asinus fortis*. By these words of Charles, you may see that he was a verie right Issachar, of whom it is said, Issachar is a strong asse. Is not this now think you, a fine peece of Catholike Diuinitie, to account and call the whole Catholike Church a fould of asses, all Catholike Kings asses with bels, all other lay persons, asses without bels; none but Bishops to be Men and Muliters, and the Pope the chiefe Muliter and driuer of all the Asses. So shall the man be honoured, whom the Pope will honour. The more zealous and deuout one is in obeying him, and embracing his doctrine,

ctrine, the greater Asses they account and call him. Thus haue they not onely stript Emperours and Kings of their Royalties and Imperiall rights, but of their goods, lands, and possessions, yea of their honours also; and in the end, for suffering all these indignities at the Popes hand, they account them to be verie Asses.

Now though by this, they doe euidently demonstrate the Donation of *Constantine*, of which we haue hitherto entreated, to be of no force at all, seeing neither he, nor *Pipin*, nor *Charles*, nor any other could giue ought to the Pope; and therefore all the claime which they pretend, to any kingdomes, territories, or possessions, by such Donations are but a meere mockage of the World; yet because they doe hereby challenge an higher, a better, and far more ample title, to all that is supposed by those Emperours to haue been giuen, euen such, that instead of praying their munificence, for that which they gaue, imputes open iniustice, tyrannie, and sacriledge to them, for that they gaue not all; let me entreat a litle of this point also, and cleere the honour not only of *Constantine*, but of all other Kings and Princes, (for this concernes them all) whom by this doctrine they make meere intruders and vsurpers of whatsoever they doe not as tenants at will, hold of the Pope. A large argument I confesse, and which would require whole volumes, but purposing *summa sequi fastigia rerum*, I will only speake at this time of these three points. First, whether *Christ as Mediator and Redeemer of mankind*, had

such a soueraigne and direct temporall Monarchy, as for his vicares they now claime from him; which is indeed the first and the maine foundation of their papall Monarchy. Secondly, Whether Christ left and committed any such temporall Monarchy to Peter, which is their second foundation. Thirdly, Whether this Monarchicall Empire now claymed for the Pope, be not condemned by the iudgement of holy and learned men in all ages and successions of the Church.

C H A P. II.

That Christ had no such Temporall Monarchy, as is now claymed for the Pope.



a Psal. 24:1.

Or the first, whether Christ was such a Temporall King or no, we must consider, that there is a threefold Kingdome of Christ mentioned & taught in the holy Scripture. The first is *his kingdome of Power or Excellencie*, whereby he being God, is the supream Lord of all things; for *The earth (a) is the Lords and all that is therein.* Concerning which Kingdome, foure things are cleare and certaine. First, this Kingdome belongs to Christ neither by vertue of his death, nor of his resurrection, but by reason of the inseparable union of the manhood to the Godhead in Christ, by which he being that one person, which is both God and man, from the verie first instant of his conception that

that man being verie God, hath the same power and Kingdome with God. And as himselfe saith (b) *I and my Father are one*, so is this Kingdome of b *Iohn 10.30* God and Christs, both one. Of this Kingdome of Christ, are those words to be vnderstood, All (c) c *Math. 28.18* power is giuen to me, both in heauen, and in earth: And that, He (d) d *Heb. 1.2.* hath made him heire of all things; And that, The Father (e) e *Ioh. 13.3.* hath giuen all things into his hands; And againe, *Omnia (f) tua mea sunt*, all f *Ioh. 17.10.* that is thine, belongs also to me, and is mine.

Secondly, this Kingdome of Christ, is *Incommunicable vnto any meere creature whatsoever*, for it is grounded on the *Infinite of Gods power*, who as by his infinite power, he made all things of nothing, so by the same infinite power, he ruleth, ordereth, and disposeth of all things. And because no creature is capable of that *Infinite of power*, neither is any, capable of that vniuersall Kingdome of Excellencie, which ariseth from the *Infinite of diuine power*. And as *Infinite of nature* cannot be transferred vnto any creature, so neither can *Infinite of power* be giuen or transferred vnto it, but this is, and resides onely in that *Infinite Essence of God*, nor can it agree to any, but to that person, which is truly God.

Thirdly, this *supereminent and vniuersall Kingdome of Christ*, doth neither abolish, nor hinder, but establish and ratifie all other particular and secular kingdomes. For as it was said, (g) before Christs g *Daniel 2.37* incarnation, to Nebuchadnezer; *The God of heauen hath giuen thee a kingdome*, so Christ also after his incarnation, both approues and confirms the

^b Mat. 22. 21. kingdome of Cesar, saying, (*h*) Give unto Cesar, the things that are Cessars.

Fourthly, this kingdome of Christ is not temporall or secular, but farre more eminent then any, yea then all secular kingdomes in the whole world. Temporall kingdomes are temporall, and mutable; this eternall, and immutable: they administred by temporall persons, by temporall meanes, by temporall counsels: by temporall lawes, by temporall weapons, by temporall punishments: This kingdome is administred by the onely eternall God, by his eternall, omnipotent, and immutable will, wisdom, counsell, and providence; either with meanes, or without meanes, or contrarie to meanes, as it seemeth best to him; administred also, so vnresistably, that nothing can resist the power of this kingdome, for nothing can come to passe without the providence and will of God, either (*i*) powerfully doing it himselfe, or willingly permitting it to be done.

ⁱ Non sit aliquid, nisi Omnipotens fieri velit, vel sinendo ut fiat, vel ipse faciendo. Aug. Enchyr. ca. 95. Nec virique nolens finit, sed volens. Ibid. ca. 100.

^k Psal. 2. 6.

^l Zach. 9. 9.

^m Ier. 23. 5.

The second kingdome of Christ is of Grace; and the third is of Glory: Or if any like to call them both but one kingdome, it is not amisse; that kingdome of Glory being inchoate by Grace in this life, which shall be perfected both in grace and glory in the life to come. Of the former, Wherby Christ rules by faith and grace in the hearts of all his elect, euer since the world beganne, is that ment, Psal. 2. (*k*) I am appointed a king upon his holy mountaine Sion; And that of Zachary, (*l*) Beholde the king commeth, and that in Ieremy, (*m*) I will raise up to David, a righteous Branch, and he shall be a king;

a king; And that in Ezechiel (n) I will make them ^{n Ezec. 37. 22} one people, and one king shall rule ouer them; And that of our Sauour, (o) Seeke ye first the kingdome ^{o Matt. 6. 33.} of God and the righteousnes thereof; The (p) kingdome of God is come vnto you, and is in (q) you: ^{p Luk. 11. 20. q Luc. 17. 21.} which is compared to seede (r) sowne in good ^{r Mat. 13. 24.} ground, to a graine (s) of mustard seed, to leauen (t), ^{s Ibid. v. 31. t Ibid. v. 33.} and a number such like in the Gospel.

Of the other which is his kingdome of Glory, are clearly to be vnderstood those texts of Scripture, Lord (u) remember me when thou comest into ^{u Luk. 23. 42.} thy Kingdome. It is (x) your Fathers will, to giue ^{x Luk. 12. 32.} you the Kingdome. They (y) shall sit with Abraham, ^{y Luc. 13. 29.} Isaac and Iacob in the Kingdome of God. The vnrighteous (z) shall not inherite the kingdome of God. ^{z 1 Cor. 6. 9.} By (a) this meanes an entrance shall be ministred vnto you, into the euerlasting kingdome of our Lord and Sauour Iesus Christ. In all which, and many the like, is meant that glorious kingdome of Christ, whereby himselfe now, and euer since his ascension, is in perfect and endlesse felicitie, both of body and soule, subiect to no infirmitie of body, or griefe of minde, as before he was; of which most blessed kingdome, all the children of God are euen now fellow-heires (b) with Christ, and shall in ^{b Rom. 8. 17.} their due time, be made (c) actuall partakers and ^{c 2 Tim. 4. 8.} possessors of that heauenly inheritance.

Of both these Kingdomes there may two things be obserued. The former, that they are in a speciall manner called the kingdomes of Christ. For though they be the kingdomes also of the ^{* Gal. 5. 22.} Father, and the blessed Spirit, because Faith (*) and ^{& 1 Cor. 12. 11.} Grace

Grace are wrought in the hearts of Gods children by his *Spirit*: and, God giueth both *grace* (d) and *glory*; yet because the holy *Spirit* worketh that grace, and the *Father* giueth this Kingdome, for the *mediation and merit* (e) of *Christ*, therefore are they by a certaine prerogative, saide to bee *Christs*, for that he purchased and merited by the infinite and inestimable price of his blood, and bloody death, (which was sufficient to haue ransomed and freed all,) that both *Grace* and *Glory* should be giuen to whomsoever himselfe would; and that is to *All* and *Onely* to the beleeuers in him, to *All* and *Onely* the elect (f) in *Christ*.

d Psal. 84. 11.
e 1. Pet. 1. 18.
19.
f Eph. 1. 4.

The other is, that *neither of these kingdomes is, or can, with any colour of reason, be accounted a temporall or terrene kingdome*. Both of them in their nature spirituall: The former is wrought by Gods *Diuine Spirit*, and in the *Spirits* of the Elect, and that by a *spirituall* manner of working; The latter is for place, not terrene but *celestiall*; for time, not temporall, but *eternall*; and for condition, not subiect to any disturbance or change, as temporall kingdomes are; but setled in an *vnchangeable state* of most happy tranquillity.

Now seeing in the holy Scripture there is neither set downe nor mentioned any other kingdom of *Christ*, but one of these three, which wee haue now described; and seeing it is cleare and certaine, that none of these three is a temporall Kingdome, but the first, onely *diuine*, the second onely *spirituall*, the third onely *celestiall*; it remaines cleere and euident, that *Christ Iesus* neither euer was a
temporall

temporall King, such as are the secular Princes and Monarches here vpon earth; *neither euer, either had such a Kingdome, or executed and performed the Offices of such a King.* And it were easie to demonstrate (if it were worth the labour) that those Romanists who pretend Christ to haue had a temporall Kingdome, doe either ignorantly, (*as Franc. Bozius*) or Atheistically (*as that Scurra Scioppus,*) or impiously, (*as the rest*) peruert the holy Scriptures to their owne vaine and phantasticall conceits.

Let vs heare our Sauour himselfe witnessing this truth. When Pilate demanded of him, if hee were a King, he answered (*f*), *My Kingdome is* ^{f Ioh. 18. 36.} *not of this world.* He professeth himselfe to be indeed a King, and to haue a *kingdome*; a Kingdome of *Excellency and power*, as he is God; a Kingdome both of *Grace and Glory*, as he is the mediator between God and Man: but for any *temporal and terrene Kingdome*, such as Pilate meant, he vtterly denies that he was such a *king*, or had such a *kingdom*. And he giues a plaine reason thereof, for otherwise, *my seruants would surely fight*: As if hee had said; Had God sent me to be a temporall King, I would haue come with temporall pompe, with a temporall guard, and temporall weapons to defend my right, & reuenge my wrongs; & then neither my self nor my seruants wold put vp all these indignities: but because my *kingdom* is not *terrene*, because I come to serue others & not to be serued with such *Princely seruice*, by this my carriage O Pilate, thou maist know, that my Kingdome is not

E of

of this world, not a *temporall or terrene kingdome*.

g Ioh. 6. 15.

His facts declare the same, when the *Iewes* (g) had taken him to make him a *temporall king*, hee fled away, refusing such a *Kingdome*, euen when it was offered vnto him. When they came, desiring (h)

h Luc. 12. 13.

him to diuide the inheritance betweene two brethren, he refused to doe it, saying, *Man who made mee a Iudge betweene you?* As if he had said, the ordering of such temporall affaires, belongs to temporall Kings and their subordinate Iudges or Officers, God hath giuen that authority to them; Seeing I neither by Gods appointment, nor by delegation from *Cesar*, haue that temporall authority, it belongs not to me to intermeddle with those temporall iudgements. When the Publicanes came and demaunded, (i) *An non soluit, Doth not your Master pay* (that is, vnto pay) *tribute to Cesar?* Peter answered, yes, he vseth so to doe: by that his vsing to pay tribute acknowledging himselfe, a subiect to *Cesar*: euen as at the time of his birth, his name was, as one of the subiects of *Cesar*, and Citizens of Rome, recorded (k) in their censuall bookes. And though Christ, as himself teacheth (l), being the Son of God, to whom all Kingdomes doe belong, might by beeing the naturall Sonne of God, haue pleaded a freedom and immunity from paying tribute in any kingdom, yet seeing withal he was the Son of *Dauid*, he willingly payed tribute to *Cesar*, as being in respect of his manhood and humane birth, a subiect of the Empire and of *Cesar*: Yea, *Card. Caietane* (m), and after him *Luc. Burgensis* (n) doe teach that Christ payed tribute not

i Math. 17. 24.

k Sub *Cesare nobiscum describi voluit. Cyril. lib. 6. cont. Iulian. p. 55. Romano censu statim ascriptus, ut natus est. Orosius. lib. 6. ca. 22. dicendus utique ciuis Romanus, census professione Romani. ibid. l Math. 17. 26. m Caiet. Com. in 17. Math. n Luc. Burg. in eund. loc.*

not

not onely *de facto*, but *de debito*. For seeing, say they, Christ said not, *ne scandalizentur*, but, *ne scandalizemus*, lest we giue an offence vnto them; if Christ (who had taken vpon him that state of humility, & who was not yet known to the world to be God) had denyed tribute vnto Cesar, *Actiui scandalizationem habuisset*, he had giuen offence vnto them, causing them to thinke that he had condemned the Law of God. To which purpose Ierome faith (o), Christ as being the Kings sonne, was not bound to pay tribute; but in that he took vpon him the humilitie of our nature, *debit adimplere omnē iustitiam*, he was bound to fulfill all iustice; one part of which, was subiection and paying tribute to Cesar. So Christ both by his words, and actions, witnessed his kingdome not to haue beene temporall, while he was here vpon earth, neither did he challenge, or euer vse the authority of a temporall king, or hinder, much lesse abolish and take away, as Scioppius (p) faith he did, those kingdomes; but establishing that authority which God had giuen to them, for all such temporall matters, hee carried himselfe as a subiect to temporall Kings, submitting himselfe to death, even to a most shamefull death, vpon the iudgement of Pilate, the Emperors deputy in Iurie, whom he acknowledged (q) to haue had power ouer him from God, to iudge him.

To these may be adioined, the consenting testimonies of S^t. Austen (r) S^t. Cyrill (s), S^t. Ambrose (t), S^t. Ierome (u), S^t. Chrysostome (x),

ducū esse demonstrat. & non humanū, sed longe maius ac praestantius imperiū Chryl. hom.
82. in Ioh.

o Hier. com. in 17. Math. p. Regnum Christi tollit omnia alia Regna. Gas. Sciop. Eccles. c. 46. p. 151 q. Romani praesentis potestatem Christus super se fatetur fuisse calius ordinata. n. Bern. epist. 42. in fine. r. Audite regna omnia, non impedio dominationem v. strā. Aug. tract. 115 in Ioh. [Principatus Christi mundanus non est. Cyril. lib. 12. in Ioh. ca. 10. t. Quod regnauit Christus non est contra Prophetiam (Ier. 22. 30.) non enim saculari honore regnauit. Amb. l. 2. in Luc. p. 44. u. Regnum Christi non erit terrenum et breue, sed caeleste & perpetuum Hier. in c. 22. Ier. v. 30 x. Regnum suum neque humanū neque ca-

t Christus posi-
 tus est rex non
 super illum ter-
 rena ciuitatis
 montem, sed e-
 ius quæ est in
 cælis, Hilar. in
 Psal. pa. 353
 u Carnaliter
 non est imple-
 tum in saluato-
 re, & Epiph
 har 29.
 x Egesip. apud.
 Euseb. l. 3. c. 17
 y Sedes David
 per diuinum
 saluatoris no-
 stri regnum,
 erectum est.
 Euseb. lib. 7.
 de Demonst.
 Euang.
 z Regnabit in
 æternum, non
 dixit in acqui-
 sitione gloria,
 Ga. 4. unque
 terrenarum, &c.
 Be. l. in c. 1. Luc.
 a Dabit ei deus
 sedem David,
 non tempora-
 lem sed æternā,
 non terrenā sed
 cælestem Bern.
 homil. 4. super,
 Missus est Lu. 1
 b B. l. l. 5. de
 Pont. Rom. ca. 4
 sect. Super est
 c Ibid. § Quod
 denique.
 d Ibid. § Re-
 spondent.
 e Ibid. sect. c
 firmatur,

St. Hillarie (t), St. Epiphanius (u), of Egesippus (x),
 Eusebius (y), Bede (z), Bernard (a), and many o-
 thers, who not onely deny Christs kingdome to
 haue been terrene and temporall, but explaining
 how that prophesie in Ieremie, *That none of Ieconias posteritie*, (of which they thought Christ to be)
 should sit upon the throne, or be a King, how this I
 say is not repugnant to that saying of the Angell,
 Gabriel, Luke 1. 32. *God shall giue vnto him the*
throne of his father Dauid; they answer that these
 two are not contrary; seeing Ieremy speakes of a
 temporall kingdome, and such Christ had not: and
 Gabriell of a spirituall and eternall kingdome, and
 such Christ indeed had. But omitting all the rest,
 I will adde three or foure testimonies of their
 owne learned writers testifying this.

The first is Card. Bellarm. who thus writes (b),
Christ as he was man, while he liued upon earth, nei-
ther had, nor would accept any temporall dominion,
neither (c) did hee euer exercise any such temporall
power; and therefore it had beene in vaine for him to
haue had it, seeing that power is in vaine which is ne-
uer brought into act. And whereas some pretend,
 that when Christ whipped the buyers and sellers
 out of the temple, he did therein vse his kingly, tem-
 poral, and secular power; the Card. rightly shewes
 (d) *that Christ did that, not by any secular or kingly*
power, but as a Prophet, and by propheticall authority,
such as Phinies vsed when he killed Zimbri, & Cos-
bi: and Elias when he killed the Priests of Baal. The
 same Card. ads, *That (e) such a temporall kingdome*
& secular power, was neither necessary nor expedient
for Christ, but altogether superfluous & vnprofitable
 for

for him. Azaine, That Christ, saith he (f), had an ^{f Recognit. lib. 5. de Rom. Pont. c. 4. p. 33.} vniversall kingdome of power, as hee was God, a spirituall kingdome of grace, and a third which is an eternall kingdome of glorie, I do reade; but that he had a fourth kingdome which is properly temporall, such as other Kings here vpon earth haue, I find not either in the Scriptures, or in the Fathers: Nay, I esteeme such a kingdome to be contrarie to the pueritie of Christ, mentioned in the Scriptures, and to sa-
 uor of the error of the Iewes, & Heretikes. Again (g) ^{g Lib. eod. Reg. cog. p. 35} I haue read the books of the Fathers, with what dili-
 gence I could, and I haue often read them to denie Christ to haue had a temporall or terrene kingdome, but I haue no where read them to affirme that he had such a kingdome, Thus Bellarmine.

The next is Cornelius Iansenius, one of their learnedest and best expositors of the Gospell. The kingdome of Christ (saith he h) is called the ^{h Cor. Ians. Concord. Euang. c. 3. sect. Dabit.} throne or kingdome of David, not for that it is tem-
 porall, sensible, or terrene, but because it was figured by the kingdome of David.

The third is Adam Sasbout, who vpon those words which they * so often wrest, God shall giue * ^{* sededit super solum David & super regnu eius, vt rex sa- cularis, ait Sci- op. in suo eccles. ca. 36. p. 124. i Ad. Sasb. com- ment. in ca. 9. Isai.} vnto him the seate and kingdome of David, thus and verie rightly writeth (i), The Iewes vnderstand this text of a temporall kingdome of the Messias, such as other kings haue here vpon earth, whereas the Scrip-
 tures are most eident, which witnesse that Christs kingdome shall not be such: but Christ is said to sit vpon Dauids throne, because he ruleth for euer in the Church, and in the faithfull people, of which Church the kingdome of David was a type.

The fourth is Thomas Waldensis, who in a

k Tho. Wald.
Post. fidei, to. 1.
l. 2. Art. 3. c. 77

whole Chapter (k) at large and effectually by many Fathers, and reasons, proues that Christs kingdome is not temporall. *Christ* (saith he) tooke away all suspicion from Pilate, when he answered negatiuely touching a temporall kingdome, saying, *My kingdome is not of this world, that is, it is not humane, not temporall, but it is farre greater, and more excellent.* Again, *All with one accord write that secular princes need not feare the kingdome of Christ, seeing it is not of this world.* And then he adds, *finaliter definimus, we determine and conclude finally, that Christ had no right to the kingdome of Israell, who as God had an vniuersall right to all kingdomes in the world.*

l Ex Hymno
Sedulij, quem
tota ecclesia
publice canit
Bell. lib. 5. de
Rom pont. cap. 3

m Loco cit.

n Gas. Sciop. in
Eccl. c. 46. p. 151
in marg.

o Christus le-
gatos constituit
qui suo loco or-
bis hereditatem
adeant. Idem c.
36. p. 125. &
Papa Romanus
est velut Pro-
rex. li. eod. c. 53
p. 179. & Chri-
stus ipse posses-
sione non caput,
sed paulatim
per suos vicari-
os ibid. cap. 36.
p. 125.

To all which may be adioyned that which being taken out of *Sedulius* (l), the whole Romane Church approues and sings as an holy Antheme in their publike lyturgie: *Non eripit mortalia, qui regna dat celestia*, Christ giues an heauenly, he doth not take away earthly kingdomes, that is, as *Bellarmino* (m) rightly teacheth, *No secular king by becoming a Christian looseth his right to his earthly, but he getts a new right to an heauenly kingdome.*

Now to this vniforme consent of the ancient Fathers, and the best of their latter Diuines, if we should oppose that violent and indeed atheisticall wresting of the sacred Scriptures, for intitling Christ to a secular and temporall kingdome, vsed by the Popes Proctors and Parasites, it would much confirme any man in this truth. For who can with patience heare them teach, *Christi (n) regnum tollit omnia alia regna*, Christs kingdom (and that is the Popes (o) in Christs right) takes away all other kingdomes in the world: *For he is pro-*

perly

perly no king that hath any man superior vnto him.
 Or that, Christ hath (p) euacuated and made void all
 principalitie & power, to wit, all besides the Popes.
 Or that, I will (q) ouerthrow, saith the Propket, the
 strength of nations, that is to say, *Delebo imperium*
Romanum, I will abolish the Romane Empire.
 Consider but the ground of this temporall king-
 dome which they giue vnto Christ. That is, be-
 cause Christ (r) by his death hath redeemed and
 bought to himselfe (and by consequent to the Pope
 (s) who is to take possession of all as Christs De-
 putie) all temporall kingdoms in the world. To
 which purpose, hauing wrested those words of
 the Apostle, (t) he hath taken the hand-writing that
 was against vs and fastned it to the Crosse, he adds,
Hic (u) perfficum est, It is cleere by this, that Christ
 by the title of Redemption hath obteyned not onely
 spirituall, but secular power, according as it is said,
 Thou hast put all things vnder his feet, not onely the
 soules, but the goods and estates of all men; all are
 subiected and brought vnto the dominion of
 Christ, & by him giuen to his vice-roy (x) the Pope,
 who in his right must haue the possession (y) of them
 all. And againe, Christ (z) by shedding his blood,
 redeemed or bought all the kingdoms of the world
 of the diuel, to whom Adam by his sinne had sold
 them, And a thousand such like.

Truely, such diuinitie doth besee me none but
 such as Scioppius, who Atheistically peruerbs eue-
 norum lib. eod. ca. 36. pa. 125. t Coloss. 2. 14. u Sciop. li. cit. ca. 36. p. 122. 123. x Papa
 Prorex. ibid. c. 55. p. 179. y Loc. cit. ca. 36. p. 125. z Sui sanguinis effusione, totius mundi
 imperium a diabolo, cui Adam illud per peccatum vendiderat, redemit. Idem lib. eodem c. 41
 p. 137.

rie text of Scripture that he lights vpon. That *Adam*, and in him all mankind, by their voluntarie transgression, forfeited vnto God their right both to the celestiall kingdome, and to all the blessings of this life, which God had promised vnto them; and so made themselues by the iust iudgement of God, seruants both to sinne and satan: That Christ to redeeme mankind out of this miserable seruitude, payd vnto God that inestimable price of his owne bloodie death and passion; that by his most pretious death on the Crosse, he purchased and merited at Gods hands, first, remission of sinnes, and then both grace in this life, and an eternall Kingdome in the life to come for all his elect; These, the Scriptures evidently teach, the Fathers professe, and the whole Church of God euer beleued. But that *Adam* sold either the kingdomes of earth or of heauen to the diuel, or that Christ payd any price to the diuel, to redeeme either the one kingdome or the other at his hands (who was in truth nothing else, but the Iaylour or executioner of Gods wrath,) or that Christ bought at all any temporall kingdome, either of God or the diuel, to bestow it on the Pope, is such diuinitie as is fit to be preached onely to a fold of Asses, and preached onely by him, who professeth himselfe (and we enuy not that so iust a title should be giuen vnto him) to be an Asse, and one of no small vnderstanding in that fold of Asses. Now seeing this, which is the best and fairest ground or title that he could find either for *Christs*, or the *Popes temporall kingdome*, is prophane, blasphemous, and Atheisticall,

Atheisticall, you may well thinke, that the rest of their building which relies on this, must needs be sutable vnto it; that is, not onely *impious* and *blasphemous*, but such as sets open a wide gappe to Atheisme, and most contemptuous prophaning of the holy Scriptures, and the most Sacred mysteries thereof.

CHAP. III.

That Christ gaue no Temporall Monarchy to Peter, nor any of his Apostles, nor any of their Successors.



He second point which I proposed, is, *Whether any such direct, temporall Monarchy of the world, was granted by Christ to S. Peter, and in him to the Pope, as his Successour.* Now this is easily resolued by the former.

For it is certaine, that not Peter, and then not the Pope (admitting him, which is certainly vnttrue, to be Peters *heire ex asse*) could haue this by any right from Christ, vnlesse (a) this had belonged first to Christ himselfe, as he was man and mediator betwixt God and man; For Peter and his Successours, represent (b) Christ vnto vs no otherwise then as he was, *dum hic inter homines viueret*, whilst he liued here vpon earth. Christ himselfe saying, (c) *As my Father sent me, so send I you.* Seeing then we haue proued both by Scriptures,

F Fathers,

a Papanon habet iurisdictionem continuam maiorem quam habuerit Christus cuius est vicarius. Occam. li. 6. part. 1 cap. 2.

b Bell. lib. 5. de Rom Pont. c. 4. scilicet superius.

c Ioh. 20. 21.

Fathers, and by the cleare confession of their best *learned writers*, that Christ had no temporall kingdome, nor was euer a temporall, but alwaies an eternall King of power, of grace, and glorie; it most certainly followeth, that he neither gaue, nor left, or committed to Peter, or any of Peters Successours, any *temporall Kingdome*, or *coactiue power*, but gaue vnto them onely a *power of direction*, whereby they might guide others to *faith* and *sanctitie* in this life, and to euerlasting *glorie* in the life to come.

d *Ipsi dicuntur hoc petisse*
Mar. 10. 35.
sed illam petitionem ipsorum mater Christo proposuit, ideo ipsa dicitur pro eis hoc petisse
Math. 20. 20.

e *Bern. li. 2. de*
Cons. ad. Eug.

Our Sauour teacheth this fully, *Math 20.* and *Luke 22.* When Iames and Iohn dreaming of a temporall kingdome which Christ should haue, desired (d) and made the motion by meanes of their mother, *to sit the one at the right, the other at the left hand in his Kingdome*, That is, to haue temporall authoritie, power, and dignitie, next vnto Christ himselfe; he correcting this their erroneous, ambitious, and vnfitting desire, said to them, and to all his Apostles, and in them to all their Successours, *The Kings of the Gentiles, dominantur eis* haue secular and coactiue dominion ouer them, (that is, ouer the Gentiles and people subiect vnto their authoritie) *and they that are great among them, exercise authoritie ouer them* (compelling them to do what they command:) *vos autem non sic*, But it shall not be so with you; but whosoever will be great among you, let him be your minister and seruant; *euē as the Sonne of man, came not to be ministred vnto, but to minister.* In which words, as S. Bernard (e) rightly obserues, is set downe

downe, *forma Apostolica*, the verie forme of the Apostolicall authoritie giuen vnto them and their successours by Christ, and what from Christ they ought to challenge. And first, our Sauour declares what he would not giue vnto them; to wit, not any *temporall*, *ciuill*, or *coactiue* authoritie, such as the Kings of the Gentiles exercised, and as they desired him to giue vnto them; and then, what he would giue vnto them, to wit, authoritie of *Ecclesiasticall ministration*, and *seruice*, which himselfe exercised.

That they desired *secular*, and *coactiue* authoritie, such as is vsed in temporall kingdomes, and desired Christ to giue this vnto them, is euident by their owne words, *Grant that we may sit (as secular Iudges and Magistrates) the one at thy right, the other at thy left hand* (that is, in high dignitie and place, euen next to thy selfe) *in thy Kingdome*, which they thought (f) should be a temporall Kingdome. Christ not onely checketh their ambition, and denies to grant this vnto them, but giues a manifest reason of his deniall thereof: *The Kings of the Gentiles* (those he names, because at that time there were no other Kings in the world) haue this *temporall* and *coactiue dominion* which you desire of me, and they, partly by themselves, partly by their deputies and subordinate officers, exercise the same. To giue this, belongs to them, and not to me. I haue it not my selfe, and therefore I cannot giue it to you, nor depute you vnto such rule. I came not to rule temporally, but to serue; and that which I, as your

f Regnū Christi huius vite ac seculare fore opinabantur, Chrys. in cap. 20 Math. Hom. 66

Messias, and ruler of my Church, doe giue vnto you, is, to serue as my selfe serue, not to rule in temporall sort, as I doe not so rule. If you would haue this, you must seeke it of the Kings of the Gentiles; they onely at this time, haue this power vnder God, originally in themselues, they only are to depute others to haue it vnder them, and from them. But if Kings should thinke it conuenient to conferre this subordinate secular and co-actiue authoritie vpon them, whether then they should accept it or no, of that our Saviour speakes not one word. He onely denies that *himselfe* will grant that secular power, which they desired *him* to giue vnto them. But seeing our Saviour doth

not prohibit it, and the Church euer since Kings embraced Christianitie, hath allowed it, most religious (g) Kings granting it, most religious Bishops (h) accepting and vsing it, and the whole Catholike Church in all ages euer since, approueing both the giuing thereof by the one, and accepting of it by the other; yea approueing it, by the verie warrant of God himselfe, in the old

g *Constantinus magnus sanxit vt cuius liberu esset in civili causa a pratore aut quouis alio saculari iudice ad Episcopum appellare. Ad- ditque; Omnes itaq; causa qua vel pratorio m-*

re vel civili tractantur, Episcoporum sententijs terminata perpetuo stabilitatis iure firmantur nec licebit ulterius retractare negotium quod episcoporum sententia deciderit. Hoc perpetua lege firmamus. Lex illa tota extat leg. 1. De Episcopali iudicio Cod. Theod.
h *Inter hos Augustinus, qui sic de se ait. Homines quidem causas suas saculares apud nos finire cupientes, sanctos nos appellant. Agamus aliquando negotium salutis nostra & ipsoru non de auro, non de argento, non de fundis & pecoribus, pro quibus rebus quotidie submisso capite salutamur, Aug. Epist. 147. & Non permittor ad quod volo, vacare ante meridiem, post meridiem occupationibus hominum teneor. Epist. 110. & Testor deum, multo mallē per singulos dies aliquid manibus operari, quam tumultuosissimas perplexitates causarum alienarum pati de negotiis secularibus, vel iudicando dirimendis, vel interueniendo praeiudicandis Aug. lib. de oper. monach. ca. 29. Idemq; ab alijs Episcopis factitatum, non est dubiu, cum lex illa Constantini omnibus episcopis idem ius iudicandi causas saculares contulisset.*

Testament

testamēt, where secular power was *in diuers(i) ioy-
ned vnto spirituall*: it is not to be doubted, but that it is consonant both to the will of Christ, and the word of God; of both which there can neither be, nor be wished for, a better or more certaine declaration in this cause, not determined by Christ, then is the vniforme iudgement of the whole Catholike Church and that in all ages.

It is true I confesse that learned men, both on our side, and theirs (k), expound the words of Christ in such such, *as if Christ had denyed not simply dominion, but onely tyrannicall and cruell dominion*: which they collect from the compound verbes vsed by Christ, *κατακυριεύουσι, & καταξυστεύουσιν*, which import (as they suppose) vniust, cruell, and tyrannicall gouerning. That Christ condemnes such cruelty and tyranny in all, and especially in his Apostles, there is no doubt; but that hee meant to forbid it in these words, there is no likelihood at all, nor no circumstance to enforce, that reason, drawne from the compound verbes, fauouring of gramaticall subtilty, but neither of logicall, nor theologicall soliditie. First, though these compound verbes doe signifie sometimes tyrannicall dominion, yet neither doe they so alway, (for *Iosh. 15.v.16. κατακυριεύει αὐτὴς*, signifieth simply preuailing by force without either iniustice or tyranny:) And that in this place, they ought not to be taken in that signification, is euident, by all as I suppose that haue translated the Text in the Bible. In the Syriack, in *Arius Montanus*, in *Isiod. Clarius*, in *Castalio*, in the French, in the Italian, in the Spanish, in

*it is in Mose,
Eli, Samuele,
alysque.*

*k Bel. lib. 5. de
Rom. Pont. ca.
10. sect. Dico
secundo. Cor.
Iansen. in Con-
cord. Euang.
ca. 104. alysque.*

1 Conc. Trident.
sess. 4. sect. In-
super.

in Nam, coru,
legitur pro,
earum.
* Luk. 22. 25.

the English, in S. Ierome, the former word is constantly translated, by *Dominari*, which is to haue dominion and rule, and the latter, by *exercising authority*; not one translating them, *tyrannicè dominari*, or *seuam ac crudelem auctoritatem exercere*: and which against those, with whom we deale, is of most force, their vulgar Latine edition which they hold (1) to be authenticall, and from which they may nullo pre-textu, by no colour depart; This, I say, hath simply *dominantur eorum & potestatem exercent*, rightly deliuering the sence of the words, though with some incongruity (*m*) of Latine, and against Grammar.

Againe our Sauour in S. Luke (*), vseth the simple verbe *uolens*, which out of question, signifieth, *dominantur*. Whereby it is certaine, that the compound verbe in S. Mattheu, doth signifie the same also: or if it doe not, yet his words in Saint Luke simply denie dominion to bee giuen vnto them. *The Kings of the Gentiles uolens* haue dominion, to wit, *ciuill, coactiue, and temporall*, and vse it; *but with you it shall not be so*: not by any grant from me.

Lastly, had our Sauour denyed onely tyrannicall and cruell dominion vnto them, hee had not fitly reprobued them at this time, nor answered their request, made vnto him. For they would easily haue replied, why, we seeke not any cruell nor tyrannicall kinde of dominion; all that we desire, is to be eminent in *secular & coactiue* authority and power, in thy temporall and earthly kingdom. Seeing then it is certaine, that Christ denied

nied to grant that which they desired, and their desire was not of *tyranny*, but of *temporall dominion*, it is not to bee doubted, but our Saviour denyed that he would grant or giue vnto them any secular, ciuill or coactiue authority at all, either milde or tyrannicall.

Now seeing Christ denyed to giue any secular power at all to any of his Apostles, or to their successors, *à fortiori* he must needs deny to giue that which they now claime to the Pope, *Regall, Monarchicall, and supreme dominion, and that ouer all kings in the world*, either to *Peter* or *Iames*, or any of all their successors. Our Saviours words, are farre more emphaticall and forceable against this. *The Kings of the Gentiles haue this dominion*; If I should giue this vnto you, I should contrary to mine own precept, take from Cesar what belongs to Cesar. *The Kings of the Gentiles haue this dominion*; should I giue this vnto you, I should make all of you Kings, and not seruants; now I appoint you to be (as I my selfe am) seruants vnto your brethren, not kings ouer all your brethren, and least of all ouer all the world. *S. Bernard* very rightly applying this text to the Pope, who then carried himselfe like an Emperour, tels him, that *Apostolicall ministration which is inioyned to Peter, and all his successors, is incompatible which Monarchical dominion*, which the Pope then vsurped, and which is now challenged. If, saith he (n), you succeed in the *Apostolicall vocation*, you may not vsurpe (Monarchicall) dominion. *Planè ab alterutro prohiberis*, you are certainly forbid the one of these

n Bern. lib. 2.
de consid. ad
Eugen.

these two. If you will haue them both, you shall lose them both. And to shew plainely that such independant temporall dominion vsed by the Pope, cannot possibly bee claimed from Christ, nor bee *iure diuino*, he addes, *Vt alia quacunque ratione, hac tibi vendices, certè non Apostolico iure*, by what means soeuer you claime such dominion, it is certaine, you cannot haue it by Apostolicall right. And if it be not Apostolicall, then is it certainly either humane (which they scorne,) or (which is the truth indeed) diabolicall. To the same purpose doth their learned Lawyer *Ant. Rosselus* (o) say *Est impossibile quod in eodem subiecto sit totale sacerdotium, & Imperium seculare*. It is impossible, that the same man should bee both a full Bishop and withall a ciuill Emperour or supream Monarch. And in another place, hee vndertakes in an whole Chapter (p) to proue, *Imperium temporarium, non esse in Sacerdotio, nec esse posse*, that a supream temporall Empire, or dominion neither is, nor can be in a Bishop. The reason whereof is, that opposition which Christ hath made betweene them; the one, to be the Lord and ruler of all his brethren, and therefore subiect or seruant to none, but onely to God; the other to be a seruant in performing Ecclesiasticall ministration to all his brethren, but specially to the Emperour; and therefore to be subiect to him, who is by God appointed to be the Lord of all his brethren.

Our Sauour againe teacheth this, by that commandement which he giues both to his Apostles and all others, and which himselfe obserued, *Giue vnto*

o *Ant. Rossel.*
Monarch. part.
l. c. 70. p. 298.

p *Lib. cod. c. 38.*

(q) vnto Cesar that which is Cesars. Now among other things due to Cesar, S. Paul by the direction ^{q Math. 22. 21} of Christs owne Spirit, reckons obedience, saying, Let (r) euery soule to be subiect to the higher powers, ^{r Rom. 13. 1. f} and that not for terror, or feare of punishment, but euen for conscience sake.

That, by the higher powers, the Apostle meant no other, but Cesar and secular Kings, is euident by that very Text, seeing of them the Apostle saith, ^{f Ver. 4.} That they (s) beare the sword, which certainly none then did, but secular Princes; and that tribute (t) is paid vnto them, which was then paid vnto ^{t Ver. 6.} none, but only to Cesar, & secular kings: to whom euen Christ (u) himselte not onely used to pay it, ^{u Math. 17. 24.} but Peter in whose house Christ was at that time, paid the same, it being exacted *domatim*, of euery houlder. S. Austen (x) writes to Macedonius ^{x Aug. epist. 54.} a temporall Gouvernour, that the Apostle doth terrifie wicked men not onely by the future punishments, but euen *presentibus vestris secularibus iudiciis*, by your present secular iudgements, when hee saith, Let euery soule be subiect to the higher powers. S. Basil more plainly to our purpose, The Apostle, saith he (y) commands all to be subiect to the higher powers, *potestatibus mundi, non spiritualibus*, hee commands this subiection to temporall and secular powers, hee speakes not here of spirituall powers; And this, saith Basil, the Apostle plainely declares, by that which followeth, of paying tribute vnto them. S. Chrysostome (z), is more then abundant in declaring this to be spoken of secular kings, whom ^{z Chrys. in ca. 13. ad Rom. hom. 23.} he often there calles Princes that doe imperare,

G rule

a Reddite timo-
rem, Imperia-
lem honorem
dicit. ibid.
b Quod attin-
et ad honores
Regum vel
Imperatorum
satis prescrip-
tum habemus
in omni obse-
quio esse nos o-
portere, secun-
dum Apostoli
praeceptum.
Tert. lib. de Ido-
lat. ca. 15.
c Principes hos
Reges dicit.
Ambr. com. in
cap. 13. ad
Rom.
d Ben. Perer:
com. in ca. 13.
ad Rom. di-
sp. 1.
e Baron. an. 58.
nu 46. Quem
ait fuisse Petri
ex quo Episco-
pus Romanus
esse coepit, annu
14. Et eodem
tempore ait
Paulum forte
priuatas literas
ad Petrum
(Roma agen-
tem) misisse.
ibid. nu. 52.

rule ouer their subiects, *Magistrates who are here by the Apostle described veluti milites armati*, as armed to take vengeance of euill doers, to whom *honour*, euen *Imperiall honour* (as he calls (a) it) is due, and due by all other. For *ait*, saith he, *whether thou bee a Priest, or a Prophet, or an Apostle; siue quicunque alius sis*, or whosoever else thou bee, *euery one is commanded to obey these higher powers*. The like might be shewed by *Tertullian* (b), *Ambrose* (c), and many others: but the confession of *Pererius* their Iesuite, may ease vs of this labour; who saith (d) *All the ancient writers almost* (he might haue left out almost) *haue vnderstood Paul de potestate tantū seculari*, to speak only of secular power, & the *Text of the Apostle doth of it selfe declare the same*. So *Pererius*. Seeing then it is cleere that all the Apostles, and more specially *Peter*, (for this Epistle of *Paul* was written to the whole Church of Rome, at that very time (e), when *Peter*, as they teach, was Bishop therof) and then much more all *Peters* successors, are commanded by the Spirit of God, to be obedient to secular Kings and Princes; it is vndeniably consequent, that Christ did not giue a supream temporall dominion either to *Peter*, or to any other Apostle, or to any of all their successors: for had he giuen that, then should not they haue beene commanded to obey other Kings, but all other both Kings and people should haue beene taught and commanded to obey euen in all ciuill and temporall matters, *Peter* and *Peters* successors.

If notwithstanding all this euidence, any will yet

yet exempt either *Peter* or the Pope, or any other from this commandemēt of the Apostle, that may be iustlie replicd vnto him, which *S. Bernard* saith, (f) *Si omnis anima, & vestra*, If euery soule must be subiect, to secular powers, then must you also bee, who hath exempted you from this vniuersalitie? *Si quis tentat excipere, conatur decipere*, if any attempt to except you, he indeuours to deceiue you.

f Ber. Epist. 42.

g Eo tempore

accusabantur

Christiani sedi-

tionis & rebel-

lionis. Bel lib. 2

de Pont. Rom.

ca. 29. sett.

Quod. Quia

etiam autho-

re Chrysosto-

mo, sparsu ru-

more percrebu-

erat, Apostolos

& predica-

res Euangelij

rerum esse No-

uatores, atque

ad euertendas

leges ciuiles

omnia dicere

& facere. Pe-

ter. in cap. 13.

ad Rom. disp. 1.

h Calumniato-

res vocat Bell.

eos qui hac

obijciebant. &

Per. ait, Aposto-

los laborasse

ut hoc scan-

dalum aufer-

rent. loc. cit.

But besides this of *Bernard*, I will oppose two other euident reasons: The former drawne from the scope and purpose of the Apostle in giuing this precept. *Bellarmino*, as also *Pererius*, do rightly obserue, that whereas *Christians* (g) in the Apostles time were slandered to haue beene *Nouatores*, Innouaters of the state, subuerters of ciuill gouernment, seditious and rebellious persons; the Apostles to cleere the Christian doctrine of these (h) calumnies, both in their Sermons and writings, did earnestly perswade obedience vnto Emperors, Kings and secular Magistrates. Now had *Peter* challenged, & the other Apostles and Christians abetted him in that claime, the supream temporall Monarchie of the world, then could Christianity neuer haue beene cleared of that calumnie: nay it had beene no calumny at all, but a certaine truth; for seeing by the doctrine of *Christians*, *Peter* and his successors were for euer to haue the supream temporall dominion ouer the whole world, all other kingdoms and Monarchies had beene quite subuerted, all Emperors and Kings should by this haue become subiects, seruants, homagers and vassals to *Peter* and the Pope. He should haue beene their

temporall Lord, whom they ought to obey, their Landlord from whom they should haue taken and held all their possessions, and their supream Monarch from whom they must deriue all their temporall authority. Thus had the Christian faith and doctrine, subuerted all other temporall Kingdomes, to establish a new temporall Monarchy in the Pope alone. Seeing then the Apostles taught that accusation to be a most odious calumnie, because they, as Chrysostome saith (i), taught that Christ by his Law non eueritit politiam, sed melius instituit, did not subuert any other ciuill state, common wealth or Empire, but bring them all to better order, by embracing faith, & with it piety, and all godlinesse; it is hence most cleare, that Christ neither before, nor after his resurrection, erected that new-found temporall, Pontificall Monarchy, which as Scioppius (k) truly saith, ouerthrowes all other kingdomes and Empires in the whole world.

i Chrys. in cap.
13. ad Rom. in
initio.

k Gas. Sciop. ca.
46. Regnum
Christi tollit
omnia alia reg-
na. Quod de
Papali regno
acceptum, ve-
rissime dicitur.

l 2 Cor. 10. 4.

The other reason is this, that if Christ had meant to giue such a temporall Monarchy to Peter, he would no doubt haue furnished him with secular meanes, secular strength and power, first, to obtaine, and then to vphold and maintaine that Monarchy. Now the weapons of their warfare were not carnall, as the Apostle saith (l), but spirituall, mighty to cast downe all the strong holds of Satan. Certainly they might if they had had Christs allowance, haue vsed their power to subuert Kingdomes, and bring all to a temporall subiection vnder Peter. They could most easily haue subdued all the instruments of Satan, and all mortall men who

who had opposed themselves to this Pontificall dominion. For who could haue resisted them, who with a word onely could smite their oppugners with blindnesse, as *Paul did (m) Elimas*, yea with present death, as *Peter did (n) Ananias & Saphira*. But because this power was giuen them, onely to confirme the Faith, and enlarge Christs Spirituall, but not their owne temporall kingdom; they onely vsed it for the furtherance of Christs glory, and neuer either did, or might vse it to set vp their owne secular dominion, and lift themselves aboue all Kings, and Princes. Nay, seeing the Apostles were faithfull in the house of God, and preached euerie part of that doctrine which Christ taught vnto them; *St. Paul* testifying of himselfe, which is also true in the rest, *I haue (o)* m A&.13.11
n A&.5.5.10 *kept nothing backe, but haue declared vnto you the whole Counsell of God*: and none of them all, euer so much as once declared that *Peter* and *Peters* Successors, were to haue a temporall Monarchy ouer the whole world, and that all Kings must hold both their Crownes and Kingdomes from them; all to be tenants, homagers, and vassals vnto them: it may hence certainly be concluded, that this temporall Monarchy which they claime to *Peter* and the Pope, is no part of *Gods counsell*; and then without all doubt, it is no other but the verie *counsell of the diuell*.

CHAP. IIII.

That the Popes Temporall Monarchy is condemned by the iudgement of the Primitiue Church, and of generall Councils; as also by the Fathers, and learned writers, who liued till the 500. yeeres after Christ.



The third point which herein I proposed, was, to shew that this direct temporall Monarchy which they claime to the Pope, with those consequents & conclusions which depend on it, hath been condemned by the vniforme consent of holy Fathers, and learned writers in all ages of the Church. A worke in truth nothing so difficult to proue, as laborious to collect; and if I feared not to be too prolix, I would make it cleare by the testimonies almost of all writers of account, in all the ages of the Church. But studying breuitie, I will select some onely out of that heape which I had not without great labour collected, by which may be conceiued what the iudgement hath beene of the rest in this point.

First, there are two generall considerations which may be here obserued. The one is the consenting iudgement of Popes, Bishops, Martyrs, and all Christians of the Primitiue Church, so long as Emperours persecuted the Faith; that is, vntill

vntill the Empire of *Constantine*. Had Christians
 belieued or knowne in those dayes, that the Pope
 was an higher temporall King then secular Empe-
 rours, and that none of those Emperours had any
 lawfull authoritie to punish or put them to death,
 seeing they had no authoritie at all from their su-
 preame temporall Monarch, the Pope, so to doe;
 why did not those Popes command Christians,
 (as they might lawfully haue done) to make resi-
 stance by temporall force? why did they not (as
 being superiour Lords they lawfully might) who-
 ly depriue those Emperours of all their authority
 which they so tyrannously abused against Christ?
 Specially considering that, as *Bellarmino* (a) tels vs, a Bell. lib. 5. de
Rom. Pont. ca. 7.
sect. Probatur.
*When Princes goe about to turne their people from
 the faith, omnium consensu possunt, & debent priuari
 suo dominio*, by consent of all Romanists, they may
 and ought to be depriued of their Dominion; yea
 (b) *non licet Christianis tolerare*, Christians may b Ibid. sect.
Tertia.
 not then so must as tolerate them. At least, why
 did neither the Popes, nor any of all those Mar-
 tyres, vse that iust Apologie for themselves, that
 none of those Emperours had any lawfull autho-
 rity ouer them, seeing they had none deriued from
 the Pope? How were they not perfidious in Gods
 cause, by concealing that truth, which if they had
 taught, would haue quenched all persecutions?
 How were they not iniurious to Gods Church in
 suffering those tyrants, who had no lawfull autho-
 rity from their highest temporall Monarch, to
 murder and massacre the Saints of God? Nay,
 how can they be excused from being accessorie
 to

c Tertull. Apo-
log. cap. 37.

to their owne deaths, when they vsed neither that temporall authoritie of the Pope, whereby they might iustly haue resisted; nor that iust defence of speech, whereby they might haue repressed all those tyrannies. For if any think, they had not at that time temporall power, and strength sufficient to haue made resistance, *Tertullian* plainly witnesseth the contrarie. If (saith he) (c) *we Christians would be open enemies, should we want either number or power? Are not we more then the Mauri, Marcomans, or Parthians? more then any nation? we haue filled all places that you haue, your Cities, your Islands, your Castles, your municipall Townes, your Tents, your Tribes, your Pallaces, your Senate, your Markets, onely we leaue to you the Idol Temples. Cui bello non idonei fuissimus? What warre were we not able to vndertake? But because both the Popes and all other Christians then knew, that they had no such lawfull authoritie to make resistance to their Gouvernors, they layd downe their neckes, and endured all tortures, euen death it self, vsing no other weapons, but teares and prayers: Against Emperours being their Lords, they had *scutum*, but not *gladium*. The Popes temporall sword and secular Monarchy which might easily haue resisted, and quenched all those persecutions, was not knowne or once dreamed of among any Christians in those first three ages of the Primitive Church.*

d A treatise of
Councils
which be ge-
nerall and
lawfull

The other generall consideration, is the consenting iudgement of holy generall Councils. I haue in an other Treatise (d) proued at large, that besides

besides the Sardican, and that vnder *Mennas*, there were held no more but eight, which are rightly to be counted and called *Oecumenicall and lawfull Councils*. All that followed that eight, which was held at Constantinople about the cause of *Photius*, either in the yeere 869, in the time of *Hadrian* the second; or in the yeere 879, in the time of *Iohn* the eight, and both of them in the time of *Basilius*, were in truth either not Oecumenicall, or if such, yet not lawfull generall Councils. Now by all those eight, which were only Oecumenicall Councils, the Popes temporall Monarchy is clearly and certainly condemned. For all those were both *assembled, governed, and dissolved* by the authoritie of secular Emperours; all the Bishops in all those Councils, by their *comming* at the Emperours call and command; by their willing *submission* to Imperiall government, when they were assembled; by their not *departing*, but with the Emperours leaue, and licence, did acknowledge and proclaime Emperours to be the onely supream Lords, Gouvernours, and temporal Monarches in the Church. All which points, because I haue fully in my other Treatise out of the Synodall Acts of euerie one of those Councils made cleare, I will not here repeat the same. Let me only now mention one testimonie out of that which they call the eight generall Councell. In it (e) *Basilius* the Emperour writ thus to the whole Councell, and all the Bishops of the Councell approued (f) his writing, and saying: *The government of the Ecclesiasticall Ship* (that is, of the Church)

e Counc. Constantin. 4. sub Hadr. 2. an. 869. Act. 1. f Recte imperatores nostri monuere, dicunt legati Act. eadem

g Edit. Biniana
Colen. Agrip.
an. 1606.

Church) *is by the diuine prouidence, nobis commiss*a giuen or committed vnto vs. An euidence that the whole Church believed, and professed the Emperour, and not the Pope to be the supream Monarch, Pilot, and Gouvernour of the Church: an euidence also so certaine, that whereas *Binius* following *Raderus* the Iesuite, had in his former edition (g) of the Councels, maliciously corrupted these words, and turned *Nobis* into *Vobis*; quite contrary both to the Greeke Text, to the ancient reading, and the true sense of *Basilius*; *Binius* hath now in his last editions of the Councels, corrected that his errour, and rightly reades the words, as they are also in their Romane edition of the Councels, *Nobis* and not *Vobis*. So by the consenting Iudgment of all the Oecumenicall Councels, which as yet haue beene held, that is, of the whole Catholike Church, whensoever it spake in one voyce, this temporall Monarchy of the Pope is most cleerely condemned, and the soueraigne authority of secular Emperors aboue the Pope, is most cleerely demonstrated.

Heare now the softer voyce of the Church, speaking in those Fathers and learned Writers, who liued in the seuerall ages and successions thereof. For though this question of the Popes temporall Monarchy was not mooued in the Church till more then a 1000 yeeres after Christ, yet such is the force of Trueth, that euen before this controuersie arose, that Antichristian pride was by the ancient Fathers both condemned and refelled, though not in expresse maner (which, the question

questiō being not then moued, they could not do) yet by many both certaine, cleare, and vnderstandable consequents.

In the first age, after our *Sauour*, (i) the head of the whole Church, had once giuen that precept of obedience, *Giue vnto Caesar the things that are Caesars*; S. Peter (k) seconds him therein, commanding to *honour the King, and submit themselves to him, tanquā precellenti*, as being superiour to the rest. And S. Paul (l) explaines both who they are that must obey, and those are *Euerie soul*; (I thinke the Pope is one:) and to whom they must yeeld obedience, and those are, the *Higher* (secular) powers, *who beare the sword, and receiue tribute*. Ignatius (m) the next Bishop of Antioch after S. Peter, in one of those which their (n) own writers commend for his true and genuine Epistles, saith, *It behooues all to honour the King, Nec enim Rege quisquam prestantior*, for there is none (then certainly not the Pope) more eminent then the King, *nor is any equall to him, in all things created*. Which words being so pregnant against the Popes Souerainety, are fouly corrupted and falsified (by whose hands you may easily coniecture) both in the Latine Edition of Ignatius at Paris Anno 1562 and in the Greeke also, of the same Edition. In both which, in steed of *Rege*, is read, *Deo*. But in the *Bibl. patrum* the words are, and that rightly, set forth as we haue cited them, *none aboue the king*. Iosephus (o) shewes, that in his age there was an impious sect of the Pharisees, *who were oppugners of regall authoritie, and who alone refused to sweare*

lib anno 1.

ad 100.

i Christus

Math. 22.21

k Petrus

Epist. 1. c. 2. 17.

l Paulus

Rom. 13.1.

m Ignatius

Epist ad Smirn.

n Baron. An. 57

nu. 55. & Bell.

li. de eccl. scrip.

in Ignatio.

Ioseph. Antiq. li.

17. ca. 3.

p Christians
primi seculi.

Ab an. 100.

ad 200.

q Iust. Mart.
orat. ad Anto-
ninum p. 128.

r Irenaeus, eius
verba citantur
a Ioh. Lango in
suis notis ad
Iust. Mart. orat.
ad Anton p. 117.
s Egesippus
apud Euseb. li.
3. Hist. ca. 17.

t Tertullian
in Apologet.
cap. 30.

fidelitie vnto the Emperour, cum tota gens Iudaorum fidem suam iureiurando obligassent Regi & Cesari, whereas the whole nation of the Iewes did bind their fidelitie to Cesar by an oath. It is not to be doubted, but in the whole nation of the Iewes, there were many thousand Christians (p); who neither iustly could, nor would haue taken that oath to the Emperour, as their supream Lord, had they knowne that Peter and his Successors had been the supream Monarches of the world.

In the second age, Iustine Martyre (q) in the name of all the Christians of that age (one of which was the Pope) professeth to the Heathen Emperours, *We adore only God, & vobis in rebus aliis lati inservimus*, and we willingly serue & obey you in other matters. Irenaeus (r), *Know ye O Emperours what is committed vnto you; totus orbis sub manum vestram subditus est*, the whole world (then sure the Pope) is subiect to your power and diadem. Egesippus (s) declares that not Christs kingdome (and then certainly neither Peters nor the Popes) is a terrene or secular kingdome: For when Domitian the Emperour, fearing to lose his kingdome, would haue killed all that were found of the house of David, and inquired what manner of kingdome Christs was, they answered, that it was no kingdome of this world. Tertullian is most full in this point, *Emperors know (t) who gaue to them the Empire, they know that they are only subiect to the power of God, to whom they are the second, and after whom the first, before all, and aboue all other men; then sure aboue the Pope. And againe, in the name of all Christians of that age,*
We

We honour, saith he (x), the Emperor, *ut hominem a Deo secundū, & solo deo minorem*, as one who is next vnto God, and lesse onely then God, and who hath all his power from God. And lest any should thinke that this honour was giuen by Christians *de facto*, but not *de iure*, Tertullian expressely addes, We giue this honour to the Emperor, *quomodo & nobis licet, & ipsi expedit*, as being lawfull for vs to giue, and expedient for him to receiue.

In the third age, Clemens Alexandrinus (y): *Christ's precept of giuing to Cesar the things that are Cesars*, (in which is commanded subiection of euery soule, euen the Pope, vnto secular Kings) is a law for administration of the Common-wealth. Origen (a), *whatsoever crimes God will haue to be temporally punished, non per Antistites & Principes Ecclesiarū, sed per mundi iudices voluit vindicari*, he will haue them to be punished by secular Princes, not by Bishops or Ecclesiasticall Prelates. Then certainly not by Peter or any of Peters successors. Cyprian (b), *Christ gaue parem potestatem*, equall power, to all the Apostles; the rest were the same that Peter was, *endowed all of them pari consortio & honoris & potestatis*; With an equall fellowship both of honour and power. Then either none, or (which is impossible) they all were supreme temporall Monarches of the whole world. Victorinus (c) calls the Cæsarean Empire, *Regnum Regnorum* in regard of the supreame dominion it had ouer all. Who as vpon the greatnesse and power of that Empire he supposed, *that one of those Emperors to wit, Nero (d) did yet liue and should personally*

x Idem lib. ad Scap ca. 2.

Ab An. 200
ad 300.
y Clemens
Alex. lib. 3.
Padag pa. 301

a Origen.
com. in Epist.
ad Rom. lib. 9.
in hac verba,
Vis non timere
potestatem.

b Cyprian.
de simplic. pral.
sive de vnitatē
eccles. pa. 297.

c Victorinus
Com. in Apo-
cal.

d Existimat
Victor. Nero-
nem nondum
mortuum, ac
futurum ve-
rum Antichri-
stum. Not ad
Vict in 2. edit.
B. B. Pat. in
margine.

sonally come againe and be that mighty Antichrist; so had he liued to see the Pope to haue *Regnum Regnorum*, and to be a King aboue all Kings, euen such, that if Nero were now alieue, hee must bee his subiect and vassall, hee would not haue doubted vpon that same greatnesse and absolutenesse of his Tyrannicall power to haue called the Pope, much rather then Nero, Antichrist.

Ab An. 300
ad 400.
f Eusebius
lib. 2. de vit.
Const. ca. 19.
g Athanasius
Apol. ad Con-
stantium p. 156

h Hilarius.
Can. 23 in
Math. O ple-
nam miraculi
responzionem.

i Idem in
Psal. 2.

In the fourth age, Eusebius saith (f) of Constantine, that he ruled the whole world, (then I hope, the Pope) *gubernaculis singularis potestatis*, by his own Imperiall power. Athanasius (g) writes thus to Constantius the Emperour, *If I were accused to others, I would appeale to your Maiesty, as Paul said, I appeale to Cesar. But seeing they accuse mee vnto you, ad quem a te, quaso appellare potero, nisi ad Deum?* vnto whom can I appeale from you, but on-ly to his Father, who saith, I am the Truth? Then certainly hee knew not the Pope to be a superi- or Lord, for else vnto him, he might, and would haue appealed. Hillary (h) with admiration com- mends that answer of Christ: *Giue to Cesar that which is Cessars, and shewes that Christ, would not haue the right of Cesar to be violated or hurt.* Now the right of Cesar (as we haue proued) is soue- raignety ouer all, and obedience from all vnto him. Againe, he plainly sheweth that the Apo- stles (none of which had other power then S. Paul) had not ciuill and temporall power. Nun- quid (i) *Paulo ius Prætorium*, Had Paul ciuill and prætorian authority, that he threatens to come with a rod? was he to vse *lictoris officio*, the office of a Serge-

Sergeant? *Non ita opinandum est*, wee may not thinke so. Gregory Nazianzene (k), speaking of Kings faith, *Mundus vniversus vobis subditus*, the whole world (then sure the Pope) is subiect to you, and to your Diademe. *Those things which are aboue are onely Gods, those which are belowe, are both Gods and yours.* Gregory Nissene (l) *Regia dignitas supra se nullam habet tyrannidem*, the kingly dignity hath no humane power (then not the Popes) aboue it: *It is obnoxious to no other mans will nor dominion.* Cyrill (n) Bishop of Ierusalem saith, that *Antichrist shall vsurpe potestatem Romani imperii*, the power of the Romane Empire, which, as he saith, *is greater then was any of the former great Monarchies.* A cleere token that Cyrill iudged the Romane Emperor not to haue beene subiect to any higher or greater temporall Monarch. Epiphanius (o) demanding how that Prophecy is fulfilled in Christ, *He shall sit vpon the throne of Dauid*, saith, *carnaliter non est impletum*; This was not carnally nor after a temporal manner fulfilled. And then he shewes, *that by this throne of Dauid, is meant Sacerdotium in sancta Ecclesia*, Christs Priesthood in the Church, whereby hee giues to the Church, power and Iurisdiction of binding and loosning. Which though Epiphanius there calles a Kingly dignity, yet it is certaine, that he meanes not any secular or ciuill kingdome, for that hee plainly denies vnto Christ; but he cals it kingly, because Christ from whom it is deriued, is both of the seed of King Dauid, and also an eternall King according to his deity. Ambrose (p) saith of Theodosius the

k Greg. Nazi-
anz. Orat. 25.
p. 81.

l Greg. Nissen.
lib. de Beatitud.
in illud, Beati
qui persecutionem patiun-
tur.

n Cyril Hie-
rosol. Catech. 15.

o Epiphanius
her. 29.

p Ambro-
sius, Orat. de
obitu Theod.

the Emperour, that he had *potestatem super omnes*, power ouer all; (then certainly ouer the Pope:) and againe, (q) *Kings are free from humane punishments for their offences, tuti Imperii potestate*, being safe from all humane iudgement by the power of their Empire, subiect onely to the power of God. *Ruffinus* saith (r) of secular Kings, that their bounty and actions, *discussioni non est obnoxia*, is not obnoxious to the discussion (much lesse to the punishment) of any man. *Ierome* * cleerely denyeth ciuill and coactiue authority to Bishops. *The King rules ouer men, though they will not; Bishops but ouer such as will: kings make others subiect to them by terror, Bishops are appointed to serue, not to terrifie. Kings keepe and rule the bodies vntill death, the other keepe and rules the soules vnto eternall life.* *Prudentius* (s) saith of the Romane Empire: *Thou, O Christ, hast placed Rome in vertice rerum*, as the highest top of all things, *Thou hast ordained that the world should be subiect to the successors of Romulus, & omne sub regnum Remi mortale concessit genus*, and all mortall men, (then sure the Pope) are subiect to the Kingdome of *Remus*, that is, to the Romane Emperors.

q *Idem. Apol. David, lib 1. ca. 10. & ca 4.*

r *Ruffinus in expos. Symb. pa. 276. & 206.*

* *Hieronimus in Epist. Nepot. ad Heliod. tom. 1. pa. 26.*

s *Prudentius peristeph. hym. no 2.*

Ab An.

400. ad 500.

t *Chrysostom Homil. 2. ad pop. Ant.*

u *Optatus lib. 3. Cont. Pagan. pa. 85.*

In the fift age, *Chrysostom* (t) saith of the Emperour, *parem non habet vllum super terram*, there is none vpon earth (then not the Pope) equall to him; *He is summitas & caput omnium super terram hominum*, The head and top of euery one vpon earth. *Optatus* (u) *Super Imperatorem non est nisi solus Deus, qui fecit Imperatorem*, Aboue the Emperour there is none but God who made the Emperour,

peror; then out of question the Pope is not aboue him. *Augustine* (b), *Let vs not giue or ascribe the power of giuing kingdomes and Empires to any nisi Deo vero*, but onely to the true God (then not to the Pope:) He giues the Kingdome of heauen only to the godly, but earthly kingdomes he giues both to the good and bad, as it is pleasing to him, to whom nothing but what is iust is pleasing. *Prosper* (c) teacheth all Christians (is not the Pope one?) to be obedient to secular Princes, *Aequum seruire est regibus & dominis*, and he plainly distinguisheth (d) the scepter of the Crosse, from the weapons of the Empire, and *arcem religionis*, from *solum potestatis*, the tower of religion from the throne of power. *Orosius* (e), That all power is of God both those who haue not read haue felt, and those who haue read doe know; and if all powers be of God, how much more are kingdomes, frō which other powers are deriued: & if kingdomes, how much more is the greatest kingdome, *cui reliquorum regnorū potestas vniuersa subiicitur*, to which the whole power of other lesser kingdomes is subiect: of which sort was the Babylonian, then the Grecian, then the Africane, at last the Roman, *quod vsque adhuc manet*, which as yet remaineth. Then had not the Pope any greater Monarchy at that time. *Sulpitius Seuerus* (f) saith of the Councill at Sardica, *Imperator iubet ex toto orbe terrarum*, the Emperour commanded the Bishops throughout the whole world (then he commanded the Pope) to come to Sardica, to examine the cause of Anathasius. *Cyrill* (g) the most famous Bishop of Alexandria writes thus vnto the Emperors; *There may be seene in you the image of Gods*

b *Augustine lib. 5. de ciuit. Dei ca. 21.*

c *Prosper lib. Epigr. nu. 34.*

d *Idem lib. 2. de vocat. gentium. ca. 16.*

e *Orosius lib. 2. ca. 1.*

f *Sulpitius lib. 2. sacra histor.*

g *Cyrillus Alex. lib. de recta fide ad Theod. in principio.*

k Theodoret
com. in Daniel.
ca. 2, Orat. 2.

l Idem in cap.
13, ad Rom.

m Theodulus
com. in ca. 13.
ad Rom.

n Vincentius
Lyrin. in Com-
mon. ca. 42, 43.

o Bel. lib. 2. de
Rom. Pont. ca.
16. § Octauus.

Maieſtie, Vos enim omni terreno faſtigio ſuperiores, for you are ſuperior to all terrene highneſſe, you are the fountaine of humane felicitie, *Quicquid uſquam eſt gentium hoc totum regni ueſtri ſolio ſubſtratum eſt,* Whatſoeuer is here vpon earth, (then belike the Pope) is ſubieſt to the throne of your Maieſtie. *Theodoret (k) Biſhop of Cyrus, The Roman Empire orbis terrarum clauos tenuit,* ruled the whole world, and it did not periſh, but flouriſh at Chriſts comming, and had the world ſubieſt vnto it, and the ſame kingdome of the Romanes, *uſque adhuc permansit,* hath continued vnto this time. Then all (euen the Pope) were at that time ſubieſt vnto it. And that Popes ought *de iure,* ſo to be, he ſhewes (l) by the words of S. Paul, *Let euery ſoule be ſubieſt to the higher powers, whether he be any Prieſt or any Biſhop,* (then I hope the Pope) or any Monke, he muſt yeeld ſubiection to thoſe to whom *Magiſtracy is giuen.* *Theodulus (m) Biſhop of Coeleſyria,* expounds thoſe words, *Omnis anima poteſtatibus ſubdatur,* to be ſpoken not of euery ſuperiour, ſed *de ipſo magiſtratu,* but of the ciuill Magiſtrate, and the Apoſtle ſhewes, ſaith he, *that it is neceſſary that euery one* (then the Pope) *ſhould obey the Magiſtrate, for the Goſpell is not giuen to bee a ſubuerſion of publicke gouernment and order.* *Vincen- tius Lyrinensis (n)* highly extols both Cyrill and the holy Ephesine Councell, which was held but three yeeres before he writ. Now it is true that he there mentioneth *caput orbis,* but hee meanes not the Pope thereby, as *Bellarmino (o)* moſt frau- dulently and falſly would perſwade. The true and

and onely *Caput orbis*, which he meaneth, was he,
of whom both Cyrill (h) saith, *that all the whole* h Cyrill. loc. cit.
world was subiect to the Emperors throne, & whom
the whole Ephesine Councell called (i) *Christia-* i Conc. Ephes.
nissimum fastigium, the most Christian toppe and in Epist Syno-
highnesse. Other *Caput orbis*, Vincentius knew dali, to. 4. Act.
none. Socrates (k), *there was enuy at that time a-* Ephes. conc.
mong them, seeing the Bishop of Rome, no otherwise ca. 22.
then the Bishop of Alexandria, going beyond the k Socrates lib.
bounds of a Bishop, ad secularē principatū erat iā ante 7. ca. 11.
delapsus, was now declined too much to secular
gouernment: what would he haue said, if they had
then attempted a secular Monarchy ouer the
whole world? Leo (l) the great (a Pope that would l Leo 1. in E-
not lose one iot of his pontificall right) so farre pist.
disclaime this temporal Monarchy, that he with
great submission makes earnest suite and supplica-
tion to the Emperors, *I requested (m) vt iuberetis*, m Idem Epist.
that you would command the Synod to be deferred 43. 49
to a more fit time. *I (n) request that your Pietie sup-* n Idem Epist. 9
plicationi nostra dignetur annuere, would vouch-
safe to yeeld to our supplicatiō, that you would com-
mand that the Councell may be held in Italie; *All* o Idem Epist.
(o) the Bishops (himselfe among the rest) cum gemi- 24.
tibus & lacrimis supplicant, doe with sighes and
teares make supplication to your Mansuetude.
And when the Emperor would not yeeld vnto
his supplication, neither for the place, nor the
time, then he professeth (p), *I haue endeouored as far* p Idem Epist.
as I can, vt Clementia vestra statutis pareatur, that I 17. & 25.
may obey the statutes of your Clemency. Pope q Gelasius 1.
Gelasius (q), There are two things by which the Epist. 8.

I 2 world

r Idem, intom.
Anathem. 4.
pud. Bin. 10. 2.
pa. 254.

world is principally ruled, the sacred authority of Bishops, and the Regall power : of which regall power he addes, that the Emperor *presidet humano generi, & imperat saeculo*, is aboue all men in dignity, and to rule in secular matters. And most cleerely in his tome of Anathematismes; Before (r) Christs time some were both Priests and Kings, as was Melchisedech; but after Christ was once come, who is both King and Priest, *ultra sibi nec Imperator Pontificis nomen imposuit, nec Pontifex regale fastigium vendicauit*; Neither doth the Emperor take vnto him the name of Priest or Bishop, neither doth the Bishop challenge vnto him the Imperiall highnesse. So Pope *Gelasius*, at once defines, that Popes neither then had, nor euer ought to haue, Imperiall authoritie : much lesse a temporall Monarchie aboue all Emperors.

* *

CHAP.

CHAP. V.

That the Popes Temporall Monarchy is condemned by the Fathers, and learned writers, who lived from the 500. to the 1000. yeere after Christ.



IN the sixt age, the Councell at Turone (a) professeth, that besides the power of excommunicating and anathematizing, arma nobis non sunt alia, we haue no other weapons. Then had not the Church, or Pope in that age,

power to inflict temporall, ciuill, and coactive punishments. An other Councell (b) of Africane Bishops, *Vigilium Romanum Episcopum synodaliter a catholica communione recludunt*, did exclude Pope *Vigilius* from the Catholike Communion. Now those Bishops, being as *Baronius* (c) professeth, Catholikes, it is a verie ill signe, the Pope was not then knowne, so much as for a spirituall, much lesse for a temporall Monarch in the Church.

Pope *Symachus* being accused of a most scandalous offence (to wit, of Adulterie d) *Theodorick* the King at that time, commanded the Bishops of Italy, to come to a Synod (e) for the hearing and examining of this matter. He commanded (f) also the Pope, not to take againe the Patrimoine of the Church, till he had purged himselfe of the crimes objected. The Bishops came at the Kings com-

Ab an. 500
ad 600.

a Concil.
Turonense 2.
celeb. sub Ioh. 3
can. 25.

b Synodus
Africana habita
an. 23. Iustini
ani apud
Vist. Tununens.
an. 10. post.

c Conf. Basilij.
Bar. an. 547
nu. 30.

d Bar. an. 503.
nu. 32.

e Synodus
Romana 3.

f Iussus est
praeceptionibus
regis Papa
Symmachus.
ibid.

g Synodus ex
praecepto regis
congregata.
ibid.

h Ibid. p. 285. a

i Ibid. p. 284. b

k Commisimus

vobis causam,

vos qualiter

vultis sine dis-

cussa, sine indis-

cussa causa pro-

ferre sententiam.

ibid. pag. 287. b

l Ibid. p. 285. b

m Ibid. p. 285. b

n Concilio, au-

thoritatem con-

tra se indulsit.

Ennod. Apol. pro

Symmacho pa.

293. a

o Gers. lib. de

Auferibil. papa

Consid. 12.

p Symachus

Apol. aduers.

Anast. extat to.

3. BB. patr.

q Hormisda

Epist. 1.

mand (g), the Pope (h) also, ut causam diceret occur-
rebat, came to plead for himselfe; and before the
whole Councell, he thanked (i) the King for calling
the Synod. The King gaue (k) such power to the Sy-
nod, that they might either examine particularly the
whole cause, or leaue the particulars vndiscussed, but
yet giue sentence therein. The Bishops (l), perpensis
omnibus, hauing pondered the whole cause, iudged
that Symachus should be receiued as Pope, and that
his fact should be left to the iudgement of God. And
all this they did, secundum (m) principalia praecepta
quae nostra hoc tribuunt potestati, by command and
authoritie of the King, who had committed this
to their power. And though the Deacon Enno-
dius (n) and some others of the Popes Parasites
pretend, that Symachus in humilitie, and of his own
accord submitted himselfe to their iudgement, yet
Gerson (o), a man of more sound and profound
learning, saith, both of Symachus, and some other
Popes, they did vndergoe the iudgment of Councils,
nequaquam ex humili condescensione, not by any
submission of humilitie, as some doe faine, sed ex
debito & obligatione, but in dutie, as being bound
to stand to those iudgements. The same Pope Sy-
machus (p), in his Apologie to Anastasius, puts
this, and rightly, as a difference betwixt the Impe-
riall and Pontificall Offices, Thou O Emperour go-
uerns humane and secular affaires, Bishops doe di-
spence the Diuine Mysteries; and he expresly calls
the Emperour, Principem rerum humanarum, the
Prince or chiefe in humane matters. Pope Hor-
misda (q) to the Emperour Anastasius, saith,
Your

Your Mansuetude hath admonished vs, God commanding you so to doe, to be present in the future Synod: Your Pietie obseruing these things, may long possesse *Apices & scepra sua*, your top of honour, and your Scepter. I returne (r) vnto you not onely words of supplication, sed *vestigis vestris aduoluor*, but I prostrate my selfe at your footsteps. Pope Agapetus (s) was sent in a legacie from Theodotus King of Italy, to the Emperour Iustinian, and he entreated (t) him to recall his armie out of Italy, but the Emperour supplications *Papæ noluit audire*, would not hearken to the Popes supplication. Pope Vigilus (v) was sent for by Iustinian, to come to Constantinople, and he at the Emperours command came, and stayed there about sixe yeeres, till he had leaue to returne. Pope Pelagius (x) the first, writing to Childebert the King, saith, *We must endeuour to declare the obedience of our profession vnto Kings*, *quibus nos etiam subditos esse sancta scriptura præcipiunt*, to whom the holy Scriptures command, euen vs (that are Popes) to be subiect.

Fulgentius (y), *The King hath receiued apicem terreni principatus*, the top or height of temporall or terrene power. And againe (z), *In saculo, Christiano Imperatore nemo celsior inuenitur*, none is found in this world (then sure not the Pope) to be higher then the Emperour. Agapetus (a) a famous learned man, and Deacon of the Church of Constantinople, saith, to the Emperour Iustinian, *Seeing you haue receiued the Scepter from God, and seeing, omnibus hominibus ab eo sis prælatus*, you are preferred aboue all men (then sure aboue the Pope)

r Idem Epist. 6

s Agapetus
papa. Anast. in
vita Agap.
t Liber. in Bre-
uiar. cap. 21.v Vigilus.
euocatus ab
Imperatore
egreditur. Mar-
cell. in Chron.
an. 546.x Pelagius I
Epist. 16.y Fulgentius
lib. 1. ad Thra-
simundum prope
initium.z Verba hæc e
Fulg. citantur
in Conc. Paris.
habito an. 829a Agapetus,
paranesi ad Iu-
stin. Imper. nu.
61.

Pope) by God, seeke therefore to please him in all things. And againe (b), *The Emperour non habet in terris se quenquam altiore*, hath none vpon earth (then not the Pope) aboue him. Which words being recited by *Antonius Abbas* in his *Melisse*, found so strongly against the Popes Soueraigntie, that the Romane Censurers, in their Index Expurgatorius, for desire of the spirituall, are content to forgoe and yeeld to Emperours the temporall supremacy, and qualifie the words in this maner, c

b *Ibid. nu. 21* write in the margent, *Intellige inter saculares et temporales dignitates*; *Agapetus* meanes, the Emperour is aboue all in secular and temporal dignities.

c *Index, Rom. excus. an. 1607* In like sort the Spanish Index*, *whereas it is said in Agapetus, The Emperour hath none in earth aboue him, write, say they, in the Margent, Intellige de potestate politica, & seculari*, There is none aboue him in politicall and secular matters; and often the like. Enough for vs against the Popes secular Monarchy. *Primasius* (d) saith of the Romane Empire, *Orbi monarchia praesuit dominatu*, it was the Lord and Monarch of the world, And in the name of Rome, is figured *totius terreni regni potentia* the whole power of any terrene Kingdome. *Liberatus* (e) saith of *Martianus*, that he obteyned *culmen Imperij*, the top of the Empire, and that at the request of the Pope, he assembled a generall councell, he thought not then the Pope to be aboue him, or his commander. *Euagrius* (f) both reports and allowes the saying of *Eusebius* Bishop of Dorileum, set downe in the Councell at Chalcedon, That vnto the Emperour, was giuen by the

d *Primasius, Com. in Apoc. c. 17. sect. Habentem.*

e *Liberatus in Breu. cap. 13.*

f *Euagrius, li. 2. c. 18. sect. Est.*

Diuine

Diuine power of God, *imperium mortalium & dominatus*, the Empire and rule of mortall men; one of which I suppose was the Pope. Cassiodore (i) ¹ Cassiodor. *variar. l. 10. pa. 626 sets down the Epistle of Theodahadus to Iustinian the Emperour, wherein it is said, *That in toto orbe simile nihil haberet*, in the whole world, none (for power and dignitie) is equall to the Emperour. And in an other place (k), *If any of the people offend, he sinnes both against God and the King, but when the King offends, soli Deo reus est*, he is guiltie only to God, *quia hominem non habet qui facta eius dijudicet*, because he hath no man (then not the Pope) that may examine his actions, God alone may discusse and iudge his offences. Venantius Fortunatus saith, *Valentinian was Emperer mundo famulante*, the whole world (then belike the Pope) seruing or being subiect to him. And in his poeme (m) of Iustinus the Emperour, he often calls him the head of the world, repeating this verse vnto God, *Qui das Iustinū, iustus, in orbe caput*, adding, *that he did Rite super reges dominari; Romanoque imperat orbi*; An euidence that he knew not an higher temporall Monarch in the Romane or western Empire. Gregorius Bishop of Turone (n) ⁿ Gregorius Turon. lib. 5 Hist. ca. 18 speaking to Childerike the King of France, who had objected iniustice vnto him, thus answered, *If any of vs O King, doe transgresse the bounds of Iustice, he may be corrected by you; but if you transgresse them, who shall punish you? we speake vnto you; If you be willing, you obey, but if you be not willing, who can condemne you, but he onely who hath pronounced, that he is Iustice?* The Bishop sure knew*

K

not

not all kings to be punishable by the Pope as a
superiour Lord.

Ab an. 60
ad 70
Conc. Roma-
num sub Aga-
thone, cuius
Epist. extat in
Conc. gen. 6. Act.
4. p. 12 et p. 21.
p. Piusimis do-
minis. Omnes
nos vestri impe-
rij famuli. ibid.
p. 21.
q. De hac seruilis
principatus ve-
stri vrbe. ibid.
p. 12. et 22.
r. Seruilis pro-
uincia. p. 12.
s. Ibid.
t. Ibid. p. 13.
u. Gregorius
Magnus. lib. 4.
Epist. Indic. 13.
ep. 34.
x. Idem lib. 2.
Indic. 11 ep. 62.
y. Serenissimus
dominus praece-
pit. idem lib. 4.
Epist. 34. cit. et
Ego dominorū
iussionibus
obedientiam
præbens lib. eod.
4. ep. 32. et, Ego
iussioni subie-
ctus. l. 2 ep. 62.
z. Idem lib. 2.
Epist. 62.

In the seuenth age, Pope *Agatho(o)*, with an
whole Councell of Italian, and other western Bi-
shops, often professeth the *Emperour(p)* to be their
Lord, the Citie of Rome(*q*), to be his seruile Citie,
Italy, his seruile(*r*) Prouince. Of himselfe he saith,
I was(s) animated promptam obsequentiam exhibere
effectually to performe readie obedience in those
things which in the Sacred Writ of your Highnesse,
are commanded. I endeuoured, vt *studiosa obedi-*
tia famulatus nostri impleret, that the willing obe-
dience of my seruice might fulfill this; *We haue*
sent these our Legates, pro obedientia quam debuimus
for that obedience which we owe vnto you. This
your (*t*) Imperiall Clemencie did command, and our
humilitie *quod iussu est obsequentur impleuit*, hath
obediently fulfilled what you did command. Doe
these seeme to be the speeches of a Supream
Monarch? and that to his owne vassall? Pope
Gregory(*v*) the great saith of the Emperour, *Deus*
uniuerso mundo præesse constituit, God hath ordein-
ed that he should rule the whole world. And
again, (*x*) *Potestas dominorum meorum cælitus data*
est super omnes homines, The power ouer all men
(then sure ouer the Pope) is giuen from heauen to
my Lord the Emperour. My(*y*) most excellent Lord
hath commanded me by his precept, *ego præceptioni*
Pietatis eorum obediens, I am obedient to the Em-
perours command. And he speakes not this of
humilitie, as some doe vainly pretend, but as ac-
knowledging this to be his dutie, *Ego(z) quæ debui*
exolui,

exolui, qui imperatori obedientiam præbui, I haue done what was my dutie to doe, both in obeying the Emperour, and signifying also to you what I thinke in this cause. *Isidorus Hispalensis* (a), Let secular Princes know, that they must giue an account to God for the Church, the tuition of which they haue receiued of Christ. He will call for an account of them, *qui eorum potestati suam credidit ecclesiam*, who committed his Church to their power. *Leontius* (b) saith of *Theodosius*, *Coire iubet*, he commanded the Bishops (euen the Pope among others) to come to the second Ephesin Councell: Pope Leo (vpon that command) sent his Legat thither. *Iustus Orgelitanus*, (c) Those who are eminent by Princely honour in the Church, are noted quasi caput in Christi corpore, as the head in the body of Christ (that is, the Church;) those who administer Sacraments are as the lockes of the head. Then are Kings the head, and the Pope but as a faire locke in the head of the Church.

In the eight age, the Romane Councel (d) held An. 774. consisting of 153. Bishops and Abbots, in acknowledgment of the Soueraigntie of Charles then King of Italy, decreed the right of inuestitures of Bishops (which is an Imperiall prerogatiue or right of Soueraigntie) and particularly, the appointing of the Pope himselfe, and ordering the Romane See, to belong vnto Charles the great and his successors. *Baronius* not being able *dissuere nodum*, to answer this euidence of truth, takes vpon him like an other *Alexander*, *dissecare*, to cut it quite asunder. He (e) obstinately denies (as doth also

a *Isidorus Hispalensis*
lib. 1. Sentent.
ca. 52.

b *Leontius* li.
de scilicet. Act. 4.

c *Iustus Org.*
Com. in Cant.
in illa verba,
Quia caput
meum plenum est

Ab An. 700
ad 800.

d Conc. Rom.
sub Hadriano
I. extat decretum
eius Dist. 63. c.
Hadrianus.

e *Bar. An. 774*
nu. 10. & seq.

f Gretf. Apol. his Apologist, f) that either any such Synod was
 pro Baron c. 1. euer held, or any such Decree made. And here-
 & li. 2. cont. vpon, both of them, with most reuiling tearmes
 Replic. a. 1. declaimed(g) against *Sigebert* as the forgerer or first
 g Sigebertus inuentor of this Synod and Decree, or as they speake,
 ipse finxit. ador inuentor of this Synod and Decree, or as they speake,
 mauit impostu- of this figment. But they do herein bewray their
 ram. O scelus, most malicious obstinacie in downfacing the truth
 O Impostura. and true records. For how could *Sigebert* who
 Bar. loc. cit. Si- writ his *Cronicles*, as *Baronius* and *Gretser* (h) assure
 gebertus huius vs, an. 1112. be the deuifer of this Decree, whereas
 figmentis figu- *Henry the first* before (i) that, chalenged the right of
 lus. Gret. Apol. inuestitures, as a Royall prerogative belonging to the
 ca. 1. sect. dices. Empire, and continued in the Emperours hands, not
 huius comenti author. ibid. only from the time of *Charles*, & *Pope Hadrian*, that
 sect. In priore. is, for more then 300 yeeres, & during the time of 63
 Hoc ius archi- Popes, but euen eorūdem autoritate et privilegiorum
 teclatus est Si- firmitate, by the verie authoritie of those Popes,
 gebertus. Apol. and by those priuiledges granted by them? Was
 cap. 1. sect. po- there any priuiledge for inuestitures, granted by a-
 sta. ny Pope to the Emperor, frō the time of *Charles*,
 h Sigebertus but this of *Hadrian* and the *Romane Synod*? Vn-
 an. 1112. sua doubtedly had this Synod & Synodall decree bin
 scripsit. Bar. an. forged by any, the Emperor *Henry 5.* would not;
 774. nu. 10. and had *Sigebert* deuised it, an. 1112 (at which time
 Gretf. Apol. c. 1. he writ) the Emperor could not haue vrged it as a
 sect. Tertio. knowne right, yea for such, as 300 yeeres together
 i Dodech. ap- had been continued vnto Emperours. How againe
 pend. ad Mar. could *Sigebert* be the first architect and deuifer of
 Scot. an. 1110. this Synod & decree, seeing *Pope Gregory 6* (who
 & Mat. Paris. was not pope within 64 yerres(k) before *Sigebert* writ
 ad ann. 1112. & perhaps not when *Sigebert* was born) doth not
 only mention, but comend this decree of *Hadrian*.
 k Gregorio 6 in
 pontificatu suc-
 cessit Clemens
 an. 1046. Bar. co
 an. nu. 1.

Hadrian

Hadrian (1) the first, our predecessor of worthy memory, is commended, for that he granted Inuestitures of Churches, vnto Charles; His very words are set downe in *Malmesburiensis*. An euidence so cleare to demonstrate *Baronius*, and *Gretzer* to be Calumniators of *Sigebert*, and downe-facers of the truth, that *Gretzer* (m) is forced to slander *Malsburiensis* also as an impostor and deuiser of this speech of Gregory, as *Sigebert* was of the decree of *Hadrian*. Further yet, how could *Sigebert* first deuise this Decree, seeing the *Romane Councell*, held An. 964. wherein *Iohn* the 12. was deposed, makes expresse mention (n) thereof, more then 140. yeeres before *Segebert* writ? It is true, that here againe both the *Cardinall* (o), and his shamelesse *Apolo- gist* (p), are driuen to their former shift; This also must be an Imposture and figment. But it fals out vn- happily, that *Baronius* forgetting the olde rule, *Mendacem oportet esse memorem*, doth vpon another occasion, where the Popes dignity is not impeached, not onely allow *Leo* 8. for the true Pope, (which elsewhere he stoutly denies) but acknowledgeth this *Romane Synod* to haue beene truely held by Pope *Leo* 8. and calls this very constitution of *Leo* made in that Synod, *Decretum* (q) *Leonis Papæ octauī*, the Decree of Pope *Leo* the eight. So not onely that Synod vnder *Leo* 8. but *Baronius* his owne selfe, is a witnesse, that he and *Gretzer* slander *Sigebert*, and fight with all their power to oppresse the truth. Do you as yet require a more ancient witnesse? How could *Sigebert* be the deu- iser of this Synod and Synodall Decree, seeing

l Verba Gre-
gorij et integra
eius oratio ex-
ta apud Guil.
Malsb. lib. 2
Hist. Angl. Ica.
si vobis.

m Grif. lib. 2
contra Replie.
ca. 1. § Alter.
Oratio illa a
Malsburiensi
appicta &
aff. Ita.

n Ad exemplū
B. Hadriani qui
demino Carolo
ordinationem
Apostolicæ sedis
& inuestiturā
episcoporum co-
cessit. Conc.
Rom. sub Leone
8. cuius decretū
extat Distinc.
96. c. In Synodo
o Bar. an. 964
nu. 22 et seq.
p Grif. Apol.
pro Bar. cap. 18
q Bar. an. 996
nu. 41

r Carolus obiit
an. 814. Bar. 70
an. nu. 57. A-
nastasiu flo-
ruit an. 858.
Bellar. lib. de
scrip. eccle. in
Anast.

(Onuphr in vi-
ta Gregor. 7.

t Gretz. lib. 2.
cont. Replic.
ca. 1. S. Dixi.

Anastasiu the Keeper of their Vaticane librarie, one who liued either in or very neere the time (r) of *Charles*, and who in all likelihood saw in their Vaticane, some authentick copie of that Synod; seeing he, I say, made mention both of this Synod and Synodall Decree, and that, some 200. yeeres before *Sigebert* was borne. It is true I confesse, that this testimony is not now to be found in the Popes liues written by *Anastasiu*. But that there it was once extant, and is now to their eternall infamy, and wrong of *Anastasiu*, yea of the whole Church, expunged, there are two euident witnesses. The one is *Onuphrius* (s) who telling how the custome of *Inuestitures*, of which *Gregory 7. primus omnium*, first of all did attempt to deprive Emperors, had continued from the time of *Charles the Great*, and was brought in by the authority of *Pope Hadrian*, he thus concludes: *Cuius rei meminit Anastasiu Bibliothecarius in historia Ecclesiastica; Quem locum Gratianus Canonum collector notauit. Anastasiu* the library keeper, mentions this in his Ecclesiasticall historie, and *Gratian* in his collection of the Canons, points at, or cites that place of *Anastasiu*. *Gretzer* could not deny *Onuphrius* to testifie this, but because it is against his and his Masters fancy, he saith (t), *It is an error of Onuphrius; Onuphrius forgot himselfe herein. Peruicacy* will euer find one shift or other, but by this cleere and true testimony of *Onuphrius*, (besides that maine truth, of this Synod and Synodall Decree) two things are cleere; the one that *Anastasiu* had set downe this whole matter in his booke

booke of the Popes liues; the other, that *Gratian* tooke it, *not out of Sigebert*, as *Baronius* (v) very childishly fancieth; but out of *Anastasius*: and that the very booke, out of which *Gratian* citeth it, called by him *historia Ecclesiastica*, is the very booke of *Anastasius*, and by that same name, called by *Omniphrius*. The other witnesse is *Platina* who saith (x), *Lewes granted to the Pope free power to chuse Bishops, quam potestatem ab Hadriano Pontifice Carolo concessam idem Bibliothecarius refert*, which power to haue beene granted by Pope *Hadrian* to *Charles*, the same *Bibliothecarius*, (to wit, *Anastasius* y) doth relate. Now besides *Henry* s. Pope *Gregory* 6. the *Romane Councel* vnder *Leo*, and *Anastasius*, the truth of the same *Synod* and *Synodall Decree* is witnessed by *Eutropius Longobardus* a, who liued before the *Empire* b of *Otho* 1. that is, 100. yeares before *Sigebert*: by *Iuo Carnotensis* c, who writ also before d *Sigebert*: by *Waltram Naumbergensis* e another writer before f *Sigebert*: by *Gratian* g who liued in the same age with *Sigebert*, by the *Glossators* h vpon *Gratian*, by *Lupoldus* i, *Theodor. de Niem* k, *Radulph. de Columna* l, *Marsilius Patavinus* m, *Occam* n, *Anton. de Rosellis* o, *Iohan. Semeca* p, *Card. Za-*

u *Gratianus Sigeberti im-*
posturam tori-
dem verbis ex-
scripsit, & ve-
lut pontificum
decretum vel
Synodi cano-
nem suo libro
inseruit. Bar.
an. 774 nu. 13
x *Plat. in vit.*
Pascalis 1.
y Nam *Ana-*
stasius *vitas*
Pontificum (ser-
ut *Possev. vocat*
Historiam Pon-
tificum) conti-
nuauit ad *Ha-*
drianum 2. vt
putat *Omniph.*
Annot. ad Plat.
post vit. *Nichol.*
1. & *Bel. lib.*
de script. *Eccle.*
in *Anast. Sed*
Baronius vsq;
ad *Step. 6 Bar.*
an. 885. nu. 7.
a *Eutr. Long.*

lib. de. iur. Imp. b *Vt. ex fine lib. liquet.* c *Iuo in suo decret. tit. de elect. pontificis* d *Sige-*
bertus scripsit post Iuonem. Boet. Epo. tract. de Regal. vel iure princ. in Beneficijs eccl. nu. 144.
e *Walter. Naumb. lib. de Inuestit.* f *Waltramus fuit Episcopus Cirzeus (is idem est qui*
Naumburgensis. Murst. Cosmogr. lib. 2. in Magdeburgo) an. 1089 & an. 21. post obiit. Chron.
Cirzen. Paul. Langy an. 1089 sic obiit biennio antequam scripsit Sigebertus. g *Grat. Dist.*
63. ca. Adrianus. h *Gloss. in dist. 63. ca. In Synodo voce Affici.* i *Lupol. lib. de Zel-*
German. princ. ca. 8. k *Theod. de Niem. lib. de priv. & Iurib. imperij. § Post.* l *Rad. de*
Colum. lib. de Transl. Imper. sect. Hoc itaq; m *Mars. Pat. lib. de transl. Imp. ca. 10.* n *Oc-*
cam. part. 3. tract. 2. lib. 3. ca. 3. o *Ant. Rossel. part. 2. Monarch. ca. 8.* p *Io. Semec. di-*
stinct. 63.

q Fran. Zobar. *lib. de schism. sect. Quis.* barell q, Card. Turrecremata r, Card. Cusanus s, Card. Cameracensis *, Platina t, Naclerus u, Mart. Polonus x, Wernerus y, the Chronicon Richer spergense z, Rob. Gagninus a, Matth. Parisiensis b, Matth. Westmonasteriensis c, Onuphrius d, Boetius Epo e, who earnestly striues for the truth of this Decree: and by many moe. So that vnlesse Baronius and his applauders had shut their eyes, and hardned their hearts against the truth, they would make no doubt, either that this Synod was truely held, or that the Emperor was then acknowledged, euen by the Popes themselues, to be their Soueraigne.

The Councell at Frankford (e), professeth that Charles was Dominus terra, the Lord of the world; that the Bishops (f) assembled *sacris obtemperando preceptis*, obeying the sacred command of Charles, as Charles himselfe also witnesseth (g), *Iussimus Synodale Concilium congregari*, we haue commanded this Synod to be assembled out of all the Churches *ditionis nostre*, which are in our dominion. Then certainly both hee commanded the Romane Bishops, (for Rome was then in his dominion) and the Pope obeyed his command, and sent (h) Theophilaetus & Stephanus for his legates to the Synod.

Pope Stephen 3. (i) writes to Pipin and Charles, in a most earnest and suppliant manner, entreating their aid against the Lombards. Nay he not onely entreats this himselfe, but he frames an Epistle in the name of S. Peter (k) vnto them, wherein he

i Stephanus 3 Epistol. 3. k Petrus Apostolus Pipino. Carolo &c. Ego Petrus Apostolus &c. Inter Epist. Steph 3. Epist. 4.

makes,

makes, both S. Peter, the Blessed Virgin, all the Thrones, Dominations, Martyres, Confessors, and Saints in heauen, to sue for this at the hands of Pipin and Charles, and euen to conuere(l) them to helpe the Romane Church in this their great distresse. What needed such supplication, such poeticall fictions, and coniurations, had Pope Stephen knowne himselfe to be the Soueraigne Lord, who might command Pipin, Charles, and all the Kings in the world; and to whose command they ought all to be obedient, vnlesse they would be rebels against their supreme Monarch? Pope Adrian* the first, acknowledged the Emperors for his Lords: We are(m) euen drencht with ioy for your command, in that ye command this cause of Images to be handled. Againe,(n) I offer this my iudgement with all humilitie to your Serenitie, that it may be discussed: I entreat and beseech your Mansuetude with all feruor of mind: yea, I beseech you, as if I were present *genibus aduolutus & coram vestigia pedum volutando*, vpon my bended knees prostrate at the sole of your feet. Pope Gregory(o) the second, As the Bishop hath no power or authoritie to looke into the Palace, (that is, to intermeddle in secular affaires) ac dignitates regales deferendi, nor to giue regall dignities, so neither hath the Emperour power to looke into Churches, and intermeddle in those duties; Let euerie one abide in that vocation, whereunto he is called of God. Germanus(p) Patriarch of Constantinople hath a constitution (extant yet in the Vaticane) wherein he reproues the Italians who disobeyed the Emperour. Now the chiefe leader of those Itali-

L

ans,

l Proffessor, ad
moneo, et con-
iuro vos Christi-
anissimos reges
&c. ibid.

* Hadrian I
Epi. 1. Dominis-
sissimis.
Ibid. vt cita-
tur in Conc.
Nic. 2. Act. 1.
Ibid. in fine.

* Gregorius 2.
Epist. 3. sect.
At in.

p Germanus
perstrinxit Ita-
los tanquam
Imperatoris suo
non obtemperantes
Bar. an. 730.
m. 5.

q Bede in
Psal. 50

r Damascenus
Orat. 2. de I-
mag. p. 736

s Bonifacius
Mogunt apud
Oshlon, li. 2. de
vit. Bonif.

t Paulus diac.
Hist. miscel. l. 11

v Alcuinus
epist. 4. ad Da-
videm regem.
x Vt liquet ex
Epist. ac. vbi se
praeceptore hu-
ius Davidis su-
isse notat. et hoc
idem observat
Hen. Canis. to. 6
Ant. lect. p. 520

ans, who made that defection, and denied tribute to him, was Pope Gregorie the 2, as before we shewed. Venerable Bede (q), *If the King offend, he offends onely to God, quia nullus alius eum pro suis peccatis puniet*, because no mortall man (then not the Pope) may punish him for his faults. Iohannes Damascenus, (r) *Regum est ciuilis administratio*, ciuill administration and gouernment belongs to Kings, *We obey thee O King in those things which belong to ciuill and secular matters, in them, quantum ad nos spectat*, in respect of vs that are of the Clergie, the gouernment is committed to you. But in ecclesiasticall affaires, Pastors, and Bishops, haue deliuered to vs lawes and constitutions, we may not remoue those eternall bounds which are set vnto vs. Bonifacius (s) that famous Englishman, and first Archbishop of Ments, when he was sent Legate into Germanie, from Pope Gregorie the second, with many ample priuiledges, *suppliciter obsecrauit*, humbly entreated King Pipine, for the Monastery of Fulda, and lands belonging to it; What needed that, had he knowne the Pope who sent him, to be the supream Lord of the world? Paulus Diaconus (t) saith of Constantine, *that he was Monocrator totius Romani Imperij*, the sole Monarch of the whole Romane Empire. Then sure he knew not the Pope to be an other, much lesse an higher Monarch. Alcuinus (v) that learned Englishman, Scholer of Bede, and Schoolmaster of Charles the great, saith of Charles (whō he vsually calls (x) king David) *that there are three most eminent dignities vpon earth; one is Papall, the second is Imperiall,* (such

(such as the Greeke Emperours had) the third is Regall, in which saith he, Christ hath made you the ruler of his Christian people, more excellent in power, more high in dignitie, then either of the former.

Againe, (y) *Rex Carolus caput orbis; Europa venerandus apex*, king Charles is the head of the world, and the top of Europe. Then sure about the Pope.

y idem Alcuin.
in li. Carminum
to. 6. Ant. lect.
Henr. Canis.

In the ninth age, The Councell at Paris (n) held, Anno 829. saith, That Christ hath committed his Church to be governed by his seruants *Lewes, and Lotharius*, then Emperours: and they set downe (o) this out of *Fulgentius*, for one of their decrees, *There is none in the Church* (that is, in Church affaires) *better then the Bishop*, and none in secular affaires about the Emperor. The

Ab an. 800
ad 900.
n Conc. Paris.
sub Greg. 4. in
prafat.
o Eodem conc.
cap. 3.

Councell at Triburia (p) saith of *Arnulphus* the Emperour, (q) *The King of Kings, Arnulphum omnibus ecclesiastica sublimitatis ordinibus præferre dignatus est*, hath vouchsafed to prefer *Arnulphus* our pacificall king, about all orders, both of ecclesiasticall sublimitie, and of secular power. Pope *Stephen* (r) the seuenth, writes thus to *Basilus* the Emperour, *Your Maiestie knoweth, that the Priestly dignitie, doth not proceed from your Kingly power, quamuis enim supremam Christi in terris personam formamque geras*, for although you be the highest person representing Christ here vpon earth, yet your care is only in politicall and ciuil matters, which we wish to remaine long vnto you. And againe, *In things belonging to this life, vobis Imperium a Deo est traditum*, the Empire and rule is giuen by God vnto you. Pope *Nicholas*, (s) *Ecclesia gladium non*

p Conc. Triburiense in
prafat.
q Celebratum est
concilium sub
Arnulpho Im-
peratore. a. 895
Bin. ex veruiff.
codice hoc citat
ante decreta il-
lius Conc.
r Stephanus 7
in Ep. ad Basil.
qua extat inter
ep. Synodales
Conc. 8. apud
Bin. to. 3. p. 899
s. Nicholaus
papa. eius ver-
ba citantur
Caus. 33. q. 2. c.
Inter hac.

habet nisi spiritualem, the Church hath no other but onely the spiritual sword, then hath it no temporall Monarchy. Photius (t) Patriarch of Constantinople, was so far from thinking the Pope to be a supream Monarch, That he in a Synod, iudicially, both deposed, and accursed the Pope. Hincmarus (v) Archbishop of Rhemes, There are two things, whereby the world is gouerned; Pontificall authoritie, and Regall power: And then he shewes, That neither may thrust himselfe into the office of the other; to which purpose he in an other place (x) cyteth those words of Ambrose, *Ad Imperatorem palatia pertinent, ad sacerdotem ecclesia*, Emperours are to deale in secular, Bishops in ecclesiasticall matters; yea, he sets (y) downe also that Epistle of Charles the second, wherein is taught, that to these two (to Bishops in Ecclesiasticall, to Kings in Secular causes) one may appeale, but from these none may appeale. Then is none in secular matters aboue the King. Amalarius (z) Fortunatus writs thus to Lewis the Emperour, I haue presumed to offer this vnto your Excellencie, *praesertim cum sciamus vos Rectorem esse totius Christianae religionis quantum ad homines pertinet*, that you are the Gouernor of the whole christia religion, as much as pertaines to man. Haimo (a) saith, Princes are called in Scripture, Heads; for, that they *iure capitis ceteros regunt*, gouerne others (and among them the Pope) in the right of an head. Theodulphus (b) Bishop of Orleans, saith of Lewis the Emperour, *Orbis te totus veneratur*, the whole world doth worship you, and *Primus*

^t Photius episcopus euocat synodum instituit, ex auctoritate atque

^v Anathema in Nicholauum papam pronunciat. Ricet. David in vita Ignat. patriarchar. Constant.

^x Hincmarus Epist. 4. cap. 1. ^y Idem epist. 5. ca. 38.

^y Inter Epist. Hincmar. ep. 9. ca. 6.

^z Amalarius praefat. ad li. de offic. eccles.

^a Haimo com. in ca. 11. Hose. in ca. verba, com. medii capite.

^b Theodulp. in lib. carm. apud Hen. Ca. 1. p. 504

in

*in orbem*icas, *Te scio nemo præt*, you are the first or chiefe in the world: I know, there is none, (then not the Pope) before or aboue you.

In the tenth age, the Romane Councell (c) held *An. 963*, for many and enormous vices, deposed *ad 1000.* John the twelfth, and placed Leo the eighth in his See; Which act approued by Otho the Emperor, with the whole Synod, is a verie ill signe they held not the Pope for their supream Lord, when they iudged themselves to haue, and that *de Iure*, authoritie aboue him.

An other Romane Synod (d) was held shortly after, by Pope Leo the eighth, wherein he with the whole Clergie, and all the Popes and States of Rome, decreed and confirmed to Otho the great, and his successors, for euer, power both to nominate his own successors in the Empire, and also to order the pontificall See (that is, to elect the Pope) and giue other Bishopricks by inuestiture. The truth both of this Synod and Synodall decree, is testified in their Canon Law (e), in Theodorick de Niem (f), Waltram Naumburgensis (g), Martinus Polonus (h), Lupoldus (i), Marsilius Patavinus (k), Radulp. de Columna (l), Platina (m), Naucerus (n), Catd. Cusanus (o), Card. Cameracensis (p), and many moe. But against Baro- nius and Gretzer, who are as eager against this Synod, as they were against the other, held vnder Hadrian, accounting * and calling this also an imposture and figment, and that among other reasons, because this Leo the eighth, was not at all Pope,

ⁿ Nauc. an. 963 ^o Cusan. Conc. Cathol. l. 3. c. 3. ^p Pet. de Alliac. Card. Camer. l. de eccl. authorit. Part. 1. c. 1. §. Ex eadem. * Bar. an. 964. nu. 21. et seq. vbi imposturam et adscritam Synodum vocat. Gretz. Apol. pro Bar. c. 18. Bulla, seu decretum est commentitium.

q Bar et Gretz.
loc cit.

r Bar. an. 996.
nn. 41

s Bar. an. 963
nn. 34. ubi
vocat hunc Le-
onem, Monstru-
eius surrogati-
onem iure nul-
lam, et pseudo-
Leonem hunc e
numero pontifi-
cum exploden-
dum ait. ibid.
nn. 38

but a pseudo-Pope (q). I will only here oppose the cleare confession of *Baronius* himselfe; who, when his fit of furie was ouerpast, writeth in this manner, and directly confutes a great part of his owne Annals; Whereas (r) Emperours had not this right to chuse their successors, this is found to be first granted to *Otho the great* by the Pope. Extat de his *Leonis Papa octavi decretum*, there is extant concerning this the Decree of Pope *Leo the eighth*, which euen the *Novelists* and *Centuriators* also doe recite: wherein among other things the Pope grants power to *Otho* to chuse his successor. And hauing after this repeated the verie wordes of the Synodall Decree, as they are set downe in their Canon Law, and in *Theodorick de Niem*, he ads, That *Otho* *authoritate huius diplomatis*, by authoritie of this Decree, and Papall Charter, chose his sonne for his successor: and so we see this power to choose their successors, to come *ex praescripto Romanorum pontificum* by the authoritie and charter of the Pope. Thus, *Baronius*; acknowledging both *Leo the eighth* to haue been the true Pope (which he most peruersly (s) else-where denies:) and further this Synod vnder *Leo the eight*, to haue beene a true and reall Synod, which he and *Gretzer* strives, but all in vain, to proue a forgerie; & lastly, that this Synod, and the true Pope with it, acknowledged the right of chusing the Pope, and inuesting Bishops (which is an Act of Imperiall Soueraigntie) to be in the Emperor, & therefore not the Pope, but the Emperour to haue been held for the supream Monarch in those daies.

Another Decree, either in this, or in an other Romane Synod, (*t*) was made by the same *Leo*, about that time also, whereby the Pope (in acknowledgment of that Imperiall Soueraigntie aboue himselfe, and of that supream right which the Emperour had to all the territories in Italy, (euen to those which the Pope held) resigned them all vnto *Otho*. The words of the Decree are recorded by *Albertus Krantzius*, (*v*) and *Theodorick de Niem*, (*x*) in this manner, *We giue vnto Otho and his Successors for euer, whatsoeuer either Charles, or Pipin, or Iustinian, or Aripert, had giuen of the Regalities of the Kingdome to S. Peter, or the Romane Church. And that you may haue and possesse them for euer, by authority of this our Charter, we confirme them to you for all generations; and if any shall infringe this our authoritie or grant, or shall be found a violator thereof, let him know, that he shall fall into the indignation of S. Peter, of Vs, and of our predecessors; yea if he doe not repent, let his goods be confiscated, and he punished as one reus Maiestatis, guiltie of high treason. So let it be. This Decree was made as Theodorick saith, (*y*) in generali concilio, he meanes in a verie great Romane Councell, at which were present (*z*) and subscribed to it fifteene Archbishops and Bishops, seuen Cardinals, & fifteene chiefe Citizens of Rome. Did either the Pope himselfe, or others at this time, esteeme the Pope a supream temporall Monarch of Rome, or Italy, when he resigned these vnto the Emperour, as to his Superior, yea Soueraigne Lord of them? *Baronius* and *Gretzer*, are exceedingly netled with this*

t Decretum
Syn. Rom. sub
Leon. 8

v *Alb. Cram.*
li. 4. Saxonia.
cap. 10.
x *Theo. de Niem*
l. de priu et lar.
Imp. sect. Con-
uenit.

y *The. de Niem*
loco cit. in titulo
cap.

z *Krant. et*
Niem. loc. cit.

a Constitutio
nomine Leonis
conficta. Bar. an.
964. nu. 24. a
non legitimo
papa promul-
gata. ibid. n. 22
Inpoflor fuit,
ineptus, stoli-
dus, infufus
ibid. n. 24. f. E
tiam Bullam.
commentitium
diploma, vocat
Grete Apol. pro
Bar. c. 19. et l. 2
cont. Repl. c. 14
b Bar. an. 996
nu. 41
c Barnardiver-
ba citantur in
Chron. magno
Belgic. an. 962.
pa. 84
d Cusan. li. 3.
conc. cath. ca. 2.

e. Ibid. ca. 3.

this decree, and exclaim (a) both against it, and Leo, as being no true Pope. But the Cardinall himfelfe hath refuted all that he, or any elfe can fay against Leo, when he acknowledged (b) him to be the true Pope, and his Decree to be Diploma, a Pontificall Charter of fufficient authoritie to giue the right of choofing ones fucceffor in the Empire. And for the truth of this Decree, befides Theodorick, and Krantzius, who are indeed witneffes beyond iust exception in this caufe, the fame is testified by Barnard, who faith, (c) That Leo the eight, with the confent of the Cardinals and Bifhops, yea of the whole Clergie and people of Rome, reforted to Otho and his Succelfors, the Donations made by Iuftinian, Aripert, Pipin, and Charles. It is further testified by their owne Cardinall Cufanus, an eye witneffe of this Charter, who thus writes, (d) *Vidi Decretum Leonis Papa*, I haue feene the Decree made by Pope Leo the eight, in the Romane Synod fubfcribed by the Bifhops, Clergie, and people of Rome, whereby he reftores to Otho the firft, all the places which Charles, Pipin, or Aripert (he is corruptly written Robert) gaue to S. Seter, and the places are particular-ly named in the Decree. And againe, I much (e) maruell that Gratian fpeaking of the inueftiture of Bifhops granted by Leo, which text proues Otho to be Emperour (to wit, fuperior to the Pope) did not alfo mention that reftitution of thofe Cities which were giuen to the Romane Church. So Cufanus. The fame Synodall Decree is yet further testified by thofe foure famous Schooles of Learning, which were then honored with the name of Vniuerfities

or

or Academies; to wit, the vniuersitie of Paris, of Oxford, of Prage, and of Rome, who in a treatise* written by them all vnto Pope *Vrbane*, and *Wencelaus* the Emperour, said thus: Pope *Leo the eight*, by reason of the malice and turbulencie of the Romanes, decreed that none should be made Pope, but with the consent of the Emperour; and further with the consent of the Cardinals, Bishops, Presbyters and Deacons, yea of the whole Cleargie, and people of Rome, he remised, granted and gaue to *Otho* and his successours, those donations in Italie which were made to the *Romane Church*, by *Iustinian*, *Pipin*, *Charles*, and others. Thus witnesse those foure famous Vniuersities, in whom is included the iudgment of many other most learned Diuines.

* *Epistola vniuersitatum Paris. Oxon. Prag. et Rom. de autoritate Imperatoris.*

Eutropius Longobardus (f) professedly, & at large shewes, that not onely before and in the time of *Charles the Great*, but long after, the Soueraigne power and gouernment of Rome was still in the Emperour; and that *Charles* ordained that all the chiefe men of Rome, as well Bishops as others, essent *Imperiales homines*, should be the Emperours men or vassals, and that they, as all the rest, should make fidelitie to the Emperour; and that the Emperours deputie should at all times stay in Rome, to determine litigious controuersies; and this custome continued to the time of *Lewis the second*, the sonne of *Lotharius* (that is, till the yeere 880.) after which time the Emperours authoritie in Rome, by the fraud of the Romanes, began to decline. *Luitprandus* (g) not only relates, but approoues the iudgement of that

f *Eutropius Longob. li. de Iurib. & priu. Imp.*

g *Luitprandus lib. 6. cap. 6. 7.*

M

Romane

Romane Synod which deposed Iohn 12. And he not
^b *Ibid. cap. 11.* only calles (h) *Otho, pium ac sanctum Imperatorem*,
 a pious and holy Emperour; and *Leo* then chosē,
summum & vniuersalem papam a Deo electum, the
 highest and vniuersall Bishop, chosē by God; but
 he further sets it downe as an act of impietie and
 rebellion in *Iohn 12.* and others of his faction,
 who resisted this Synodall and Imperiall iudge-
 ment; *Iohn* (saith he i.) being deposed, sent messengers
 to Rome, promising to giue them the money of Saint
 Peter, and of all Churches (an holy offer for a Pope
 to make) if they would rush vpon the Emperour, and
 the new Pope *Leo*, eosque impiissimè trucidarent, and
 if they would kill them both, (which *Litprandus*
 saith, was a most impious enterprize:) and he adds,
 that the Emperour thereupon returned, and slew a
 number of them, so that none had escaped, vnlesse the
 Emperour being inclined to mercy, (*quæ nulla debe-*
batur, which in no sort was due vnto them,) had
 at the entreatie and supplication of Pope *Leo* spared
 them. *Rhegino* (k) both records and approoues the
 same fact of the Synode, and Emperour, in depo-
 sing *Iohn*; adding, that the *Romanes sub iureiurando*
fidelitatem promiserunt, promised by an oath ta-
 ken vpon the bodie of Saint Peter, that they would
 bee faithfull to the Emperour (as their Soueraigne
 Lord,) and the new chosē Pope *Leo*. *Abbo Floria-*
censis (l) saith of Charles the Great, This citie was
 committed to Charles our King, *Imperio cuius regi-*
tur totus prope cosmus post dominum, by whose Em-
 pire, next and immediately vnder God, is gouer-
 ned almost the whole world. *Whitichindus* (m) not
 onely

k *Rhegino*
in Chron. ad. an.
 963. & 964.

l *Abbo Flo-*
riac. li. 1. de ob-
sid. Lutetia, in
initio.

m *Whitichind.*
lib. 2. Gest.
Saxonic.

onely calles the Emperour *Henry*, *regum optimum, maximum*, the greatest and best of Kings, but sets downe the forme of crowning the Romane King at Aquisgrane, one part of which is this; *Take this sword, omni potestate imperii Francorum tibi auctoritate diuina tradita*, all the power of the Empire of the French (they had then and long before beene the Romane Emperours) being giuen vnto you by diuine authoritie. *Frodoardus* (n) speaking of the Popes letters, sent to the Synode at Vir-
" Frodoardus
in Chron. an.
948.
dunum, in the behalfe of *Hugo*, who had beene put from the Archbishopricke of Rhemes; *Pope Agapetus the second*, commanding therein, the Bishops to restore *Hugh* to that Archbishoprick, yet saith *Frodoardus*, *nihil auctoritatis canonica continebant*, the Popes letters contained noronicall authoritie: and the whole Synode notwithstanding the Popes command, *did* (and that he saith, *justly and by the ancient canons*) adiudge the See to *Artaldus*, and that *Hugh* should be excommunicated, till he purged himselfe at the generall Synode; and the generall Synod being shortly after assembled, they did, notwithstanding the Popes command to the contrarie, with one consent confirme *Artaldus*, and reiect *Hugh*. Did they esteeme, thinke you, the Pope to bee their supreame Lord either in temporall or in Ecclesiasticall matters?

CHAP. VI.

That the Popes Temporall Monarchie is condemned
by the Bishops, and learned writers, who lived
from the 1000. to the 1100. yeere.

Ab an. 1000
ad 1100.



N the eleuenth age, this con-
trouersie, which till then
none durst euer set on foote,
beganne to bee rise in the
Church; *Leo* the ninth, at the
instigation of *Hildebrand*,
first claiming, and Pope *Hil-*
debrand shortly after, vsur-

^a Concil.
Worm. apud
Abb. Vrsperg.
an. 1076. &
Lamb. Scalf.
an. eodem.
^b Ab. Vrsperg. loc.
cit. & Albert.
Stad. an. 1076
^c Lamber.
Scalf. loc. cit.
sententiam pro
mulgarunt.

^d Decretum est
ut banum
Hildebrandi
nullus curaret,
nec papa esset.
Marian. Scot.
an. 1077.
^e Abb. Vrsperg.
an. 1076. &
Lamb. Scalf.
an. eodem.

ping the same in his deposing of *Henry* the fourth,
and giuing his Empire to *Rodulph*, and after his
death to others. How this Hildebrandicall do-
ctrine was embraced, and what applause it then
had, is worthy obseruing.

The Councell at Wormes (^a) was held ann.
1076. wherein were present almost (^b) all the Ger-
mane Bishops: In it *Hildebrandum* papam abdicau-
runt, they did reiect and forsake Pope *Hildebrand*,
pronouncing (^c) this iudiciall sentence, quod papa esse
non possit, that he could not be, nor indeede (^d) was
Pope, and that hee had no power either to binde or
loose by the priuiledge of the *Romane See*, and that
none should care for his curse; they writ (^e) vnto him,
that whatsoeuer he did from thence command or de-
cree, irritum haberi, they would esteeme it void; and
that as he did not account them for Bishops, ita tu
quoque

quoque nulli nostrum amodo eris Apostolicus, so neither shall you from hence forward be accounted Pope by any of vs.

In the Councell of Papia, held the same yere, 1076. *Anathema (f) in se prolatum in Pontificem retorserunt*, The Bishops returned the like curse and Anathema to Pope Hildebrand as he had denounced against them. The decree of the Councell was this, *(g) Hildebrand who calles himselfe Gregory the seventh, hath inuaded the See. He usurpes both the Imperiall and Pontificall office, as the old Heathen Emperours were wont to doe: hee hath committed treason, in seeking to take away from the Emperour both his crowne and his life, neither of which hee can giue: for these causes, the most holy Emperour, the Bishops, the Senate and Christian people, do decree him to bee deposed. To this decree subscribed at Ticinum (h), (or Papia i) not onely the Bishops (k) of Germanie and France, but of Italie also, and they swore that they would neuer receiue him for Pope againe.*

In the Councell at Gerstungan (l), it was prooued by the sacred Canons, yea, out of the great Nicene Councell, that Henry the Emperour (whom Hildebrand had deposed) neither was, nor ought to bee excommunicated: *And the Bishops who disputed for Pope Hildebrand to iustifie his act, ita confusi sunt & deuicti*, were so confounded and vanquished, that they had not any thing to answer, because the mouthes of them that spake wicked things were stopped.

In the Councell at Mentz held Anno 1079. it

^f Conc. Pap.
to. 3. Conc. pag.
1283.

^g Fit patrum
consultum hu-
iusmodi. Auent.
lib. 5. Annal.
pa. 452.

^h Auent. loc. cit.
ⁱ Binio hoc idē
est cū Papiensi
Concilio.

^k Auent. loc. cit.
^l Conuentus
in Gerstungan
apud Waleram
lib. 2. Apol. pro
Henr. 4. cap. 39

^m Conc. Mo- was decreed (m) that Hildebrand should be deposed.

gunt. apud Si-
geb. an. 1079.

ⁿ Conc. Brix-
iense apud Al-
bert. Stad. an.
1080. et Mar.
Scot. eod. an.

^o Abb. V. sp.
an. 1080.

In the Councell held at Brixia (n) ann. 1080 wherein were 30. Bishops with the Nobles both of Italie and Germanie, diiudicabant Gregorium depellendum, they adiudged that Gregorie the seuenth, was to be deposed and put out of the Romane See, and they elected Guibert in his roome. The decree of the Councell (o) was this: Because it is manifest that Hildebrand was not chosen of God, but by fraud and simonie put himselfe into the See; and seeing he both subuerts Ecclesiasticall order, troubles the Kingdome and Empire, defends a periured King (Rodulph), sowes discord and strife among those that are pacificall; therefore we being now gathered together, God being the author, do iudge, that he being a manifest Necromancer, led with an euill spirit, and exorbitant from the true faith, is canonically to bee deposed, expelled, and if he will not depart vpon the hearing hereof, in perpetuum condemnandum, is for euer to be condemned.

^p Conc. Mo-
gunt. apud Alb.
Stad. an. 1085

In a Councell at Mentz (p) held ann. 1085. at which Guibert called Pope Clement the third, was present, all the Bishops who rebelled against the Emperor, deponendi iudicantur, were iudged to be deposed, and all other who tooke part with Gregorie the seuenth, whom the Councell calles a traitor to the Kingdome and Ecclesiasticall peace, are accursed and anathematized.

^q Conc. Mo-
gunt. apud Ioh.
Auentin. lib. 5.
p. 464. & seq.

In an other Councell at Mentz (q) (for it seemes by many circumstances not to bee the same with the former) where were present the Emperor, Peter Bishop of Portua, the Legates of Clement the third,

Guibert (at the other himfelfe was prefent :) many other Bifhops both of Italie, France, and Germanie, *communi omnium confenfu Hildebrandi fecta pietati Christiana repugnans, explofa & exfibilata eft*, the Hildebrandical fect, was exploded and hisfed out, as being contrarie to Christian religion. Besides, Hermannus a king of Hildebrands making was pro- fcribed, and 14. Bifhops of the Hildebrandicall fect were depofed and condemned for periurie, homicide, yea for treason in refifting their Emperour Henry, though depofed by Hildebrand.

In the Romane Councell (r) held anno 1098. at S. Maries, in the Church called Rotunda, wherein were prefent three Cardinals, and diuers Italian Bifhops, they thus write, We will not haue you ignorant that we are affembled to deftroy the heresies, nouiter ab Hildebrando inuentas, lately deuifed by Hildebrand, and to defend the Catholike Faith; and a litle after, We call heauen and earth to witneffe, that we giue no confent to their peruersnesse; and for testimo- nie hereof, in the midft of the Church, in the fight of men and Angels, *incendio tradimus eorum decreta heretica*, we burne in the fire the hereticall decrees of Hildebrand and his adherents.

To thefe Synodall iudgements, let vs adde the consenting voice of others in that age, equall to a Synodall fentence. *Plerique (f) omnes boni*, Almost all good, ingenuous, and plaine dealing men did write that the Empire of Antichrift did then beginne. Most (t) men, both publikely, and priuately, cryed out againft the wickednesse of Gregory, they cursed him, and prayed for all ill to happen to him; they cryed out, that

^r Conc. Rom. cuius Acta ha- bentur inter Imper. Conftit. to. 3. pa. 315. et in Fasc. rer. ex- pet. pa. 43.

^t Iudicium bonorum. apud Ioh. Auent. lib. 5. pa. 470. Lib. cod. p. 455

that he was caryed headlong with the desire of domineering, they called him *Antichrist*; they said he sate in Babilon as in the Church of God, exalting himself aboue all that was called God, boasting that he like God could not erre. Further, that Hildebrand under the title of *Christ*, did *orbis Imperium ambire*, seeke to haue the Monarchy of the world: that he esteemes others who would not consent to his sycophansies and frauds, beasts, fooles, blockes and asses: that he bent all his strength to oppresse the leader of the flocke, that so the sheepe being destitute of the Emperors helpe, he might at libertie vse his tyrannie. That if all power be of God, most of all the Emperors, to whom the gouernment of the whole world is committed: that this nefarious and inextiable crime of Hildebrand is to be driuen farre from the Germane nation, and Hildebrand is to be conquered not with words or disputations, but with fetters and imprisonment.

* Ecclesia Leod. in Epistola aduers. Pascali 2. circ. an. 1107

The Church of Leodium, writ(u) a large treatise against the Pope, in which they call the *Romane Church* as then it was, *Babylon*; they prooue, that they owe obedience to the Emperour, notwithstanding he were excommunicated by the Pope; they say of the Hildebrandists, that they did rent the church *nouello schismate et nouellis traditionibus*, by a new schisme, and new traditions, such as allow both disobedience and periurie: And concluding that point; By this, say they, all may perceiue, that he is *reus capitis*, guiltie of treason, and of death, who doth not obey *Cæsar* (euen that *Cæsar* whom Pope Hildebrand had excommunicated and deposed.)

They

They further adde, that Pope Hildebrand was author *huius nouelli schismatis*, the author of this new schisme, and the first that lifted up his Pontificall launce, against the Crowne of the King, and who indiscreetly excommunicated those that fauoured Henrie, for which cause he afterwards reprooued his own rashnesse: and further, that all Popes from Gregorie the first vnto Hildebrand, *utebantur solo gladio spirituali*, vsed onely the spiritual sword, he was the first who euer girded himselfe with the sword of battle against the Emperour.

The Deane and Church of Laurissham, (x) writ thus to the Emperour, *Summo post Dominum Regi*, to the highest King next after God; They also complaine of the Nouelties (z) and Heresies which Hildebrand and Pascalis did maintaine, and entreat him to suppressse those heresies.

Rodolph (a) the first to whom euer any Pope gaue the Kingdome of a deposed Emperour; at his death condemned both the Popes doctrine in this point, and with it his owne fact also. For holding up the stumpe of his right hand (which he had lost in battle) loe, saith he (b) with this did I sweare to my Lord (Henry,) not to hurt either him or his honour, but *inssio Apostolica*, the command of Pope Hildebrand hath brought me to this, that I haue broken my oath, and vsurped unlawfull honour; you see my end, and how in that hand wherewith I sware, I haue receiued a deadly wound. Let those who instigated me to this, consider how they haue guided mee, and let them looke that wee both (they and I) be not carried headlong to eternall condemnation.

N

Pope

x Decanus & Eccl. Lauris, in suo libell. supplici.

z Multa sunt alia nouitates, dogmata, sectae. Praefatas hereses sectasque. Conciat hac heresis. ibid.

a Rodolphus.

b Helmo ld Chron. Slav. ca. 29. & Alb. Stad. an. 1080.

* Hildebrandus pœnitens.

^d Math. Paris. ap. 1186. in Guiliel. conq.

^e Sigeb. a. 1085

^f Flor. Wigorn. in Chron. a. 1106

^g Cusp. in Henr. 4. prope finem.

^h Sig. & Floren. loc. cit.

* Florent. loc. cit.

^b Joh. Auct. li. 5. pa. 470.

^c Lanf. epist. ad Hug. quæ est apud Bar. an. 1080. nu. 27

Pope Hildebrand * himselfe was at last displeased with this his owne doctrine, and with his doings also in this matter : for at the time of his death (and note that he died in banishment at Salernum) he called, saith Mathæus Parisi. (d) some of the Cardinals unto him and confessed unto them, That he had greatly offended in his pastorall charge, & suadente diabolo, and that at the suggestion of the diuell he had stirred up the anger and wrath of God against mankind. Sigibert who liued in that age, relates e the same, as also Florentius Wigornienfis, (f) who cites for a witnesse hereof the Archbishop of Mentz. Cuspinian also saith g, It is testified in vetustissimis annalibus by the most ancient annales. Sigibert (h), and Florentius also adde, that Hildebrand sent his Confessour to the Emperour to aske forgiuenesse of him, and of the whole Church; releasing * all, both Emperour and others, from those bannes and curses which he had denounced against them. And if one may beleue visions of those times, one of the Priests of Saxony b, lying like a dead man in a trance for three daies, when hee came to himselfe, said, he then had a reuelation, that Hildebrand, Rodulph, and Hermannus were tormented in euerlasting punishment.

Lanfrank Archbishop of Canterbury, calles (c) Henry the fourth, though deposed by Pope Hildebrand, gloriosum Imperatorem, a glorious Emperour, and withall addes, that he could not obtaine so great a victorie (against Rodulph) to whom the Pope had giuen the Empire) sine magno dei auxilio, without the great assistance of God; whom

whom yet the Bishop did not thinke to giue assistance to vniust causes.

Gerochus, one who in those daies had writ most earnestly in defence of *Hildebrand*, at last seeing his pertinacie, writ in this manner (d): *The Romanes* (to wit, *Hildebrand* with his faction) *vsurpe Diuine honour*, they will not giue a reason of their actions, nor doe they patiently endure that one should say to them, *Cur ita facis*: They ingeminate that of the *Satyrical Poet*, *Sic volo, sic iubeo*. This is my will; my will doth stand for a reason.

d *Geroch. e* verba habetur apud *Auch. li.* 5: p. 446.

Venerius Bishop of *Vercels*, writ an whole booke against *Hildebrand*: In it hee thus saith (e). *Christ taught his Apostles, not to dispose of Kingdomes, nor to order them, nay himselfe did not affect such a Kingdome, but fled from it. Wee reade Hildebrand to teach, quod potestatem habuerit super reges, that hee had power ouer Kings and ouer Kingdomes, & that he might do that which the Psalmist saith belongs only to God, He puts downe one, and sets up another. Hildebrand hath made a rent in the Church, whence are growne ciuill warres, slaughters, periuries, perfidious dealings, iniustice; these doe now flowe and superabound, propter doctrinam Hildebrandi Papæ, by reason of the doctrine of Pope Hildebrand. Is it Apostolicall, is it Catholike, is it spiritual to take part with Hildebrand, to nourish and defend such crimes?*

e *Venerius li.* de vnit. eccl. citatur in *Catal. test. veris.* lib. 13.

Conrad Bishop of *Traiectum* in an open assembly said, (f) *Hildebrand* is carried headlong with ambition, seeing he *vsurpes* the power of the immortal God.

f *Conradi* Oratio extat apud *Avent. li.* 5: p. 463.

^g Osbert Leod.
li. de vita Hen.
4. sect. Igitur
Saxones.

Osbertus Bishop of Leodium speaking of Hildebrand saith, (g) *Qua dementia, what madnesse hath armed you against the King and gouernour of the world? your malignant coniuration will not profit you. Whom God hath settled in the Kingdome, your hand can not cast him out.*

^h Epif. Treuir.
cuius Epist. ex-
tat in li. Imper.
Const. to. 1. p. 46

The Bishop of Triers, (h) *This Hildebrand, who innuadeth the Apostolicke See, who is puffed up with such pride as hath not beene heard off, who studies prophanes nouelties, and is delighted with an ample name, I know not how to call him a Christian, seeing he hath not that Character, namely peace and charitie which Christ hath imprinted in his Disciples. Ther's nothing so impious and nefarious, nothing so detestable and execrable which he regards, so that he may arme others against the King. I will not obey him hereafter, neither shall he by my iudgement sit in the seate of Peter, whom he doth not follow.*

ⁱ Epif. Virdunensis
epist. ex-
tat ibidem.

The Bishop of Virdunum (i), *Hildebrand who is called the head, iam est cauda ecclesiae, is now the taile of the Church; he who is called the foundation, is now the desolation of the Church; he who is said to gather, doth now scatter; he who is said to loue, doth now hate the Church; hee who is said to strengthen, doth now weaken the holy Church. O the Arrogancie of him, who glorieth that hee is aboue the Church, doing wickedly aboue all malice, renting the Church, and which is vnheard of, presuming to destroy the Catholike King (Henry the fourth, then deposed) condemning most wickedly those who are godly, peruerting the decrees of the fathers, aduancing an adulterous King (Rodulph) indenuouring to extinguish*

extinguish the true and lawfull King with all memorie of the kingly name. Hee calles periuric fidelitie, faith he calles sacriledge, his father (the diuel) was a lier from the beginning, and himselfe lyeth in all things and contradicts the truth. Shall we call him our head, who is a wicked, an execrated man, who subuersts the members of the Church?

Waltram Bishop of Medeburge, Let all (k) be^k confounded who resist the Lord; Rodulph, Hildebrand, Egbert and diuers others, Dei ordinationi^k in Henrico restiterunt, resisted Gods ordinance in resisting the Emperour Henry, and behold they are^k perished, as if they had not beene; and truly their beginning must needs be euill, whom so bad an end did follow.^k ^{Walt. Episc. Medeb. ep. extat apud Doctech. in Append ad Mar. Scot. an. 1090.}

Waltram Bishop of Naumberg hath writ two^l books against the impieties of Hildebrand. Certum^l est (l) its certaine faith hee, that Pope Hildebrand hath attempted to violate the Sacred Scripture and the commandements of God: he hath (m) mingled^m himselfe with the deathes of many Christians, kindling the fire of warre almost through the whole Empire, The Bishops (n) of Hildebrand, corporum simulⁿ & animarum sunt homicida, are murderers both of bodies and foules, they are such as may deseruedly be called the Synagogue of Satan. The Church (o) hath^o no sword giuen vnto it, nisi gladium spiritus, but onely the sword of the Spirit: Hildebrand (p) hath^p vsurped regall authoritie, against the ordination of God, and against the vse & discipline of the Church. He hath vsurped the offices of both powers, temporall^q and^q ^{Walt. Naumber. lib. 1. de vnir. ecc. & Imper. cap. 18. m walt. lib. 2. qua vocatur Apologia cap. 2 n Lib. eodem ca. eodem. o Ibid. cap. 11. p Ibid. ca. 4.}

and Ecclesiasticall, he hath maruellously resisted the ordinance of God: yea he plainly calls (q) this doctrine of Hildebrand an Heresie, *Magna est heresis Dei ordinationi resistere*. Its a great heresie to resist Gods ordinance, which it is manifest that these Bishops of Hildebrand haue done, when they went about to destroy Henry the King placed by God.

* Leo 9. Ep. 7 Pope Leo the ninth, Rome hath brought up and nourished Constantine, & *super omnes mortales constituit*, and set him aboute all mortall men; then sure aboute the Pope.

* Damianus lib. 4 ep. 9. ad Older. Firmian Petrus Damianus (r); The offices belonging to Bishops and Kings are proper to each of them, the King is to vse secular weapons, Bishops the sword of the Spirit. Ozias was smitten with leprosie for vsurping the Priests office, what then doth the Priest deserue if he take secular weapons which are proper to lay men? Which words are so pregnant against the Papall Monarchy, that Baronius taxeth Damianus as Hereticall, for this saying.

* Oecumenius in cap. 13. ad Rom. Oecumenius (s), The Apostle instructeth euery soule, though he be a Bishop or an Apostle (then much more the Pope) to be subiect to secular Princes.

* Theophil. in ca. 13. ad Rom. Theophilact (t): *Vniuersos erudit*, the Apostle teacheth all, yea though he be an Apostle (then sure the Apostles successors) that they be subiect to secular Princes.

* Anselmus in 26. ca. Math. Anselme Archbishop of Canterbury (u). There are two swords in the Church, the one materiall, the other spirituall; and there are secular Ministers, to whom

whom belongs the handling of temporall matters: and spirituall to whom spirituall matters doe belong: the temporall sword is giuen to carnall (that is, secular) men, the spirituall to spirituall persons: as the King may not intermeddle with the priestly stole, so neither may a Bishop exercise that which belongs to the King. x Jno ep. 17.

Iuo Bishop of Carnotum (x). The disposing of secular matters is giuen to the King, and they are fundamentum & Caput populi, the foundation and head of the people, and where they will not obey the admonitions of Bishops, diuino iudicio sunt reseruandi, they are to be left to Gods iudgement. Then is not the Pope as a superiour Lord to iudge, punish, or depose them. z Glab. Rod. lib. 4. cap. 5.

Glaber Rodulphus (z). At this time the Romane See was miserably infected with a pestiferous disease, for the space of 25. yeeres; they ordained a Pope about 12. yeeres olde, whom onely siluer and gold did commend more then either age or sanctitie: but as hee had an unhappie beginning, so he had an unhappie end, for hee was deposed by the Emperour with the consent of the whole Romane Cleargie, and a most holy man put in his roome. Glaber approouing this act of the Emperour, shewes plainly hee thought the Pope to be subiect to Imperiall authority, and iudgement. a Sig. an. 1088

Sigibert (a). This Noueltie, that I say not Heresie, was not before this time sprung up in the world, that Priests should teach the people that they ought no obedience to wicked Kings, and that though they
swear

swear fidelitie vnto them, yet they owe not fidelitie, and are not periured, if they disobey their King. Hildebrand euen in this doctrine is by him accounted an author of Noueltie and Heresie.

Thus was this Hildebrandicall doctrine no other wise entertained at the very first arising thereof, and euer since, then as a noueltie, a schismaticall, a seditious, a pernicious and pestilent heresie.

It is true, I confesse, that the Imperialists also who in this and the succeeding ages defended the right of Emperours against the then challenged and usurped Papall Monarchy, were, *and that euen eo nomine* * because they were faithfull loyall and obedient to Emperours, both accounted and called Heretikes by the Hildebrandists, or adherents to the Pope. But the name of Heretikes being by either part giuen vnto the other both then and euer since, yet there is a maine difference in the veritie of this Appellation. The sentence and censure of the Pope in this and following ages, was for this point but the partiall and vniust sentence of some factious, seditious and schismaticall Hildebrandists, condemned by the Vniforme and consenting iudgement of the whole Catholike Church in all the seuerall ages thereof, till the daies of *Hildebrand*. The sentence and censure of the Imperialists was for this point the Orthodoxall and consenting iudgement of holy Councils and of the Catholike fathers for more then a thousand yeeres together after Christ. If they obiect, that some of the witnesses whom in this

or

* *Reliquet ex
his quæ hoc sæ-
culo diximus: et
ex Decreto
Lud. Bauari cū
concilio proce-
ssu in quo ita dicit
Illos, quod a
nobis & Impe-
rio deficere nol-
lent, quod cri-
men læsa mai-
estatis, & scelus
perfidia admit-
tere recusarent,
Hæresis nota in
vssit papa. apud
Auct. lib. 7.
pag. 613.*

or succeeding ages we produce, were accounted Heretikes, we iustly reply, that those also whom they produce against vs, in this cause, were accounted Heretikes. Either by the iudgement of the other, was counted and called Hereticall, and so neither of both since this rent in the Church made by *Hildebrand*, is an equall or fit iudge of the other. The vnpartiall Iudgement in this cause must proceede from the former, ancient, and consenting voice of the Church before it was rent or diuided in this question. And seeing with the Imperialists in this point wholly concurre, and from the Hildebrandists wholly dissents the consenting voice and iudgement of the Catholike Church in all the former ages thereof, that is, for more then 1000. yeeres together, it is an euident demonstration, that the Imperialists, and those who are witnesses on our part, in this doctrine, both in truth are, and are by all others to be accounted and called Orthodoxall; and that the Hildebrandists and those who are witnesses on their part, in this doctrine, both in truth are, and are by all others to be accounted and called Hereticall.

CHAP. VII.

That the Popes Temporall Monarchy was condemned by Bishops, and learned writers, who liued from the yeere 1100. to the yeere 1200.

Ab an. 1100
ad 1200.

^a Conc. Tirc.
apud Bin. in vi
ta Pascal. 2.
pag. 1304.



N the twelfth age, there was held about anno 1107. Concilium Tircense (perhaps it should bee Trecense.) In it (a) the Emperour Henry the first, complained that the Imperiall rights were impaired by the Pope. The matter beeing

deferred till the Emperour came to his Coronation in Italie (which was about a yeere after) then, as Petr. Diaconus, who then liued, declares, one of the Emperours part, seeing how Pope Pascalis protracted the Coronation, and required a stricter oath, then seemed fit, said (b) *Quid multis opus est, what needs all this doing? know that our Lord the Emperour will so take the Crowne as Charles, Lewis and Pipine tooke it; And that was (c) to haue the inuestiture of Bishops, and all other Royalties and Imperiall rights which Charles and other Emperours had for 300. yeeres and more; yea the Emperour, saith Alb. Stadenfis (d) would not sweare, but said (and said most rightly) Imperatorem nemini debere iurare, that the Emperour was not bound to sweare vnto any man, seeing to him as supream, all others are to exhibite the sacrament of their oathes. When the*

Pope

^b Petr. Diac. in
Chron. Cassinen.
lib. 4. cap. 40.

^c Naue. gener.
28. in initio. et
Sige. an. 1111

^d Alb. Stadenfis.
an. 1111.

Pope would not accept of that oath, *they(e) thrust him from his throne, tooke him prisoner with diuers Cardinals, and others that tooke part with the Pope, and carried them to Sorecte: where the Pope was kept in prison for the space of 61. daies.* In the end the Pope yeelded, and (swore (f)), that he would neuer either disturbe the Emperour or his Empire, as violating the Churches right, neither anathematize him for thus vsing the Pope: and further that hee would *privilegio sub anathemate confirmare*, confirme by a priuledge and that vnder a curse (and so he did (g) in the sight of all) that the Emperour should enioy the inuestitures of Bishops and Abbots, and that whosoever were chosen for a Bishop, should be consecrated of none vnlesse he were inuested by the Emperour. The Emperour on the other side (swore (h) (in such forme as he before had offered and the Pope had refused) that hee would obey the Pope, *saluo honore Imperii & regni*, alwaies sauing the honour of the Empire and Kingdome, as other (i) Emperours were vsed to sweare. So both the Emperour knew and the Pope acknowledged, and that vpon his oath, the Soueraigntie and Royalties to belong vnto the Emperour. You will say, the Pope did this in feare and by constraint. It is true he was by iust punishment induced vnto it. And none must euer thinke that Popes without such strong inducements, will euer doe any right to Kings or Emperours. But had the Pope thought those Royalties not to be in right belonging to the Emperour, why did he at all consent vnto it? why did he not endure, I say not impri-

^e Petr. Diac.
Chron. Cass. lib.
4. ca. 41.

^f Lib. cod. c. 42.

^g Papa tradidit
ei in oculis om-
nium principu
privilegium de
inuestitura &c.
Sigeb. an. 1111

^h Petr. Diac. l. 4
ca. 42.

ⁱ Sicuti Catho-
lici Imperatores
solent. *ibid.*

sonment, but death for a righteous cause? *Si homines timerentur, Martyres non essent.* All Princes may see by this, how to haue right at the Popes hand. If Popes once ouermaster them, they will be sure to do as this same Pascalis did: as soone as the Emperour was gone, and the danger ouerpast, the Pope in a Synode in the Laterane, recalled (k) that his owne former grant, made with an imprecation, uttered before the holy Altar, in the sight of all the Princes, and said, it was *Præuilegium* not *Pri- uilegium*: and contrarie to his oath of not disturbing the Emperour nor his Empire, (for assurance whereof he (l) had giuen and receiued the holy Eucharist) the Councell then decreed, (m) that the Emperour was to be excommunicated and shut out of the Church, and the Pope (n) published and thundered out an excommunication against the Emperour, set all the Empire in an vprore and combustion; nor was Pascalis and his successours euer at quiet, till they had forced (o) Henry (as in the time of Calixtus they did) to resigne and deliuer up the Priuiledge granted by Pascalis, and compelled him to yeeld the Inuestitures of Bishops into the Popes hands. But such coacted resignation, could not take away either from that Henry, or from any of his successours, those Imperiall rights, which belong to their Crowne and which they ought, euen by the words of their vsuall oath, *Saluo honore Imperii*, still to maintaine.

There was held anno 1160. a Councell at Pavia, (it may, in regard of the Bishops of so many prouinces assembled therein, be called a generall Coun-

^k Abb. Vspere.
an. 1112. Alb.
Stad. an. eodem
Nacl. an. eod.
Conc. Later.
sub Pascalis. 2.
pa. 1309.

^l Sigeb. a. 1111
^m Imperatorem
a liminibus ec-
clesia seque-
strandum cen-
suerunt. Alb.
Stad. an. 1112

ⁿ Papa legati
Imperatoris ex-
communicatio-
nem publicant.
Nacl. a. 1112
pa. 739.

^o Nacl. a. 1112

Councell) to determine whether Octavian called Victor, or Rowland called Alexander the third, was the right Pope. The Emperour Fridericke the first called it, and writ thus, (b) *Whereas Christ* b Epist. Frid. 1. extat apud Raden. lib. 2. de gest. Frid. 1. cap. 56. *at his passion was contented with two swords, this is fulfilled in the Romane Church (for the one) and in the Romane Empire (for the other.) And, wee by the counsell of all our Bishops and Princes haue appointed a Councel at Papia, vnto which vocabimus, we will call both those that tearme themselues Popes, and all other Bishops in our Empire, as also of other Kingdomes, France, England, Spaine and Hungarie. And to Rowland who was called Alexander, hee writ, Mandamus (c) we command and charge you in the name of God to come to this Councell. When the Councell was assembled the Emperour thus began: Although (d) I know that by the office and dignitie of my Empire I haue power to call Councels, as Constantine, Theodosius, Iustinian, Charles the Great, and Otho haue done before; yet the authoritie to define this great and weightie businesse, committo potestati vestrae, I commit to your wisdom and power. The whole Councell adiudged (e) the See to Octavianus, the Emperour ratified their iudgement, placed him in the Pontificall throne. And yet (so exorbitant are their Popes) notwithstanding this so ample, so diligent, and exact examination and Synodall iudgement, Rowland (whom they truly called (f) an Idoll) without any right at all, inuaded and held the See, and euer after bare so implacable hatred to Friderick, for doing nothing but iustice, and that in most equall manner,*

d Orat. Frid. apud Rad. li. 2. cap. 64.

e Rad. ibid. c. 67

f Idolum sibi Rowlandū euexerunt. epist. Imp. ibid. cap. 71.

that he could neuer be at quiet, till at Venice, he
 *Nauch. a. 1177 had trampled * him vnder his feete, telling him
 that he was subiect, *Et mihi & Petro.*

When Pope *Hadrian* the fourth, in his quarrell
³ *Epi. Hadrian.* against *Fridericke* the first, had writ (g) to the Bi-
^{extat apud Ra-} shops of Germanie, to moue the Emperour to yeeld
^{denic. lib. 1. de} to him, and had inserted in his letters, those words
^{gest. Frid. ca. 15} at which the Emperour tooke great indignation,
Corona beneficium tibi contulimus, wee haue giuen
 vnto you the Imperiall Crowne; as if the Empire
 and the Imperiall Crowne, were at the Popes dis-
 posing, to giue to whom hee would; the Bishops
 writ (h) backe to the Pope in this manner: *A ver-*
^h *Episcopi* *bis vestris commota est vniuersa resp. Imperii nostri,*
^{German. quo-} all our common weale and Empire, were so moo-
^{rum epist. extat} ued by those your words, *that neither the eares of*
^{lib. cod. cap. 16} *his imperiall Maiestie could patiently heare them, nor*
the eares of the Princes endure them, therefore all
stopped their eares at those words, so that we consensu
aliquo approbare nec audemus, nec possumus, neither
 dare, nor can by any consent approoue them, be-
 cause they are such as were neuer used nor heard of
 till these times; & we beseech your Holiness, that like
 a good Pastor, you would send other letters, *priora*
scripta suauitate mellita dulcorantibus, which may
 soften and sweeten your former writings.

ⁱ *Conuentus* There was about the same time, a very famous
^{Roncal. apud} assembly at Roncalia, (i) wherein were many
^{Raden. lib. 2.} Archbishops and Bishops and other Ecclesiastical
^{de gest. Frid. 1.} persons, besides Dukes, Marquisses, Earles, and
^{cap. 1. & seq.} Iudges of the Empire. *Vna (k) omnium sententia*
^k *Ibid. cap. 4.* *hac erat*, this was the sentence and iudgement of
 them

them all. *Thou O most excellent Prince art Orbis & urbis Imperator*, Emperour of the Citie of Rome, and of the World. It pleased you to consult with vs the loyall people of your power, concerning the lawes, iustice and honour of the Empire; therefore know, that the whole right of the people for making of lawes is granted vnto you. *Tua voluntas ius est*, your will is law, according as it is said, *Quod principi placuit legis habet vigorem*, that which pleaseth the Emperour hath force of a law. Could they giue vnto him an higher Soueraigntie?

Pope *Pascal* the second, anno 1110. thus decreed, (c) *We command that those Royalties which belong to the Emperour, be resigned vnto King Henry (the fifth) which belonged vnto the Empire in the time of Charles, Lewis, Otho, and other their predecessours; and we forbid vnder the paine of an Anathema, that any Bishop, or Abbot either now or hereafter, doe inuade those Royalties, that is, those Cities, Dukedomes, Marquisates, Counties, monies, tolles, or tribute, Aduowans, Towers, and Castles which belong to the Empire; neither shall it be lawfull for our successors in this See, to disquiet either thee or thy Kingdome in this matter.* Now the supreame Dominion and royalties in Rome, and throughout all Italie, did certainly belong to Charles (as wee haue formerly prooued): then by the Popes decree, the Emperours are for euer to be held for the Supreame Lords of the same.

Pope *Innocentius* the third, in one of his decretals defineth, (d) *That though in his owne Patrimo- nie he be a direct Lord, yet in other countries he doth exercise*

c *Pascal*is De-
cretum extat
in lib. *Constit.*
Imper. tom. 1.
pag. 54.

d *Innocenc.* 3
Cap. *Per Vene-*
rabilem. lib. 4.
Decretal. Greg.
tit. *Qui filij*
sunt legitim.

exercise that iurisdiction but casually, not preindica-
ting the right of others; which words are so cleere
that though they wrest them neuer so much, yet
still they will demonstrate the Pope, euen by the
Popes decree, not to be a direct temporall Monarch
of the world.

c Celestine 3.
Extra. de Indic.
ca. cum non ab
homine.

Pope Celestine the third, If a Clearke be incorri-
gible he must be excommunicated, and then smitten
with the sword of Anathema; if he contemne that,
cum Ecclesia non habeat ultra quid faciat, seeing the
Church can goe no further (but to the censure of
Anathema,) he must be punished by secular power.

* Senatus &
populus Rom.
Eorum Epist.
extat to. 1. Con-
stit. Imp. pa. 56

The Senate and people of Rome write vnto
Conrade the Emperour, anno 1140. in this manner,
* *Vrbis & orbis Domino*, to thee, Lord both of
Rome and of the world: and they tell him, that
they desire to restore the Romane Empire which is gi-
uen to him by God, vnto that state wherein it was in
the time of Constantine and Iustinian, *qui totum or-
bem tenuere manibus*, who had the whole world
subiect vnto them; wishing that the Rebels and those
who haue taken away the honour of the Empire, being
troden vnder feete, he may obtaine all things which
are due to Caesar, and the Empire: praying him to
remember, *quot & quanta mala Papalis Curia*, how
great and how many wrongs the Popes Court, and
those which sometimes were your citizens, haue for-
merly done to the Emperours, and doe now attempt to
doe worse; but we, say they, haue iustly resisted them
according to our fidelitie, and haue expelled many of
them out of the Citie as the worst enemies to the Em-
pire.

The

The Bishops of Germanie writ (f) thus vnto the Pope claiming the Empire to be his gift, and at his disposing: *Wee willingly yeeld fatherly reuerence vnto you our father. The free crowne of our Empire diuino tantum beneficio ascribimus*, we ascribe onely to the gift of God. The Bishop of Mentz hath the first voice in the election, and so the rest in order; the Bishop of Colen conferres regall, the Pope imperiall vñtion, whatsoeuer is more then this, *ex abundanti est, a malo est*, it is superabundant, it is from euill. And that which they account to bee more, is the Popes pretence of giuing the Empire with the crowne and vñtion.

That the Greeke Church * in this age, held not the Pope for a supream Monarch, may be perceiued by that which Humbertus (g) witnesseth of them, that they not only detested the pope & accounted the Romane Church to be hereticall, but further vrged them both, to receiue their opinions vnder the paine of an Anathema. Yea, long after this they would not suffer * their Emperour Michael Paleologus to haue Christian buriall, because in a Councell at Lions, he had professed the Greeke Church to be subiect to the Romane See.

Theodorus Balsamon Patriarch of Antioch, hauing alleadged many Canons why Cleargie men should not vndertake ciuill Magistracie and secular affaires, at length expounds (h) them all to bee so vnderstood, that they may not doe this *sine iussu Imperatoris* without a command and commission from the Emperour, for if they doe it by the Emperours allowance, the Canons doe not forbid them: see-

P

ing

^f Episc. Ale-
manix. apud
Rad. lib. 1. de
gest. Frid. ca. 16

^g Humber. lib.
contra Gracorum
calumnias, pro-
pe initium.

<sup>Paul. Emil. in
Phil. 4. & Æ-
neas Silu. lib. 9
Epist. in Blond.</sup>

^b Theod. Balf.
Comm. in Can.
16. Conc. Car-
thag.

ing the Emperour is neither subiect to lawes nor Canons. Againe, (i) Note this seuenth Canon, wherein it is said that spirituall dignities are more excellent then secular. *Sed ne hoc eo traxeris*, but do not straine this, saith he, so farre as some do, that Ecclesiasticall dignities are aboue Imperiall, *eis enim subiiciuntur*, for Ecclesiasticall dignities are subiect to Imperiall.

ⁱ Idem. Comm. in Can. 7. Conc. 6. in Trullo, pa. 369.

Athanasius Patriarch of Constantinople, speaking to the Emperour saith, (k) *Curam omnium suscepisti a Deo*, you haue the charge of all (and then of the Pope) committed vnto you by God.

^k Athan. Constant. li. de necess. episc. res. cap. 6.

Euthymius, (l) *Seeing I am a King, I haue offended onely to thee O God, tibi soli iudici subiicior*, I am subiected to thee onely as a Iudge of mee.

^l Euthym. in Psal. 50.

Saint Bernard is so cleere in this point, that hee (m) expressely denies that the Pope or any who is a successor to the Apostles, can haue that supream and independent temporall dominion. *Planum est, Apostolis interdicatur dominatus*, It is plaine, Dominion (independent) is forbidden to the Apostles. If you succeed the Apostles, you vsurpe that dominion: you are cleerely forbidden to haue them both, if you will haue them both you shall loose them both.

^m Bernard. li. 2 de Consid. ad Eug.

Hugo de Sancto victore (p). The terrene power hath the King for head, the spirituall power hath the Pope. Terrene or temporall matters belong to the power of the King, those which are spirituall belong to the power of the Pope: and, (q) *Hugo tenet*, Hugo holds this conclusion, that the Emperour for temporall

^p Hugo de S. Victore, lib. 2 de Sacram. par. 2. cap. 4.

^q Lupold. lib. de Iure regum. & Imp. cap. 9.

all matters hath his power onely from God, neither in those is subiect to the Pope. Again, Hugo saith* that the Pope is greater then the Emperour in spirituall, but the Emperour greater then the Pope in temporall matters: and he further saith, that the Emperour doth not take the power of the sword and temporall dignitie from the Pope.

Petrus Cluniacensis, (r) You will say, The Church hath not a sword, seeing Christ commanded Peter to put up his sword; It is true, It is true I say, *Ecclesia non habet gladium regis, sed habet virgam pastoris*, the Church hath not the sword of a King (not the ciuill and temporall sword) but it hath the rod or staffe of a shepheard.

Petrus Gratianus(*) the Master of their decrees; Note that there are two persons whereby the world is gouerned, the Regall, and Sacerdotall. As Kings are the chiefe in secular causes, so are Bishops in the causes of God. It is the office of Kings to inflict corporall, the office of Bishops to vse spirituall punishment.

Peter Lombard (s) Bishop of Paris, and their Master of sentences, Wee must know that those words of the Apostle, He that resisteth the power resists the ordination of God, are meant of secular powers, to wit, of Kings and Princes, whom we may not resist while those things which they command are such as God doth not forbid. Now seeing that precept concernes euery soule, as the text exprefeth, (euen the Apostles themselues and their successors, as we haue before prooued,) the Pope by this Bishops iudgement, may not resist, but ought in all lawfull commands, obey secular Princes; for

* Aug. Triump.
de potest. eccl.
q. 36. ar. 3.

r Pet. Cluniac.
li. 6. epist. 46.

* Gratianus.
Caus. 2 q. 7. ca.
Nos si incompe-
tenter.

(Pet. Lomb.
lib. 2 sentent.
dist. 44. ca. 3. et
comment. suo
in Epist. ad
Rom. cap. 13.

* Henr. Gor.
com. in. cap. cit.
lib. 2. sent. Pet.
tomb.

* Pet. Blesensis
Epist. 73.

* Epist. 42.

y Ioh. Sarisb.
Epist. 218.

* Gerual. cuius
epist. extat inter
Epist. Alexand.
2. et Nicol. 2. et
est numero 21.

the conclusion of the Master, saith Henry Gori-
con* vpon that text is this, *Quod semper obediendum est potestati*, that men must alwaies obey secular power unlesse they command against God.

Petrus Blesensis, (t) Let the Church first exercise her iurisdiction, and if that will not suffice, then let the secular sword supply that which wanteth. (u) To Princes is the sword giuen, *Animabus praelatus es non corporibus*, you are set ouer mens soules, not their bodies. A prelate and pilate haue nothing common. Againe x, to another Bishop, You being chosen for a Bishop, *sanguinolenta potestate exerces gladii potestatem*, doe with a bloodie conscience vse the power of the secular sword; let him exercise the materiall sword who hath receined the power of that sword. Secular powers are ordained of God that they should haue that sword. If you take Christs ministry, abide in that vocation to which you are called: *dimittas laicis populi principatum*, leaue the rule or ciuill gouernment of the people to Lay-men.

Iohannes Sarisburiensis (y) Bishop of Carnotum, though hee bee violent in the Popes cause, yet saith, *Deus solus arbitrio suo regna & Imperia transfert*, God alone (then not the Pope) doth at his pleasure translate kingdomes, hee sets vp, hee pulles downe what powers he will.

Geruasius (a) Archbishop of Rhemes writes thus to Pope Alexander the second, It is reason that wee of France should honour the successour of Peter, seeing out of our kingdome Rome did chuse (Charles the Great) *quem sibi & mundo caput ordinaret*, whom it ordained the head both of Rome
and

and the world (then head also of the Pope, vnlesse he were none of the world.)

Ioachim Abbas (f) of whom Possuine saith, ¹ Ioak. Abbas (g) that many beleued him to haue had the spirit and ^{com. in Jerem. ca. 22. pa. 310.} gift of prophesie, saith, Though secular Princes haue ² Possu. Ap- taken somewhat by force from the Church, yet the ^{par. in Ioachim} Popes on the other side haue taken much from secular princes, which they neither should haue sought nor haue receiued; and to this purpose Christ saith, Giue to Caesar that which is Caesars, but because their couetous prelates will not hearken to this word, they shall bee burst like old bottles; and handling those words, As an Asse so shall he be buried, those (Romane) Prelates, saith he ^{*}, are truly Asses and fooles, and there- ^{* Ibid. pa. 313.} fore they shall lie open to their enemies: And as from an asse is first puld his skinne, and then hee is cast to the dunghill to be meat for beasts and birds, so shall first be pulled from those prelates the skinnies of their temporall possessions, and then shall they be cast as a mocking stocke, on the dunghill, and be as meate for the beasts of the Romane Empire and birds, that is Euangelicall men who shall reprocue them. Againe, m) The Popes and prelates knew that those tempora- ^{Ibid. in ca. 24. pa. 330} lities which they desired, *iuris esse Romani*, did in right belong to the Romane Empire.

Eberhardus (o) Bishop of Babenberge, The part ^o Eberhardus which followeth Alexander the third, doth goe to ^{epist. extat apud Radeu. l. 2. de gest. Frid. ca. 71} the enemies of the Empire, which seemes to bee against wholsome doctrine, and they both loose men from their oath of fidelitie, and forbid them to obey the Emperour, and so make way for schisme which is the worst of all.

p Otho Fris.
in epi. ad Frid.
Imper. praefixa
suo Chron.

Otho(p) Frisingensis, a man noble both for birth, pietie, & learning. Whereas there is no other person in the world which is not subiect to temporall lawes, and by being subiect to them may be punished, soli reges, onely Kings as being aboue lawes are reserved to the iudgement of God, and are not restrained by secular lawes, Then are they not subiect either to the Popes iudgement or punishment.

q Helmoldus
in Chron. Slav.
cap. 33.

Helmoldus, (q) David sinning & repenting, remained still a King and a Prophet; Henry the fourth, lying prostrate at the Popes feet intreating and repenting, was gratis pessundatus, without cause depressed and crushed. Henry found not that in the time of grace which David found in the hard time of the law, But let others who dare, dispute hereof, this one thing may be knowne, that the Romane See, luit factum illud, doth to this day smart for that fact.

y Gotof. Vit.
in Henr. 4 part.
16. pa. 499.

Gotofridus Viterbiensis, (y) Before this of Gregorie, we doe not reade that any Emperour was excommunicated by the Pope or deprived of his kingdome, such a noueltie he noteth that fact of Hildebrands to haue beene. He also notes that the cause of all those broiles betwixt Henry the fourth and Hildebrand, was (z) for that Hildebrand tooke the Pope-dome sine concessione Imperatoris without the grant of the Emperour. Thereby giuing to vnderstand, that as Hildebrand vniustly entred into the See, so he thought hee could not hold it but by depressing and oppressing him, by whose grant he should haue held it, and without whose grant hee did not rightly hold it: and that the whole quarrell arose neither for any fault of Henry, nor zeale of

z Ibid. pa. 499

of *Hildebrand*, either to God or to the Church, but it began vpon *Hildebrands* owne vndutifulnes and vnlawfull intrusion, and was continued for maintaining his vniust and vsurped possession. So holy a quarrell beseemed so holy a Saint.

CHAP. VIII.

That the Popes Temporall Monarchy is condemned by Bishops, and learned writers, who liued from the yeere 1200. to the yeere 1300. after Christ.



IN the thirteenth age, when first *Gregory* the ninth^(a) and after him *Innocentius* the fourth, in the Councell of *Lions*, had excommunicated ^(b) *Fredericke* the second, and deposed him *propria* ^(c) *authoritate*, by their owne Pa-

pall authoritie, and not by the iudgement and authoritie of the Councell, diuers Princes^(d) whom those Popes sollicitated, yea, vnder paine of excommunication commanded, not to accept or account *Fredericke* for Emperour, answered first *Gregorie* and then *Innocentius* in this manner; *Ad papam non pertinere Imperatorem vel instituere vel destituere, sed tantum electum a principibus coronare*, that it belonged not to the Pope either to make or vnmake an Emperour, but onely to crowne him whom the Electors had chosen.

When Pope *Innocentius* the third, had sent an

EXCOM-

*Ab an. 1200
ad 1300.*

^a *Bin. in vita.
Greg. 9. et Alb.
Stad. an. 1240.*

^b *Conc. Lugdun.
apud Mat. Par.
pa. 896. et seq.
an. 1245.*

^c *Alb. Stad.
an. 1245.*

^d *Principes.
Alb. Stad. loc.
citatis.*

d Lit. Innocent. *recitantur a*
Math. Paris.
4. 1216. p. 370.
e Innoc ibid.
f Barones &
Prælati An-
glie. eorum
verba habentur
apud Mat. Par.
an. eodem 1216
pa. 372.

excommunication (d) and interdict against the Prelates and Barons in England, who resisted King Iohn, or sought to put him (being then as Innocent calles (e) him the Popes vassall) from his kingdom; the Barons (f) and Prelates being assembled together, dicebant generaliter omnes, did all with one generall consent say, that those letters were of no force at all, partly for that they were (as they pretended) gotten by surreption, & ex hoc maxime, and specially for this reason, because the ordering of Laicall or Temporall matters, belonged not to the Pope, seeing unto Peter, and his successours non nisi Ecclesiasticarum rerum dispositio, the disposing onely of Ecclesiasticall affaires was giuen by Christ; what haue Popes say they, to doe with our warres? Behold they will be the successours of Constantine, and not of Peter. They imitate not Peter in workes, they are not to be likened to him in power. Phy on it, that marci di ribaldi, base ribalds, and ignoble Simoniackes (so they tearme Popes) who know nothing of warre, and weapons, iam toti mundo propter excommunicationes suas volunt dominari, will needs dominere ouer the whole world, by sending out their Excommunications and Interdicts. How vnlike are they to Peter who vsurpe the place of Peter!

g Innocent. 4
 in cap. Nouerit.
 de Sententia
 excommunic.
 nu. 2.

Pope Innocentius the fourth (g), In temporall things solus Imperator qui vniuersis & Clericis & laicis in temporalibus præesse debet, priuilegium concedere potest, the Emperour onely who in temporall matters ought to bee aboue all both Laicall and Ecclesiasticall persons, (then sure aboue the Pope himselfe) can grant a priuiledge in temporall matters.

matters. Eberherdus Abusinus, (h) *If wee bee not blinde, we may perceiue that vnder the title of the high priest and vnder a sheepes skinne, the pope playes the wolfe. The Romane Bishops take weapons against Christians, banish Vnitie and Concord, raise vp warres and sedition from hell, they doe not provide for the good of the flocke, sed potius immanitate tyranni debacchantur, but rather they are intraged with tyrannous crueltie. They violate holy things, abuse the covenant of God to deceiue men, they command men to deceiue, to warre, to bee treacherous, to resist the sacred Maiestie ordained by God. Hildebrand about 170. yeeres since, vnder the colour of religion, primus Antichristi imperii fundamenta iecit, first of all founded the Empire of Antichrist.* Alexander Halensis, *That which Saint Peter saith, The King excelles, is true in suo ordine, scilicet ad corporalem vindictam, true in his order, that is, for inflicting secular punishment: in doing whereof if he offend, non habet qui eum puniat nisi deum, he hath none at all but God (then not the Pope) to punish him. And againe, (k) The terrene power hath the King for head, the spirituall hath the Pope.* Nichol. Lyranus (l) *In that he was a King, non habuit superiorem, qui possit eum punire nisi Deum, he had none, but onely God to punish him for his faults.* Aquinas, (m) *A Prince is said to be solutus legibus, free from the lawes, quia nullus in ipsum potest condemnationis sententiam ferre, because none, (then not the Pope) may pronounce a sentence of condemnation against him.*

^b Eberherdus
apud Auent.
lib. 7. pag. 546.
547.

^{*} Alexa. Hal.
part. 3. q. 40.
memb. 5.

^k Ibidem.

^l Nich. Lyran.
in Psal. 50.

^m Th. Aquin.
1. 2. q. 96.
art. 5. ad 3.

^p Conrad Ab.
Vrsp. in Ann.
ceph. post an.
1124.

Conrad Abbot of Vrsperge (p) speaking of the
Q Popes

q Ibidem.

r Conspiratio
facta est. et huius
conspirationi.
idem an. 1152.
pa. 288.
Idem pa. 289.
290.

Popes deposing of Emperors, saith; Though popes doe glorie that they haue done this, yet I obserue that these things were rather done to Emperours by the iudgement of God for the sinnes of those Emperours, the Princes and people ioyning their mindes to make resistance vnto them. And how ineffectuall hee esteemes the Popes act of deposing, Emperours appeares by that which he addes, (q) that *Fridericke* was excommunicated by Pope *Hadrian* and *Alexander*, yet he neuer lost his Empire; so *Philip* the sonne of *Fridericke*, though pope *Celestine* excommunicated him, *nunquam perdidit imperium*, yet for all that he lost not his Empire. Againe, entreating of Pope *Hadrians* excommunicating *Fridericke*, hee calles it (r) a conspiracie of the Pope and Cardinals; addinge (s) that God was not pleased with that fact but brought that curse vpon them, which is foretold by *Dauid*: They curse, but thou O Lord wilt blesse; let them that rise against me be confounded, but thy seruant shall reioyce. This, saith he, was most evidently fulfilled in this businesse; for to the end that this propheticall speech might bee fulfilled, the foresaid Pope *Hadrian* a few daies after he had denounced excommunication against the Emperour, walked abroad at *Anagnia* to refresh himselfe, and comming to a fountaine, hee dranke a little of the water; and presently a flie entred into his mouth, and stucke so in his throate, that by no skill of Phisitions, it could bee taken away, and so he died. The Cardinals also who were of that conspiracie, at their election of the next Pope, made such a grieuous schisme in the Church, that *Roma cum suis conspiratoribus mansit in confusione*,

fusion, Rome with her conspirators (against the Emperour) remained in confusion, and so in them we see it to be fulfilled which was spoken by the Prophet, Let those that rise against me be confounded: but in the Emperour was fulfilled the other saying, Thy servant shall reioyce. Guntherus (t) speaking of the Imperiall power saith:

t Guntherus
Ligur. lib. 6.
pag. 369.

Nullum caput ista super se

Aspicit excepto Cælorum rege potestas, Imperiall dignitie hath none aboue it, but onely the King of heauen: then certainly not the Pope. Vpon which words *Spigelius* the Scholiast obserues, That if one should say so at this day, as Gunther then did, *heretici nomen non effugeret*, he would be counted an hereticke by the Popes flatterers: and whereas Guntherus addes, let (u) the Pope gouerne the Church, and order diuine not secular matters, the same Scholiast obserues, that this is indeed consonant to Saint Pauls precept, No man going a warfare for God, intangles himselfe in secular affaires; but, withall he addes, that the Popes fauourers haue two answers to these words of Saint Paul; the one is, that the Pope is not tyed by the words or precept of the Apostle, *Quoniam inferior non habet imperium in superiorem*, because the Apostle being inferiour hath no power to command the Pope who is his superiour. The other, that secular affaires do most properly belong to the Pope, because both swords are committed, and all power is giuen vnto him. Durandus* approoues the saying of Pope Gelasius: There are two things by which the world is gouerned, papal authoritie, and

u Ecclesiam ille
diuinaq; iura
temperet: Impe-
rium nobis, fas-
cesq; relinquat.
ibid.

* Durandus
lib. de modo ce-
lebrandi concil.
part. 1. tit. 2.

Q 2

regall

x Pet. de Vin.
lib. 1. Epist. 3.

z Pet. Cassio.
lib. de Tyrann.
papa. 5. Nonne.

a Al. Cement.
cuius verba ha-
bentur apud
Maib. Paris. in
Ioh. S. Ingeffit.

b Rain. Pisan.
Pantheol. part.
1. tit. de domin.
cap. 2.

regall power. Now *Gelasius*, as wee haue before shewed, so distinguisheth these two, that as the Emperour may not take vpon him the name or office of a Bishop, so neither may the Pope *Regale fastigium vendicare*, take vpon him Regall or temporall soueraigntie. *Petrus de Vineis*, (y) *It is no where read to be granted either by Diuine or humane law to the pope, to translate kingdoms at his pleasure, aut de puniendis temporaliter regibus iudicare*, or to iudge of Kings, by inflicting temporall punishments vpon them in depriving them of their kingdoms. *Petrus Cassiodorus* (z) *Is it not a maruaile, that whereas Christ payd tribute for himselfe and Peter, and refused kingdoms, and secular iudgements: that hee who calles himselfe Christs Vicar should strue to make subiect to his Dominion, Kings and kingdoms, and that contra voluntatem illius, against the will of Christ? Alexander* named in scorne by the Popes fauourers *Cementarius* (a), when *Innocentius* the third, had excommunicated King *Iohn*, boldly and truly taught at that time, (but he smarted for it after, as all martyrs haue done,) *That it did not pertaine to the Pope de Regum vel quorumlibet potentum laica possessione*, not to intermeddle with the temporall possessions of Kings, and other Potentates, nor with the gouernment of their subiects, seeing Christ gaue to Peter nothing but onely the power of the Church, and Ecclesiasticall matters. *Rainerius Pisanus*, (b) *The secular power, non habet aliquod dominium suprase, quod eum puniat poena vel vindicta corporali*, hath no dominion aboue it which may punish it with ciuill,

ciuill, or corporall punishment. Vincentius Beluacensis (c) speaking of Hildebrands facts and doctrine, calles it a *Noveltie*, and almost an *Heresie*, which till then neuer sprang up in the world, that men should be taught not to obey wicked Kings, and that they owe no fidelitie vnto them, though they haue taken the oath of fidelitie. This was the verie doctrine and heresie of Hildebrand.

Iohan. Semeca, * that excellent lawyer (who first made a glosse vpon the Decrees,) not onely apposed himselfe to Pope Clement the fourth, in that exaction of tenths for redemption of the Holy land, but when the Pope had for that cause excommunicated him, *appellationem opposuit*, he appealed from the Pope, and had many great men in Germanie to take his part. The Lawyer belike knew some higher Iudge then the Pope.

^cVinc. Beluac.
^{Spec. Hist. li. 26}
^{ca. 84.}

^{*}Ioh. Semeca.
^{apud Kranz.}
^{l. 8. Saxon. c. 27}

Accursius (f) the famous Lawyer; It is plaine that *nec papa in temporalibus*, neither may the Pope intermeddle in temporall affaires, nor the Emperour with spirituall. Iohannes de Paris (g) hath writ a large and learned booke of the Regall and Papall power. There are, saith he, two contrarie errors touching the pontificall power. The Waldenses condemne all wealth and all secular dominion (though delegated) vnto Bishops. The other error is Herods, who thought Christs kingdome to be terrene and secular; which opinion some in these daies embrace, who so much decline the error of the Waldenses, that they fall to the quite contrarie error. Their error is, that the Pope in Christs steed hath dominion and iurisdiction in temporall matters, yea,

^f Accursius in
^{Authent. tit.}
^{Quomodo oper-}
^{et Episc. voce}
^{Conferens.}

^gIoh. de Paris.
^{lib. de potest.}
^{regia. & papali.}
^{in proœmio.}

dominion aboue secular Kings and Princes, because the Pope hath his power immediately from God, and Princes haue theirs from the Pope: whereupon they say, that *solus papa est verus dominus temporalium*, the Pope is the onely true Lord of all temporall goods, Princes and others they are but *dispensatores*, stewards of them vnder the Pope. This opinion, saith he, sprung from the error of Herod, and sa-
nours of the error of Vigilantius: it partakes also with that pernicious doctrine of the Pharisees, who to the end the people might giue greater oblations to them, taught, non teneri populum ad censum reddendum Casari, that the people were not bound to pay tribute and duties to *Casar*. But what is your owne iudgement in this matter? Hee following a saying, which he cites out of *Austen, Fides medium tenet inter duos errores contrarios*, saith, *Veritas medium ponit*, Truth is in the middle betweene those two errors; for Ecclesiasticall persons may haue temporall dominion, against the Waldenses: and they haue it not as being Vicars to Christ, but *ex concessione & permissione principum*, by the grant, permission and delegation of Princes. And
 intreating (h) whether secular or Ecclesiasticall power is more worthy, his resolution is, *That in spirituall matters the Ecclesiasticall power is more excellent, but in temporall matters the secular power maior est potestate spirituali*, is greater then spirituall; neither is it *quoad ista in aliquo subiecta*, in respect of secular matters in any sort subiect to the spirituall: and he giues this which is a true reason hereof, *Because the temporall power is not deriued from*

Ibid. cap. 5.

from the spirituall but they both immediatè oriuntur a potestate diuina, doe spring from the supreame power of God and that immediately. And hauing (i) prooued that Christ as man had not this secular dominion, he adds, (k) *Dato quod Christus*, Let vs suppose that Christ had such secular power and dominion, yet he gaue it not to Peter, & ideo *Papæ ratione qua est Petri successor non debetur*, and therefore it is not due to the Pope as he is the successor of Peter. And this at large he prooues.

CHAP. IX.

That the Popes Temporall Monarchy is condemned by Bishops, and learned writers, who liued from the yeere 1300. to the yeere 1400. after Christ.



IN the foureteenth age, Philip the Faire, called a Councell of the Bishops and Peeres of France, after Boniface the 8. had depriued him of his Kingdome, and forbidden any of his Subiects to yeeld obedience vnto him: The

whole Councell, notwithstanding the Popes excommunication and deposition, resolved, That the King, *sine controuersia iure illa omnia tenere*, did rightly and without doubt possesse his Kingdome and Dominions.

Pope Iohn 22. anno 1323. had excommunicated and deposed (as much as in him lay) the Emperor

Lewis

Ab an. 1300

ad 1400.

b Conc. Gall.

apud Nauchan.

1300. & Ga.

gnin. lib. 7. in

Phil. pulchre.

c Conc. sub
Ludouico
Bauaro: Lud.
rex consilio ha-
bito. Nauch. an.
1323.

d Vt fecit
Hermanus.
Nauch. ibid.
* Conuent.
Trident. apud
Zouiu an. 1327
nu. 1. vbi Co-
mitu vocat.
* Aderant
plurimi Episc.
pralati, & re-
gulares, Zouius
an. eod. nu. 2.
* Ibidem.

Lewis of Bauare, denouncing him, and his adherents to be heretikes; the Emperour thereupon called a Councell: (c) *the Popes proceedings were examined by men learned both in the Ciuil & Canon law, iudicabant eos penitus non valere*, their iudgement was, that the Popes doings were of no force at all, yea many and great Diuines approoued both for their life and doctrine, *dogmatizabant Iohannem Papam esse hereticum*, did dogmatically define Pope Iohn to be an hereticke. Thus writeth Hermanus (d) who then liued.

An other Assembly (e) was held at Trent by the same Emperour Lewis, anno 1327. vnto which were assembled both many * Bishops and prelates, and many great personages of Millane, of Mantua, Verone, and other Italian States. These princes *Sacramenta fidelitatis praestiterunt*, tooke the oath of fidelitie to obey Lewis. The Bishops (g) they taught these doctrines, that the pope and other Ecclesiasticall persons are subiect to secular Emperours; that the pope and Bishops haue no iurisdiction (they meant ciuill, temporall or coactiue) from Christ, but from the Emperour; That the pope hath no power ouer the Emperour; That Imperiall dignitie is *immediate ab ipso solo deo* immediately from God alone, and that the pope hath no power ouer it. That the excommunications and other censures of pope Iohn 22. against Lewis, were *nullius momenti*, of no force at all, nor to be regarded; That Lewis of Bauare, was the true and lawfull Emperour, *quamuis a sede Apostolica abdicatus fuisset*, though hee were excommunicated and deposed, by the Pope; That
pope

Pope Iohn was a notorious Hereticke.

An other verie great assembly was held at Frankford ^h, or as some say ⁱ, at Rheginoburgum, Anno 1342. at which were present the King of England, the King of Bohemia, *ceterique regni tam spirituales, quam seculares principes*, and the rest of the Empire, as well spirituall, as temporal Princes; They decreed ^(k) many things behoofull for the Empire, and among the rest, that he who is chosen of the princes Electors, should have Imperiall administration, though he want the popes consent. For what was brought in more then election, proceeded from flatterie of some, and from the popes owne suggestion, *nec diuino iure, nec vlla patrum ordinatione*, and neither from Diuine law, nor from the ordinance of their ancestors. Further, it was decreed, that the Emperour being chosen, shall make vnto the Pope and the Church an oath of defence, deuotion, and humilitie, *non fidelitatis, homagii, aut subiectionis iuramentum*, but not an oath of feoltie, homage, or subiection either to the Pope or Romane Church, *quia temporalis dominii Papa Imperatori nihil tribuit, imò Ecclesia sumpsit omnia illa ab Imperio*, for the Emperour receiues no temporall dominion from the Pope, but the Pope and Church, receiued all their temporalities from Emperours. The decree made at Nouioburgum is *verbatim* set downe in Auentinus ^(l) wherein the Emperour and States, say, that Iohn 22. commands men to breake their faith, to violate their promises and couenants, to deceiue, to rebell, and conspire against the Empire. Hce talles men Hereticke, *non aliam vllam ab causam*,

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for

^h Conc. Frankford. apud Kranz. lib. 9. Saxon. cap. 15. ⁱ Auent. lib. 7. pag. 610.

^k Kranz. loc. cit.

^l Auent. loc. cit.

for no other cause, but for that they are loyall to the Empire. And shewing how wickedly the Pope sought to vsurpe Imperiall power, These two, say they, are farre different, a Crosiars, and a Crowne, a Scepter and a sheephooke, an Emperour and a Pastor, Corporall and Spirituall power, weapons and prayers, Caesar and Seruant, Prince and Prelate, Lord and Minister; adding this, that the same man should bee an Emperour and a Bishop, is monstrum biceps, a two headed monster, a very Hell-hound. Nay, they call the Pope thus vsurping imperiall dignitie, not onely a Cerberus, but Antichrist, and the very Diuell himselve.

u Lupoldus
Babenb. lib. de
Jur. regni &
Imp. cap. 9.
* Dist. 63. cap.
Tibi domino.

Lupoldus (u): The Oath which the Romane King makes to the Pope, and Romane Church, (the forme whereof, is set downe in their Canon * Law) is not an Oath of fidelitie, that is, homagij quod præstat vassallus suo domino ratione feudi, not of homage, as a vassall makes to his Lord, by reason of some lands holden of him in fee; but it is an Oath of fidelitie, that is, fidelis defensionis papæ et ecclesiæ impendendæ of faithfull defence which he ought to performe to the Pope and Church. And for prooffe of the former part he alledgeth the saying of Hugo, that Imperator habet potestatem a solo Deo quoad temporalia, the Emperour hath his temporall power from God onely, and in them is not subiect to the Pope; and againe, Imperator temporalia immediate tenet a Deo, the Emperour holds his temporalities immediately from God. Whereupon hee concludes, That for his Kingdome and Empire, and for the Prouinces and Lands belonging thereunto, non tenet

tenet a Papa & ab Ecclesia in feudum, he doth not hold them in fee of the Pope and Church; and therefore the oath which he takes is not *iuramentum homagii*, an oath of homage, or vassallage. For the other part, that it is an oath of defence, he alleadgeth (y) that the Emperour is *Aduocatus Ecclesie*, as in their Canon law (z) he is expressly called: as Charles (a) when hee was made *Patricius* had thereby *Aduocatiam Ecclesie*, the right of Aduowson, or choosing Bishops in the Church. Now *Aduocatio* (b) *Ecclesie nihil aliud est nisi ius defendendi Ecclesiam*, to be the Aduocate or haue the Aduocation of the Church, is nothing else but to haue a right to Patronize and defend the Church. Whence the *Patrons of Churches* are called c *Aduocates of the same*; and to this purpose he (d) well applies that saying in the Canon law, *Regimen Ecclesie Romanae est commissum Teutonici*, the Gouernment of the Romane Church is committed to the Germane Emperour. Seeing then the Emperour is the defender, the Patron, or Aduocate of the Romane Church, by right whereof he had (by the Synodall Decree of *Hadrian*, and *Leo* the eight,) and indeede still hath, power and right of Aduocation, and nomination of him, which is to be Bishop of Rome; from this *Lupoldus* concludes, That the oath which Emperours take, and make to the Pope, is only an oath that hee will defend the Pope and Church, but not to bee an homager and vassall either to the Pope or Church. And if it be said, that some Emperours haue taken the Empire in fee from the Church, to this *Lupoldus*

y *Cap. eodem.*z *Cap. venerabilem. extra de elect. & elect.*potest. & *Cap. Romani. in Clement de iur. iurando.*a *Glossa. in cap. Adrianus. dist. 63. verb. patriciatu.*b *Lupold. ca. cit.*c *Cap. Quia clerici Extra de iure Patronatus. ubi qui ius acquirit Patronatus dicitur Aduocatiam ecclesie acquirere.*d *Lupol. loc. cit.*

f Lib. cod. ca. 14. answeres, (*f*) that the facts of some Emperours, can not preiudicate the rights of the Empire, and hee giues this, which is a true reason: because such Recognitions and submissions (if any were made) were not made with the consent of the Electors, of other princes, and of the people of the Empire; and therefore they may rightly contradict the same; because equitie and naturall reason doth teach, that *quando per aliquod factum præiudicatur pluribus, id per omnes illos comprobari debet*, When any fact must bee of force to præiudicate the right of others, that fact must bee approoued (*g*) by them all; and this, saith he, seemes to be that which both the law of nations, as also the Ciuill and Canon law doth teach.

g Quod omnes tangit ab omnibus approbari debet. Regul. Iur. 29.

h Guil. Occam. part. 1. lib. 6. cap. 9. *i* Auent. lib. 7. pag. 609.

k Occam. ca. cit.

l Occam. lib. cod. cap. 4.

Guiliel. Occam (*h*) the scholer of Ioh. Scotus, and Theologus (*i*) prastantissimus, a most excellent Diuine, thus writes, The pope as he is Christs vicar hath power to excommunicate, *sed pœnam maiorem nullatenus inferendi*, but he hath no power to inflict any greater punishment. Againe, (*k*) *papa ratione papatus non est solutus legibus imperialibus*, the Pope by reason of his Pontificall authoritie is not free from Imperiall lawes, but subiect vnto them: and againe, *In temporalibus licet appellare a papa, ad Imperatorem*, a man may in temporall matters, appeale from the Pope, to the Emperour; yea he prooues by many reasons, that in temporall matters, and for coactiue punishment, the Pope is and ought to be subiect to the Emperor. One, because (*l*) Christ himselfe as he was man, was subiect to the iurisdiction of the Emperour, seeing hee professeth that

that Pilate had power to iudge him giuen from God.

An other, because(m) neither Peter nor any other of ^{m Lib. cod. ca. 3} the Apostles had coactive or temporall power giuen them from Christ, as out of pope Gregorie and Bernard he shewes, therefore neither hath the pope who is their successour, any coactive iurisdiction ex ordinatione Christi; from Christ, or from his ordinance and appointment. His bookes are ful of the like.

Philothens Achillinus (n) hath writ a very learned Dialogue worthy euery mans reading, to this purpose. The Clerke, or Proctor for the Pope, to prooue the Popes temporall Monarchie, vrgeth a text of Innocentius the third, who out of those words of Christ; Whatsoeuer thou shalt binde, or loose vpon earth, shall be bound or loosed likewise in heauen, concludes that Peter (and so the pope) hath plenitudinem potestatis, the fulnesse of power, and therefore hath both Ecclesiasticall and Ciuill. To this the author, in the name of the Souldier answereth, That if the words of Innocentius be taken in the largest sence, (as the Clarke tooke them) then they are flatly repugnant to an other text of Innocentius, where he saith(o) Wee doe obserue that it

n Phil. Achill.
in Somnio Viri-
darii cap. 146.
et 147.

pertaines to the King and not to the Church, to iudge of such possessions. Seeing then the pope who is the Church, or head of the Church, may not iudge of temporall possessions, then hath he not the fulnesse of power in respect of temporall matters. Wherefore, saith he, the words of Christ, whatsoeuer ye bind, &c. are thus to be expounded, that Christ excepted nothing, de his quæ sunt necessaria regimini fidelium, et

Cap. Causam.
Extra. Qui filij
sunt legiti. sed
caput illud a
nonnullis tribui-
tur Alexand. 3.

non præiudicant iuribus et libertatibus aliorum, Nothing which was needfull for their spirituall gouernment of the faithfull, and which did not preiudicate the rights and lawfull liberties of other men. But if they vsed their power of binding or loosing in any thing which was not necessarie for the spirituall gouernment, or which tooke away the rights of others (of which kinde hee reckons the deposing of Kings, the loosing subiects from their oathes of fidelitie, of taking a temporall Monarchy ouer al, to be:) in such needlesse and iniurious binding and loosing, wherein they abuse their power, *Christus non promisit potestatem Petro*, Christ did not in such matters promise to binde or loose, what the Pope did either binde or loose. Againe, (p) *The Emperour and King hath not his power from man, sed a Deo solo*, but from God onely; as he at large and truly prooues; and which is about all the rest to be remembred for our purpose, *The oath*, saith he, (q) *which Emperours make to the Pope is not an oath of homage, as if they held their Empire in fee of the Pope, but of defending the Church: euen as other Kings in their Kingdomes sweare, that they will faithfully defend the Church, and yet they doe not for this cause hold their kingdomes in fee of the Church. Nam Imperator non tenetur iurare summo pontifici tanquam vassallus, sed è contra Papa, si vult retinere temporalia, quæ sibi Imperatores dederunt, tenetur iurare tanquam vassallus Imperatori*: for the Emperour is not bound to sweare to the Pope as a vassal of the Pope, but quite contrarie, the Pope if he will hold those

p *Lib. eodem*
cap. 163.

q *Ibidem.*

those temporalities which Emperors haue giuen vnto him, is bound to sweare to the Emperour as one of the Emperours vassals. His whole booke abounds with the like Embleames to prooue the Papall Monarchy.

Marfilus Patavinus, (r) *It is certaine that Christ being God, could haue giuen to the Apostles secular*

r Marf. Patav.

Defens. pacis.

part. 2. cap. 4.

sect. verum.

and coactive authoritie ouer all Princes in the world,

but he neither gaue it, nor did decree to giue it: Christ

(Ibid. sect. Pro-

sequentes.

(s) both by his words, and by his example taught all

both Bishops, and others, that they ought to be sub-

iect to the coactive iudgement of secular Princes.

t Ibid. Nec a se.

This (t) coactive power he denied to his Apostles, as

well towards others, as among themselues: Vnto no

u Lib. eod. ca. 5

Bishops (u) coactive secular power is granted lege Di-

sect. Amplius.

uina, by diuine law, neither can any Bishop, no not

the Pope, haue coactive secular power or iurisdiction

ouer any Priests or other, vnlesse the same bee gran-

ted vnto him, per humanum legislatorem, by the se-

cular Prince or maker of temporall lawes. In whose

power it is alwaies, to recall the same iurisdiction, up-

on reasonable cause, cuius plena determinatio, and the

full determining whether the cause be reasonable or

no, is knowne to belong to the same secular Law-giuer

or Prince.

x Mic. Cefen.

y Sic cum de-

cuisse testatur

Illir. in Catal.

test. lib. 18.

z Hac ex Anto-

nino. e. 4. part.

Summ. cit. antea

ibidem.

Michael Cefenas (x) besides other things which

he deliuered against the pride and tyrannie of the

Pope, as that the Pope (y) was Antichrist, and the

Romane Church the whoore of Babylon, taught,

(z) that the Pope non habet corrigere & punire, in-

stituere vel destituere Imperatorem, hath no power

to correct and punish, to make, or vnmake the

Empe-

Emperour; and that neither the Pope nor other Ecclesiasticall persons could punish any, *punitiōe co-actiua*, by ciuill, temporall, or coactiue punishment, vnlesse they had power to doe so from the Emperour.

^a Ioh. de Ganduno. in Informat. de nullitate process. Ioh. 22. contr. Ludovic. Bau. Imp.

Iohan. de Ganduno. (a) *The Pope though neuer so Catholike and lawfull, non habet potestatem, nec auctoritatem, aut iurisdictionem in temporalibus*, hath no power nor authoritie, nor iurisdiction in temporall matters, specially not aboute the Empire, *quod est immediate a Deo*, which is immediately from God.

^b Pauperes de Lugdun. apud Christ. Massan. li. 18. in princ.

A great number of learned men (b) in France (whom they contemptuously called Pauperes de Lugduno) taught, that the Emperour is not subiect to the Pope, but onely in spirituall matters, & *neminem posse saluari qui aliter credit*, and that none

^c Ioh. 22. bulla qua damnauit Mars. & Ioh. de Gand. extat apud Zouium an. 1327. nu. 7. Bulla alia qua idem Ioh. 22. condemnauit Occam. et Mich. Cesen. extat apud eundem an. 1328. nu. 7.

^d Ioh. Wickl. apud Th. Waldens. doct. fidei tom. 1. lib. 4. art. 3. cap. 36.

who beleeues otherwise can bee saued. Can any maruell if the Pope (c) condemned Occam, Marsilius, Cesenas, the Lugdunenses, and such like for Heretickes? but that which was in them counted Heresie, in Austen, Ierome, Gregorie, and Agatho, was the true Catholike faith.

Iohn Wickleif, (d) that worthy seruant of God, the Hammer of the Pope and his pride, besides many other things which he reprooued and condemned in the Romane Antichrist, this was one, that whereas Christ tooke not upon him secular Dominion, *his vicars non debent supra Christum extolli in Dominio seculari*, ought not to exalt themselves in secular Dominion aboute Christ: Which seeing they did, Wickleif thence among other reasons

reasons concluded, that the *Romane* (e) Church was *Synagoga Satanae*, the very Synagogue of Satan.

Nilus Thessalonicensis (f) hauing recited the twentieth Canon of the Councell of Chalcedon, By this, saith he, we learne that to the Pope is giuen Primacie before other Churches, non ab Apostolis sed a patribus, not by the Apostles, but by the Fathers, and for that the Citie of Rome was the Imperiall Citie. From S. Peter hee receiueth no more then other Bishops doe. And whereas (g) it is said, the Pope iudgeth all, but is iudged of none, this is false, saith he, and contrarie to the doctrine of the Apostles; contrarie also to the determination of Councils, for Pope Honorius was iudged and anathematized by the sixt Councell. The Pope is subiect to all lawes, which other Bishops are bound to obey. How can the Pope be exempt from iudgement instar tyranni, as if hee were a King? Seeing Nilus both exempts Kings, and subiects the Pope to humane iudgement, professing the Popes power which he hath from Peter, to be no greater then other Bishops haue, he cleerely reiects and condemnes the Spirituall, and a fortiori, the Popes temporall Monarchy, as repugnant both to Diuine and Humane lawes.

Barlaam (h) followes Nilus in euery steppe, teaching, all the other Apostles to haue had *parem eundemque honorem*, equall and the very same power which Peter had: and that the Pope (i) or Romanee See had primacie among other Bishops, neither from Christ, nor from Saint Peter, sed multis postea seculis, but many ages after the Apostles, by the

e Vtliquet ex
Artic. Wicklief
condemna. in
Concil. Const.
sess. 8. art.

Wic. 37.
f Nilus Theff.
lib. 2. sect. Af-
firmant.

g Lib. cod. sect.
Quod vero.

h Barlaam. de
papa princ. ca. 2

i Ibid. cap. 4.

k Ibid. cap. 3.

gift and benefit of the holy Fathers, and Emperours, as out of the 28. Canon of the Councell at Chalcedon he declares. Againe, If, saith he, (k) the Pope be the chiefe among Bishops, because Peter to whom he succeeds, died at Rome, and so left that See to the pope, then much more ought the Bishops of Ierusalem to be accounted the chiefe among all Bishops, because Christ died at Hierusalem, and to Christ the Great Bishop ouer all, succeeds the Bishop of Hierusalem, euen as the pope doth to Peter. Seeing Barlaam reiects the Spirituall, much more hee doth condemne the temporall Supremacie and Monarchy in the Pope.

l Niceph.
Callistus.
lib. 16. cap. 43

Nicephorus Callistus (l) professedly, and with much indignation refutes that slander of Zosimus, that the Romane Empire was decayed and perished since Christianitie was embraced. O, saith he, if thou wert not blinded with superstition, thou mightst see that the Christian faith hath brought much and great increase to the Empire. Sure Zosimus calumnie must needs be iustified, and the Romane Empire not onely impaired, but quite extinct, if the Pope be admitted as a superiour temporall Monarch aboue the Emperour.

m Math. Westmonasteriensis,
lib. 2.
in Guil. Conq.

Matheus westmonasteriensis, (m) speaking of Pope Hildebrand saith, *Iustè omnes Hildebrandum fuisse depositum conclamant tanquam lese Maiestatis reum*, all did proclaime Hildebrand to be iustly deposed, as being guilty of high treason, seeing he

n Petrarcha,
Epigram. in
Romam. Delli
Sonett. part. 1.
Sen. 108.

set vp another against the Emperor Henrie. Franc. Petrarcha (n) calles Rome Babylon a shamelesse strumpet, and saith also further, (o) Quic-

(o) *Quicquid de Assiria, whatsoever we reade of the tyranny of the Assyrians, Babylonians, and Aegypt, what of Auernus, of the Tartarian, and sulphurean fennes, is but a fable and toy, if it bee compared to this Tartarus of Rome. Here is that terrible Nimrod, here is Semiramis, here is the inexorable Minos and Radamanthus, here is Cerberus vniuersa consumes, the three headed helhound deuouring all: I haue escaped out of that wicked Babylon, where all shamefastnesse is banished, where nothing that is good is to be found, which is the Inne of miseries and mother of errors, and hee esteemed the Papall throne to bee so abhominable, hat hee was v se d to say, (o) Nullum maius malum cuiquam optari posse, quam ut fiat Papa, that one could not wish a greater mischiefe to any, then that he might bee made a Pope.*

o Idem li. epist. sine titulo ep. 7.

p Idem, vt citatur in Catalog. testium verit. lib. 18.

Dantes *Aligerius* (q) a learned Philosopher, and Diuine, hath writ an whole booke to prooue, that the temporall kingdome immediatè a Deo dependet, & non ab aliquo Dei vicario: Depends immediately of God, and not on the Pope or any vicar of Christ as being deriued from him; and of the Canonists who hold the contrary, he sayth, that they *Theologia ac Philosophia inscii & expertes*, being ignorant of diuinitie and all philosophy, do detract from the imperiall right. He fully refutes their objections or cauils, who teach the contrarie, and for a certaintie resolues thus, and most rightly, *The temporall kingdome non recipit esse, nec virtutem (qua est eius autoritas) nec operationem a spirituali*, neither receiues his being, nor his vertue (that

q Dant. Alig. lib. 2. de Monarch. S. Conclusit.

is, his authoritie) nor his operation from the spirituall power; *but this it receiues from it, vt virtuosius operetur per lumen gratie*, that it worke more Christianly, being illuminated with grace, and directed by spirituall guides.

r Bartholus
ff. leg. Hostes.
tit. de Captiuis.

Bartholus, (r) *If any should say the Emperour is not the Lord and Monarch of the world, esset Hæreticus*, he should be an Heretike, because he affirms that which is against the determination of the Church, and the text of the holy Gospell. But hee was vnconstant in this truth, for elswhere, (be-like when hee was in the Popes territories) hee taught the contrarie, and is for that cause reprocued by Couarruuias (s).

b Couar. par. 7.
Relect. sect. 9.
na. 6. pag. 508.
r Baldus in
Proam. sup. ff.
retus. nu. 8. 9.

Baldus (c), *It is a Maxime among Lawyers, quod Imperator Romanorum in temporalibus superiorem non habet*, that in Temporall matters, the Emperour hath none aboue him.

u Cynus in L.
Bene a Zenone.
Cod. de Quad.
drien. præscrip.

Cynus (u), *As the Pope, so the Emperour hath none aboue him, nam a Deo solo suum recognoscit imperium*, for hee holds his Empire from none but from God.

x Alberic. de
Rosat. in L.
Bene a Zenone.
Cod. de Quad.
præs. nu. 4. fol.
109. et 110.

Albericus de Rosate (x). Hence it appeares that the Papall and Imperiall powers are altogether distinct, & *neutram ab alia pendere*, and that neither of them depends on the other, *but there is one immediate spring of them both*, and that is God. Againe, (y) *Whatsoeuer they say, I beleue these powers are distinct, so that the one is chiefe in Temporall, to wit, the Emperour, the other, to wit, the Pope is chiefe in spirituall matters.*

y Idem Cod. in
legē Gloriosiss.
mo de summa
Trinit. nu. 6.
z Iohann. de
Rup. citatur
in Catal. test.
ver. lib. 18.

Iohan. de Rupeścissa (z) was famous for Prophecies

sies and predictions in this age. He taught, the Ro-
 mane Church to be the whoore of Babylon, and the
 Pope the Minister of Antichrist, and the Cardinals
 to be his false Prophets. He prophesied (a) many
 things of Antichrist and the future Popes; and mul-
 ta de suis prophetiis visa sunt euenisse, many of his
 prophesies seemed to be accomplished. Pope In-
 nocent the sixth, was so ill pleased with his pro-
 phesies, that he imprisoned (b) him at Auinion: and
 no maruell; for one of them which is mentioned
 in Frossard, (c) who saw him in prison, toucheth
 the Pope and his pompe very neere. It was set
 forth by a parable of the Bird, which being borne
 without feathers, all the other birds deckt her with
 their plumes, till the bird being growne gay and gal-
 lant, not onely contemned all the other birds in re-
 spect of her selfe, but would needs be master, and ty-
 rannize ouer them all. The Birds not well brooking
 that pride, each of them pluckt away their owne fea-
 thers, and left her naked. Euen so, said Iohannes, shall
 it fall out with the Romane Church, Pope, and Car-
 dinals; The Romane and Germane Emperors, and o-
 ther Christian Kings and Princes decked the Church
 with many gifts, ornaments, lands, and possessions.
 Situester is not read to haue gone in state, guarded
 with 200. or 300. Knights, but he liued soberly as o-
 ther Bishops did. Constantine, and other Princes,
 decked the Church so long, that the Pope grew inso-
 lent, & tyrannicall, & would be Lord of all: wherfore
 God is anzrie, and will yet be more incensed against
 those who follow; so that Kings and Nobles, who haue
 liberally giuen lands, reuenewes and goods to the
 Church.

^aChron. magni
Belgic. an. 1356

^bFrossard. lib. 2.
Chron. prope fi-
nem. cuius ver-
ba citantur in
Catal. test. loc.
cir.

^cIbidem.

Church will not onely waxe cold in giuing; sed etiam prius donata auferant, but will vnplume the Romish Iay, and by taking away their owne feathers leaue the whoore naked and desolate, as S. Iohn in his Diuine Reuelation doth for a certaintie foretell. Was it not time for the pope to imprison such a Prophet, *propter haresin* (d), for speaking such heresies against the Romane See? And yet why should they be so stomachfull against this *Iohānes*? Did not *Hildegardis* some 200. yeeres before prophesie the like? whose Epistle or prophesie is set downe by *Albertus Stadenſis* (e) one liuing neere that age; *The Romane Empire* (f) this of the West) shall decay, and those Princes who adhered vnto it, shall separate themselves from it, and bee no longer subiect to it; *The imperiall Scepter* decaying thus without hope of repairing, *insula Apostolici honoris*, the miter of the Apostolicke honour shall also perish: for because neither Princes, nor other men, shall finde vllam religionem, any religion in the Apostolicke order (that is, in Popes) *dignitatem nominis illius imminuent*, they shall take away the honour of the Pope, that is, as Iohn said, vnplume him: and the pope at that time by the diminishing of his honour and pristine dignitie, *vix sub sua insula obtinebit Romam*, shall scarce haue Rome and a few adiacent places vnder his miter. Thus *Hildegardis*, and *Albert. Stadenſis* not onely much commend her, and her prophesies, saying, (g) that shee writ them *Deo iubente, imò cogente*, God commanding, yea inforcing her so to doe; but that Pope *Eugenius the third*, also *scripta eius canonizauit*,

d *Zonius cont.*
An. Bar. an.
1357. m. 4.

e *Hildegardis*
prophetia extat
integra apud
Alb. Stad. post.
an. 1149. p. 169
ad 178.
f *Hild. ibid.*
p. 174.

g *Alb. Stad.*
p. 169.

uit, hath canonized her writings, and that in the Councell at Treires. Why should *Hildegardis*, prophesying that the Popes pompe and pompous Monarchicall State shall bee ruinated, and that iustly, *because there is no true religion at all found in them*, bee canonized for a Saint, if for the very like prophesie, *Ioh. de Rupe-scissa* bee condemned for an hereticke?

Saint *Brigit* (*h*) who liued and prophesied in the same 15. age, and within few yeeres of *Iohn de Rupe-scissa*, in her booke of Reuelations sets downe an heauier prophesie against the Pope then he did. Shee makes the Creator of all things to speake thus to the Pope and his adherents: *Nunc conqueror super te*, Now I complaine against thee, *which art the head of my Church. Thou which should loose soules from sinne art a killer of them. I appointed Peter to be a feeder of my sheepe, but thou art a scatterer and destroyer of them: because thou art like to Lucifer, more vniust then Pilate, more cruell then Iudas, more abominable then the Iewes, therefore I doe iustly complaine of thee.* Hauing declared their sinnes, then shee foretels the iudgement. *The Lord thus answered: I sweare by God the Father, whose voice Iohn Baptist heard in Iordane; I sweare by that body, which Iohn baptized in Iordan; I sweare by that Spirit, which appeared in the shape of a Dove at Iordane; that I will execute iustice vpon these. Of the Head (that is the Pope) God said, Sedes tua demergetur, thy seat shall be drowned as a heauie stone which cannot stay till it come at the lowest bottome; For thy fingers, that is, thy assessors, they shall*

*h Brigit. lib. 1
Reuelat. ca. 41.*

shall burne with sulphureous fire, which can not bee quenched. Thy armes, that is, thy Vicars, shall bee adiudged to that punishment which Dauid speaks of, Psal. 109. Let his children be Orphanes, &c. My simple people which are vnder them, shall be separated from them, and they shall inherite euerlasting confusion. *Et sicut per honorem & superbiam super alios ascenderunt*, and as they haue in dignitie and pride ascended aboue others, so shall they descend and be drowned in the lowest pit of hell. Thy members (that is, all thy followers and fauourers) shall be cut off, neither shall there any mercie come vpon them, but they with their heads, being seuered from all good, shall bee tormented. Thus Brigit, one of their Prophets, and canonized Saints, who hath writ seuen great bookes of such like Reuelations; for the credit and authoritie whereof, this is prefixed in the beginning, after the proheme: *Blessed be God, a quo hic liber inspiratus est immediate, & diuinitus reuelatus*, by whom this booke is immediately inspired and reuealed from heauen. Hath not the Pope now good cause to tryumph in his Soueraigntie and Monarchicall Highnesse?

CHAP.

CHAP. X.

That the Popes Temporall Monarchy is condemned
by Bishops and writers, who lived from the
yeare 1400. unto the yeare
1500.



IN the fifteenth age the Coun-
cell of Pisa^a, held Anno 1409.
deposed not onely *Benedict* the
12. who was a pseudo-Pope,
and intruder, but *Gregorie* the
12. also, who was the true^b and
lawfull Pope, for an hereticke and schismaticke. They
knew not belike the Pope to bee the supream
Iudge and Monarch, who neither is nor ought
to be subiect to any humane iudgement. And
that the whole Church held their iudgement
herein to be lawfull, doth clearely appeare, for
otherwise^c *Alexander the fift* could not haue beene
esteemed, as he was of all, the true and lawfull Pope,
nor could the next *Alexander* haue called himselfe
the sixt, but the fift, unlesse *Alexander the fift*, who
succeeded *Gregorie* the 12. then deposed, had
beene held for a lawfull Pope, and no intruder.

The Councell at Constance^d, held An. 1414.
did the like, it deposed not onely two pseudo-
Popes, but *Iohn 23.* also, the true^e Pope, who for
his most enormous vices (he being vsually cal-
led^f a Deuill incarnate) merited that most

T

iust

Ab An. 1400:
ad 1500.

a Concil Pisanū
apud Bin. tom.
3 pa. 1553.

b Qui verus
& legitimus
pontifex erat.
Bin. Not. in
Concil. Con-
stant. §. Con-
cilium.

c Bell. lib. 1.
de. Conc. ca. 8.

d Concil. Con-
stant. apud Bin.
tom. 3. pa.
1556.

e Communis
ferme opinio
fuit Alexandrū
& Iohannem
fuisse veros
pontifices. Bel.
loc. cit.

f Conc. Con-
stant. sess. 11.
art. 5.

g Conc. Constant. sess. 4.

h Ibid. Sess. 15 pa. 1600.

i Bell. lib. 1. de Conc. ca. 7. §. Quam.

k Bell. loc cit.

iust sentence. The same Councell further decreed g, that the Pope *might and ought to be censured, punished and deposed, either in case of heresie or of scandalous life, in both which cases, obedire tenetur*, he is bound, and ought to obey the sentence of the Councell. Further yet, this Councell having excommunicated *John Hus*, saith h, *They must leaue him to the secular power, seeing Ecclesia Dei non habet quod ultra gerere valeat*, the Church hath no more nor higher punishment then excommunication, that it can inflict. Certainly that Councell, and the Church in that age, thought not the Pope a temporall Monarch, nor a supream Iudge, no not in Ecclesiastical, much lesse in secular causes, when they decreed, that he is and ought to bee subiect, both to the sentence, censure, and punishment of an higher Iudge. And it is idly said i, *That this Councell in this decree is not approoued* for if the Councell did not rightly in deposing those Popes, then was not *Martin* the fift true or lawfull Pope at all: and so the Decrees made therein against *wickliffe, Hus*, and the *Bohemians*, are of no force at all, as wanting the consent of a true Pope to confirme them. If *Martin* was true Pope, (as with one consent they professe,) then may the true Pope bee either for heresie in doctrine, or criminall offences in life, censured, punished and deposed by a Superiour Iudge. Much more idle is that which is further said k, that *the former sessions of this Councell wherein this is decreed, are reprobated, because the Councell of Florence hath decreed*

creed contrarie to this at Constance, that a Councell is not above the Pope; for by the very like reason, it may as iustly bee said, that the Councell at Florence, & the Decree made therein, is reprobated by the other at Constance, which decreed contrary to that at Florence, *That a Councell is above the Pope.* The erroneous decree at Florence, neither hath nor can haue so much force nor authoritie, to reprobate or adnull the decree of Constance, as the true decree at Constance hath, and ought to haue, to reprobate and adnull the decree at Florence: the consenting iudgement of the Church in all former ages, giues strength and authoritie to the decree at Constance, none but the late vpstart Hildebrandicall faction, doth countenance or maintaine the Decree at Florence.

The Councell at Basil¹ begun An. 1431. decreeth the very same with the former at Constance, yea they decree that to be a doctrine of the Catholike Faith, such, as whosoever doth pertinaciously gaine say, is an hereticke. So by the iudgement of this whole Councell, all the Bishops in their Florentine Synod, who denyed, and that pertinaciously, the Pope to bee subiect to a generall Councell, were all hereticke; and their Decree both in it selfe hereticall, and made also by hereticke. They further adde^m one point of speciall consideration, that *Nullus vnquam peritorum dubitauit*, None of skill and learning euer doubted, but resolutely held the Pope to be subiect to the iudgement of generall Councils in those things which

¹ Concil. Basiliense sess. 33. pa. 79. & sess. 38. pa. 83.

^m Epist. Synod. Conc. Basil. sess. 45. in Decreto quinque conclusionum. pa. 96.

belong unto faith. So the Councell declares, the Pope neuer to haue had Spirituall, much lesse Temporall Supremacie, as a Monarch ouer all, and this to be so euident, knowne, and certaine a truth, that none of learning and iudgement euer thought otherwise. Then by the Councels iudgement, all maintainers of the Popes supremacie, either spirituall or temporall, that is, all the Hildebrandian faction, are vnskilfull persons, such as contradict the consenting voyce of all learned men. That this Councell of *Basil*, as also the decree thereof for the Councels superiortie aboue the Pope, was ratified, approued, and confirmed, both by Pope *Eugenius*, and Pope *Nicholas* the fift, I haue at large in another Treatise touching the Councell of *Basil* declared. For this time I will onely in a word obserue, that whereas they pretendⁿ, *That this Councell at Basil, and this Decree thereof was repealed by their Laterane Councell vnder Leo 10:* It is true that *Leo* did what in him and that Synod lay to repeale it; But neither^o are Decrees of faith; (such is p this) *repealeable, they are all immutable and irreuocable:* neither was the authoritie of *Leo*, of more force to repeale the decree confirmed by *Eugenius*, then the decree of *Eugenius*, was to repeale and adnull the decree of *Leo*. Nay that decree of *Basil*, fortified by the vniforme consent of the Catholike Church, and of all learned men, is able to annihilate the partiall, nouitious, Laterane decree of *Leo*, supported by none, but such as are illiterate or vnskilfull men, by the iudgment of the Councell

n. Bellar. lib.
1. de Conc. ca.
7 §. Sextum.
& lib. 2. ca. 17.
§. Denique;

o. Decreta de
fide immutabi-
lia sunt, nec
possunt villo
modo abroga-
ri. Bell lib. 2.
ca. 17. §.
Denique.
p. Est veritas
fidei. Catholi-
ca. Conc. Bas.
ess. 33.

cell at *Basil*. Lastly, it is not vnknowne, what the Vniuersitie of *Paris* writ of that Laterane Synod of *Leo*; they account it no other but an hereticall conuenticle. *Leo the tenth say they q, in quodam cætu nescimus qualiter, non tamen in spiritu Domini congregato*, in a certaine assembly (they thought it vnworthy the name of a Synod or Councell) gathered we know not how, but sure not in the name of *Christ*, *consuit contra fidem Catholicam*, decreed that which is contrary to the Catholike faith. Can an hereticall Conuenticle repeale or adnull the Decree of *Basil*, to which the whole Catholike Church consenteth?

q Appellatio
Vniuers. Paril.
§. sed Romani

The Councell at *Bytures* ^r, held *An. 1438*. by *Charles* the seauenth, the French King, made a *Pragmaticall sanction*, and therein confirmed the Decrees of the Councell at *Basil* in this manner. *Perpetua esto*, let the authoritie of the Councell at *Basil*, and the stability of the Decrees made there, be perpetuall, and let no man, no not the Pope himselfe, presume at any time to take away or infringe the same.

r Concil. Bi-
turicense, apud
Gaguin. lib. 10
in Carolo. 7.
pa. 226.

Aeneas Silvius ^f, who was after Pope, saith, *Imperatorem super omnes mundi homines in temporalibus Deus constituit*, God hath set the Emperour aboue all men in the world (then sure aboue the Pope) for temporall matters: And againe ^t, *There is none who may iudge the faults of a King if he doe amisse. Tolerandum est patienter*, It must with patience be indured, till either his heauenly Iudge, or his earthly successour do amend the same.

f Aeneas Syl-
uius lib de or-
tu & Author.
Imperij. ca. 23

t Lib. eodem
ca. 16.

u Card. Cameracens. de resumpt. Concl. 1.

x Idem Pet. de Aliac. lib. de Eccles. auctoritate in Proœmio.

y Card. Cusanus lib. 3. de Conc. cathol. ca. 3.

z Idem lib. cod. ca. 41.

Petrus de Alliaco Card. of Cameracum^u, Although both Christ and his Vicar as he is the head of the Church hath a spirituall Monarchie, non tamen Regiam temporalem, yet he hath not a temporall and Kingly Monarchy. Againe^x the error of the waldenses was, that temporall dominion is repugnant to the Pope and Ecclesiastical function. The error of the Herodians was that Christ was a terrene King, whence the error of those in our times is deriued, who presume to teach that the Pope as he is Christs Vicar, hath immediatly authority, dominion, & iurisdiction in Temporall matters, and ouer secular Princes. The Catholike Church holds the meane betwixt these two contrarie errors, and teacheth, that to the Pope as Christs Vicar, temporall dominion is not due; against the second error: and that the Pope may haue temporall dominion by the concession of secular Princes, or deriuation from them; against the first error.

Cardinall Cusanus^y, speaking of Charles the great declares, what dignitie by being Patricius belonged vnto him; The Patricius saith he, being pater patrie, habebat curam iudicij temporalis & prae-suit in temporalibus, had the care of temporall iudgement, and was the chiefe in temporall matters, the Pope not intermedling in them; yea Patricius by the ancient glosse in Ca. Hadrianus dist. 63. (that glosse is now, for some good reason you may bee sure, wiped away and expunged) was Pater Pape in temporalibus, the father to the Pope in temporall, as the Pope is his father in spirituall matters. Againe^z the Pope hath the highest ministeriall care, sed non dominationis Imperii, but he hath not Imperiall

Imperiall domination ; the Pontificall and Imperiall powers are both of them from God either distinct from the other, neither depending on the other, and this was *antiquorum omnium vera opinio*, the true opinion of all the ancient Fathers and writers, although now it bee grown doubtfull by reason of the sinister desire which many haue to speake pleasing things. Card. Turrecremata^a saith of King David,

^a Card. Turrecremata in Psal. 50.

Against thee onely O God haue I sinn'd, as against a Iudge, and one who hast power to punish me. *Quia tu solus es superior me*, because thou onely art above me. Againe^b, if the Pope were the Lord of all things,

^b Idem in dist. 96. art. 1.

nil sibi posset aari, there could nothing at all bee giuen vnto him and so the Donations made by Emperours should be false. Now of Constantines Donation he there addes, *Donationem hanc vere potuit facere*, Constantine might truely make this Donation. Card. Albanus^c, The Popes haue long time possessed those lands which Constantine gaue, and they haue produced, *nullum alium sue possessionis titulum*, no other title at all, but onely his Donation for their right. Then did they not, nor could they find any title to an yniuersal temporal Monarchie from Christ: for certainly in so many hundreth yeeres, they would haue produced it. Card. Zabarella^d, The Emperour is the Advocate,

^c Card. Albanus lib. de donat. Constantini nu. 5.

and defender of the Church, and it so much belongs to him to defend it, that if the Pope^e be suspected of heresie, *potest ab eo exigere*, he may exact of the Pope a declaration of his faith. The same Card.

^d Card. Zabarella lib. de schism. quis. ^e Ibid. §. quarto.

not onely holds and proues^f, a Councell to be above the Pope: but that the Pope may be an hereticke,

^f Lib. cod. §. quintus.

and

and may for Herisie be deposed, yea and for any other notorius fault, whereby he scandalizeth the Church, if hee be incorrigible, for such an one is esteemed an hereticke.

h Laur. Valla.
lib. de Donat.
Constantini.
in princ.
i Triterm. lib.
de script. Ec-
cles. in Laur.
Valla.

k Ibid. non
longe a fine.

l Johan. Hus. in
Determinat. in
Acad. Prag.
an. 1410. de
ablat. Tem-
por. a cler.
nu. 27.

Laurentius Valla^h, who was both the Prince of Grammarians in his age, (that was 1420.) and Theologus praestantissimus as Trilemiusⁱ calls him, a most excellent Diuine, not onely refutes, but derides that temporall Monarchie which Popes then claimed in the West. Rome, say they, is theirs, Sicile and Naples theirs, all Italie theirs, Spaine Germany, Brittain, all the West theirs; What, saith he to the Pope, will you rob all westerne Kings and Princes of their Crownes and kingdomes, and cause them to pay tribute vnto you? I rather thinke on the contrary, *iustus licere principibus spoliare te imperio omni quod obtines*, that it is more iust, that they should depriue you of all the Dominions you haue. Againe^k, let euery Romane Emperour know, that (as I iudge) hee is truly neither Cesar nor Emperour, vnlesse hee retaine the Romane Empire; and that he is periured, vnlesse he endeavour to recouer Rome from the Pope, for Emperours in former times were not forced to take such an oath as now they doe, but they did sweare that so farre as in them lay, they would not impair the Empire, but would labour to uphold, yea increase the same: This, and much more, elegantly to this purpose, doth Valla set downe.

Iohn Hus^l, *Reges & Principes sunt capitales domini bonorum temporalium*, Kings and Princes, are highest and chiefe Lords of temporal goods, yea,

yea, he was so resolute against the Ecclesiasticall
 (much more against the temporall) Monarchy
 of the Pope, that he said ^m, *Non est scintilla ap-* <sup>m Art. 27.
Ioh. Hus reci-
tatus in Conc-
Const sess. 15.
n Art. 28 Ioh.
Hus.</sup>
parentia, there is not one sparke of liklihood, *that*
there ought to be one head in Spirituall matters to go-
uerne the Church: further hee calls ⁿ such vniuer-
 fall and supream Bishops, *capita monstrosa*, mon-
 strous heads in the Church; adding ^o, *that the* <sup>o Art. q. eius-
dem.</sup>
Popes dignitie and preeminence aboue other Bishops a
Cesaris potentia emanauit, proceeded from Empe-
 rours and from their appointment.

Gerson ^p that famous Chancellour of Paris, <sup>p Ioh. Gerson.
lib. de. Potest.
Eccles. Con-
sid. 12.</sup>
The Papall power hath not the dominion and rights
both of the heauenly, and earthly Empire, so that hee
may at his pleasure dispose of the goods of the Cler-
gie, and muchlesse of lay men: but he hath a dominion
in those goods, which is directiue, regulatiue, and or-
dinatiue, not coactiue. And declaring this, he sets
 downe two contrary errors; the one of Detra-
 ction, which would deprive the Pope and Clergie of all
 dominion, and of all temporall iurisdiction, though it
 be conferred by Princes. The other of flatterie,
 which saith to the Popes (as hee protests some to haue
 written, and some Popes haue beleued) O how great
 is the sublimitie of your power! how incomparable
 to it, is secular authoritie! As to Christ is given all
 power in heauen and in earth, so did Christ leaue
eam omnem all that power to Peter and his succes-
 sours; and as there is no power but of God, so is there
 neither any Temporall, nor Ecclesiasticall power, but
 from the Pope, in whose thigh Christ hath written,
 King of kings, and Lord of Lords, and of whose
 power

power it is sacriledge to dispute. These doth Gerson condemne, as *stultas, falsas, & insanas adulationes*, as being foolish, false and franticke flatteries; And this is the very summe of their doctrine, of the Popes temporall Monarchie. And then reiecting both these errors, he saith, Discretion doth hold the meane betweene them both, so that Clergie men are such, as may both haue possessions of temporall goods against detractours, and yet haue onely a directive and regulative power in them, against flatterers.

q. Iohan. Maior in distinc.
24. q. 3. Concl.
3.

Iohan. Maior sets this downe for a conclusion, The Pope hath not temporall dominion aboue Kings, and he proues it by sundrie reasons; first, if he had, then should Kings be the Popes vassals, and he might at his pleasure thrust them from their kingdoms; but this may not be granted. Secondly, the Popes themselues professe non spectare ad se iurisdictionem temporalem, that temporall iurisdiction doeth not belong vnto them. Againe, Kings receiue not their power immediately from the Pope, nec influentiam ab eo ullam in temporalibus suscipiunt, neither doe they receiue any influence at all from him in temporall matters. For the temporall power doth not depend on the Spirituall, but they are both distinct powers, neither of them subordinate to the other, nor depending of the other, for the King is not the Popes vassall. Againe, the Pope hath two swordes indeede, but the one, to wit the Spirituall he hath in act, when hee excommunicates, or interdicts; the other, to wit the Secular, he hath in habit, id est.

est, potest rogare Princeps terrenus quatenus sint sibi subsidio, hee may desire secular Princes to helpe him with that sword. Againe, Though Petrus Paludamus, and Turrecremata hold the contrary, yet that which they hold, *facultas nostra censuit in fide heresin*, our facultie hath censured it to be an herisie against the faith.

Iacobus Almane ^r hath writ a whole Booke touching the Ecclesiasticall and Laicall power. He hauing declared the ^f the difference betwixt *hauing Dominion or proprietie in goods*, and *hauing Iurisdiction in those temporall goods*, adds two conclusions fitt for our purpose. The former ^t, *that the Pope hath not by Christs institution, supremam potestatem Dominij in singulis hominibus, & bonis ipsorum*, not supream dominion, either ouer all persons, or ouer their goods, and to say the contrary, is as hee out of Occam teacheth, *multum Hareticale & perniciosum*, very heriticall and pernicious. His other conclusion is this ^u, *The Pope hath not by Christs institution, supremam potestatem Iurisdictionis in rebus temporalibus*, not the supream power of Iurisdiction in temporall matters, and that hee prooues out of St. Augustine. And after, enquiring whence the secular power of Princes doeth depend, *The resolution* saith he ^y, *of this question is thus. Potestas iurisdictionis principum secularum non dependet a Papa*, The power of iurisdiction which secular Princes haue, neither dependes on the Pope, nor on the Romane Church

^r Iacob. Almane. lib. de potest. Eccles. & Laica. ^f Ibid quæst. 1 ca 6. §. Quæritur.

^t Ibid. §. Istis.

^u Ibid. §. Secunda.

^x Idem. lib. eod. quæst. 3. ca. 8.

Church: Nay the Pope hath no laicall Iurisdiction, nisi ex collatione Imperatorum & principum, but by deputation or grant from Emperours and Princes, or by prescription. (in which is a tacit grant, or consent of Princes.) His booke is full of the like assertions.

^z Nich. de Clemang. lib. de corrup. stat. eccle. ca. 5.

^a Lib. cod. ca. 13.

^b Nic. de Clem. de egressu ex Babylone.

^c Ribera. comm. in ca. 14. Apocal. nu. 44.

^d Theod. de Niem. lib. 3. de Schif. ca. 7.

^e Thom. Waldens. Doctr. fid. to. 1. lib. 2. Art. 3. ca. 78.

Nichol. de Clemangis ^z complains, That the Popes libidine dominandi, in their lust and desire of domineri, exalted themselves above Emperours, Kings, and Princes, of all Nations: that the Popes Dominion ^a, nay their tyranny is omnibus nec iniuria supra modum inuisa, detested of all, and that deservedly; To say nothing of that his Treatise ^b, wherein he proues, that wee must depart out of Babylon (that they know ^c and professe to be Rome) not onely in affection and heart, but corporally also.

Theodorick de Niem. ^d Episc. Verdenfis, The Imperiall power, as also the Ecclesiasticall depend immediately of God; and therefore fatue & adulatorie loquuntur, qui dicunt quod Papa habet duos gladios, they speake foolishly, and flatteringly, who say that the Pope and Church hath two swords, spirituall and temporall. These parasites and flatterers haue brought a very great error into the Church, which raiseth perpetuall discord betwixt the Pope and the Emperour.

Thomas Waldensis ^e in a whole Chapter both by reasons and by authoritie of fathers proues, that Regall power is immediately from God. In presumptione delinquant, they offend presumptuously, saith he, who affirme that the roote of secular power depends on the Pope, and that the execution of

it is deriued from the Popes grant vnto Princes. The temporall power of Kings is reduced to none aboue the King, but onely to Christ; the priest and the King haue vnder Christ impermixt as potestates, powers which are not conioyned in any one. By this it is euident quod à sacerdote non habet Rex originem, that kingly authoritie is not deriued from the Pope. Regall power is giuen to the King by Christ. There are dua prima potestates, two powers (pontificiall and regall) both which, are first in their owne order, & neutra ab altera secundum originem, and neither of both takes his beginning from the other, but either of them in the exercise of his owne power is greater then the other: And very often the like.

will. wideford^f writing against wickliffe, brings in Iohn and Paul, speaking thus to Iulian the Emperour, we doe you no wrong, nor doe set any man aboue you in Dominion, but we set God aboue you who created heauen and earth.

^f wil wideford
lib. aduer. Wic-
lef. art. 16.

Dionisius Carthusianus^g speaking of Dauid, saith, seeing he was a King, non habuit iudicem superiorem in terra, he had no superior Iudge vpon earth that could punish him.

^g Dionis. Carth.
in 4. Psal.
pœnitent.

Platina^h liked not well of that Papall Monarchy, when reprobuing Boniface the eight, vsurping that authoritie, he saith, he did rather terrifie Emperours, Kings, Princes, and Nations, then put religion into them, quique dare Regna & auferre, who sought at his pleasure to giue and take away Kingdomes; And inueying against the vices of his time, specially in the Popes, he saithⁱ, what shall

^h Platina, in
Bonif. 8.

ⁱ Idem. in vita
Marcellini.

shall become of our age wherein vices are growne to that height, *ut vix apud deum misericordiae locum nobis reliquerint*, that they haue scarce left any place for God to be mercifull: and among other sins he reckons the Couetousnesse, ambition, pomp, and pride of their Cleargie, especially *eorum qui rerum potiuntur*, that is of the Popes: adding, that there was little regard of Religion, that it was rather fained then true, and their manners so corrupt and detestable, as if *inde laudem quaererent*, they sought for praise by the vilenesse of their finnes.

1 Wernerus in
fascic. temp.
an. 1294.

Wernerus¹ saith of Boniface the eight, Hee did *ultra modum* beyond measure, aduance himselfe to that arrogancie, *ut Dominum totius mundi se diceret tam in temporalibus quam in spiritualibus*, that hee called himselfe the Lord of the world, as well in temporall as in spirituall matters; This is hee of whom it is said, He entred like a Foxe, reigned like a Lyon, and dyed like a Dogge.

m Iohn. Auen.
lib. 5. Annal.
pa. 470.

Iohannes Auentinus^m speaking of Pope Hildebrand, saith, *falsi tum Prophetae*, false Prophets, false Apostles, false Priests did then arise, who deceiued the people with a counterfeit Religion, and who beganne to exalt themselves in the Temple of God, aboue all that is honoured, and whiles they endenour to establish their owne power and Dominion, they quench Christian charitie and simplicitie. Sigebert, a writer of those times, *omnis diuini humanique iuris consultissimus*: a man most skillfull both in diuine and humane Lawes, writeth

reth thus, (and *Auentinus* approues his writing therein.) *A most pernicious sedition, and let me say it with the leaue of the godly, a most pestilent heresie, then assailed the Christian people; They are bold to teach not onely that men ought not to obey such Gouvernours as are placed by God ouer them, verum etiam fraude, vi, quouis modo tollendos, but that such are to be murdered or taken away either by fraud or violence, or by any meanes: Periuuries, murders, ciuill warres, perfidiousnesse, these they call pietie. They absolute from obedience, those who are tyed to the Emperour by the sacred band and oath of religion, those who are faith-breakers, truce-breakers, violators of oathes, they perswade such not to be periured. Againeⁿ, The holy Fathers did what*

ⁿ Idem. lib.
 cod. pa. 447.

Christ taught, what the Apostles both taught and performed, they honoured Emperours, ut in terris à Deo secundos, & ante omnes mortales primos, as the next vnto God heere vpon earth, and as the cheefest among all mortall men, calling them their Lords; they denyed not tribute vnto them. But Hildebrand boasteth, that both the Pontificall and Imperiall authoritie is giuen vnto him by GOD, hee takes both powers vpon him, hee dispiseth Emperours and Kings, ut precario regnantes, as ruling onely at his pleasure and will. Thus and much more Auentinus.

Gagninus °, of Boniface 8. writeth; Thus dyed Boniface, the despiser of all men. *Qui Christi præceptorū minime recordatus*, who not remembering

o Rob. Gagnin, lib. 7. in vita Philip. Pulchri.

the

the precepts of Christ, sought at his pleasure to giue and take away Kingdomes, whereas he was not ignorant, that he was his Vicare, *cuius regnum non esset de hoc mundo*, whose kingdome was not terrene, nor of this world.

r Pet. Ferrari-
ens. in forma
libell. in Acti-
on Confess.
pro seru. tit.
30. gloss. 7. §.
Plenam.

Petrus Ferrariensis^r, you see that the Pope (who should follow the foote-steps of Christ) doth indeuour to possesse and hold by armed hand iurisdiction in lands, Citties, villages, and places which naturally, and from the beginning of the world, and by the ordinance of Christ, belong to the Empire, according to that, *Giue vnto Cæsar the things that are Cæsars*: Nay the Pope indeuours to haue superioritie aboue the Emperour, *Quod ridiculum est dicere, & abominabile audire*, which to say is ridiculous, and to heare is abominable. For naturally, and from the beginning of the world, not onely Laikes, but Clerkes, *Erant sub potestate & iurisdictione Imperij*, were vnder the power and iurisdiction of the Empire: *Bene ergo et sancte faceret ipse Papa*, wherefore the Pope should doe well and religiously, if he did remit the whole Temporall iurisdiction into the hands of the Emperour: neither without so doing will the Common-weale, and specially *Italy* euer be at quiet, and by this means both Pope, Cardinals, and the whole state of the Cleargie, should liue more deuoutly, and bee more gratefull and acceptable both to God and men. Thus *Petrus*.

f Georg. de Hi-
emburg. in ad-
monit. de in-
iust. vsurpat.
paparum.

George Hiemburge^f at large refutes this vsurped Papall Monarchie, (so he cals it) answering their

their vaine pretences for the same, and hauing to this purpose alledged the testimonie of *Christ*, of *S. Paul*, of *Hierom*, *Origen*, *Chrysostome*, *Basil*, and *Bernard*, by this, saith he ^t, it appeares, *fabulam & figmentum esse*, that it is a meere fable and figment which is written in the Popes Decretals, that the Pope hath the fulnesse of power giuen him by *Christ*, and such a Dominion that he is aboue Kings and Princes in temporall matters. Againe ^u, by these now it doth appeare more cleare then light, that *Christ* gaue no temporall power at all vnto Priests, much lesse did he giue the fulnesse *mundanae & temporalis potestatis*, of terrene and secular power: nay it doth cleerely appeare that this (supreame and independent) power is both by *Christs words* and example, forbidden to the Apostles and their successours.

^t Ibid. §. Ex quibus.

^u Ibid. §. Quibus.

Antonius Rosellus ^x proues, that the Pope is utterly vncapable of Monarchicall and Temporall Soueraignie, whereof hauing giuen diuers reasons, from hence, saith he, I doe conclude, *haeticum & insanum esse, dicere quod vniuersalis administratio temporalium sit vel esse possit apud pontificem*, that to say the Pope either hath or can haue the vniuersall iurisdiction and administration of temporall affaires, is Hereticall, and a madnesse.

^x Ant. Rosell. lib. de Monarch. part. 1. ca. 38.

CHAP. XI.

*That the Popes temporall Monarchy is condemned
by Bishops and learned writers living from
the yeare 1500. vnto 1620.*

Ab An. 1500.
ad 1620.

a Chron. Ci-
tiz. Paul. Lang.
an. 1513.

b Conc. Pisan.
de quo. Nich.
Basel. in con-
tin. Nauch. an.
1511. Genera-
le Concilium
Pisis indixe-
rūt. Rex gene-
ralem conuen-
tum indicendū
curauit. O-
nuph. in vit.
Iul. 2.

c Onuph. loc.
cit.

d Nic. Basel.
loc. cit.

e Papa omnē
operam dedit
vt pacem cum
Francorum re-
ge fieret. O-
nuph. loc. cit.

f Quo Pisanum Conciliabulum tolleret, Romæ Concilium indixit. Onuph.
Ibid.



IN the sixteeneth age, when *Iu-
lius* the second, *non tam a clau-
ger quam armiger*, one that vled
Pauls sword more then *Peters*
keyes, sought partly by force,
partly by fraud to take *Ferraria*
from the French; *Lewis* the ele-
uenth then King of France, calling certaine Car-
dinals vnto him, summoned a Councell ^b to *Pisa*
Anno 1511, cited *Pope Iulius ad causam c dicendum*,
to answere and plead for himselfe in the Coun-
cell. A demonstration they held not him for
their supream Monarch. *The Pope d exhorted*
the French King not to take part with the Cardinals,
but he, nihil horum aduertens not regarding a whit
the Popes admonitions, continued his resoluti-
on against the Pope; *Iulius* excommunicated
him, which caused him to make warre against the
Pope, wherein the Pope was forced to flee to
Ostia, and was faine both to sue ^e for a reconile-
ment at the French Kings hand, and to appoint a
Councell at *Rome* in the *Laterane* of purpose ^f, to di-

uert and auoid the danger of the Councell at Pisa.

Anno 1561. was held an assembly at Paris ga-
gainst Iohn Tanquerell, who held that the Pope was
both a spirituall and temporall Monarch, and that
Princes who rebell against the Popes precepts, are to
be deprived of their Kingdomes and Dignities. It
was there decreed by the whole assembly, that
Tanquerell should be punished, and because hee was
absent, that the Bedle in his name should openly de-
clare that Tanquerell was sorry for moouing that
question, which he acknowledged to haue bene hand-
led both rashly and inconsideratly; and that for this
cause he did most humbly beseech the King to pardon
his offence. And further it was decreed, that no
Diuines should handle (much lesse defend) such
questions, and positions as was this of Tanquerell,
of which the King himselfe said, *It tended to sedi-
tion, and to weaken that loyaltie of lawfull obedience
which is due to the King.* This Decree ten daies after
was put in execution, where before some fiftie Di-
uines, Petrus Gustus in the name of Tanquerell
retracted, *errorem à Bonifacio 8. inuectum et post
eius mortem passim damnatum*, that error brought
in by Boniface the eight, and euery where after his
death condemned.

g Parisiens Con-
uentus Thuan.
hist tom. 2. lib.
28. pa. 41 &
Bochel lib. 5.
tit. 3. ca. 6.

Another assembly^h of the French State, was
held at Paris, anno 1595. against one Florentinus
Iacobus, and Thomas Blancius, their positions
were, that seeing Pope Clement the eight was
Christs vice-gerent in earth, there was no doubt, but
both Temporall and Spirituall power was from
the Pope. And againe, that the Pope had the power

h Paris. Con-
uent. apud Bo-
chel lib. 5. tit.
4 ca. 8 pa. 134
& 755.

of both swords, Spirituall and Temporall: It was declared by the assembly, That these positions were false, Schismaticall, contrarie to the word of GOD, to the holy Decrees, Constitutions, Canons and Lawes of the Realme, such as tended to rebellion, and troubling of the peace of the Kingdom.

i Paris. Con-
uent. apud Bo-
chel. lib. 5. tit.
20. ca. 45.

k Cenc. Trid.
sess. 25. de Re-
form. cap. 19.

In another assembly at Parisⁱ, anno 1595. Cardinall de Pellene, and other Prelates reiected certaine Decrees of the Trent Councell; for whereas the Pope and his Trent faction had said^k, that if any Emperour, King, Duke, Marquesse, or other temporall Lord, should grant any place within his territories, for Duell, by so doing they are to be ipso facto excommunicated, and deprived of their iurisdiction and dominion ouer that Cittie, towne, castle, or place, wherein they permitted Duell, the assembly of those Prelates thus censure that Trent Decree. This Trent Article is contrarie to the authoritie of the King, who cannot be deprived of his temporall dominion, *respectu cuius nullum omnino superiorem recognoscit*, in respect of which he acknowledgeth none at all (among mortall men) to bee his superiour.

l Vniuers. Pa-
ris. in Ap-
pellat à Conc.
later. sub Leo.
ne. 10.

When Leo the tenth and his Laterane assembly, had as much as in them lay, adnulled the Pragmaticall Sanction made in the Councell at Bytures, wherein the Decrees made in the Councell at Basill were confirmed, the Vniuersitie of Paris^l, an. 1517. not only appealed from the Pope; thereby professing him not to bee the supreame Iudge, no not in spirituall, (much lesse in temporall)

rall) causes, but expressly saide of that Laterane Synod, *that it was an hereticall assembly, and had decreed that which was contrarie to the Catholique faith, as before we declared.*

The French Church^m, (I meane those in that Kingdome who imbrace their present Romish faith) were so far from acknowledging the Popes Soueraigntie in temporall, that they would not admit it so much as in spirituall matters. *This opinion, saith that worthy relatourⁿ; (that a generall Councel is aboue the Pope) is very currant and strong euen among such Catholikes in France, as fauour the Papacie. Others hold their Roman Church to be a true Church, but for the Pope, they hold resolutely that he is Antichrist. This sort spreadeth farre, and as themselues will say, is of the learned sort.* How did they account him their Soueraigne, who not long since in the daies of Henry the fourth. *when^o the Pope made scruple to blesse the King, they were readie to withdraw theselues utterly from the obedience of that See, and to erect a new Patriarch of their owne; The Archbishop of Burges was readie to accept that dignitie, and it had beene effected, but that the Pope, in feare thereof, did hasten his Benediction.* How againe, did that Church acknowledge the Pope for a Monarch, when they would not accept nor allow of his Lawes made in the Conncell at Trent. The King ^p not onely in contempt, calling it *Conuentum*, and not *Concilium*, at which the Trent Assembly stormed not a little,

^m Gallicana
Eccles.

ⁿ Relation of
State and Re-
ligion in the
West parts.
pa. 129.

^o Ibid pa. 130.

^p Innoc. Gen-
tiler. in exam.
Conc. Trid.
sess. 12. pa. 96.
97. & Ioh.
Sleid. Com.
lib. 22. pa. 332.

q^d Tac. Gualter
in sua Chron.
Sæc. 17. sub
tit. Concil. in
fine.

r Basilienfis
concilij au-
thoritas, &
constantia de-
cretorum eius
perpetua esto,
&c. sanct.
pragm. in
Conc. Bitur.
de quo supra.

f Loc. cit.

t Decret. Par-
liament. reci-
tatur apud
Gold. in Re-
plic. pro Imp.
ca 9. pa. 81. 82

but professing also, *se suosque subditos*, that he and his subjects would by no meanes bee bound to obey the same: others of the same French Church were so auerse from those Trent decrees, euen vntill these daies, that but of late 9, anno 1614. some of the Prelates and Peeres, entreated this present King Lewis the 13. that he would commaund, that Oecumenical Councell *per totum regnum recipi, ac promulgari*, to be receiued in his whole Kingdome: But the loue which that French Church beareth to the Councel at *Basil*, and their owne pragmaticall sanction made at *Bytues*, may perswade that this Iesuiticall motion, will hardly euer there take effect, although Gualter^f boasts of the great successe it found in that yeare.

Further yet how was the Popes Monarchie there acknowledged, when^t anno 1610. the doctrine and Booke of Card. Bellarmine, written against Barclay, (in which Bellarmine defends that the Pope may excommunicate and depose Princes) was so detested by that State, that in their publicke assembly they did prohibit and forbid any, and that vnder the paine of high treason, either to keepe or receiue, or print or sell that booke *continentem falsum ac detestabile dogma*, conteining that false and detestable doctrine, tending to the subuersion of the highest Magistrates, to rebellion against Princes, to the withdrawing of due obedience in subjects: They commaund further, and vnder the punishment also of high treason, *Ne quis Doctor, Professor*, that no Doctor, Professour, or any other, should write or teach directly, or indirectly the same doctrine,

doctrine of the Popes temporall power; to wit, that hee hath power to excommunicate and depose Kings, to giue or take away their Kingdomes. And though it were true (which is all that *Gretzer* ^u could hereunto oppose) that *the present King Lewis, at the solicitation of the Popes Nuncio, stayed the publishing of that Edict for a time*, yet the verie Decree of their whole State and Senate, demonstrates that which wee intend and proue, that this pestilent doctrine of the Popes Supremacie, was abhorred and detested by that whole State.

^u Gretz. lib. 1.
cont. Replie.
ca 11. §. Etia
am.

Besides these, how many Synods ^x held by those of the reformed Churches in this age, might be produced? diuers at *Wormes* ^y, at *Augsusta*, at *Spire*, at *Norimburg*, at *Ratisbone*, at *Franckford*, at many other places in all which the Popes supremacie not onely Temporall, but Ecclesiasticall also, was condemned. Of them all I will mention but one Decree, of that late Nationall Synod at *Gape* ^z in *France*, which is this, *whereas the Bishop of Rome, hauing erected a Monarchy in the Christian Church, doth challenge and arrogate vnto himselfe principality ouer all Churches, and treadeth vnder foote the lawfull authoritie of Magistrates, giuing, taking away, and translating Kingdomes, we doe steadfastly beleue, and constantly affirme him (the Bishop of Rome) esse verum illum et Germanum Antichristum*, to bee that true and great Antichrist, and sonne of perdition.

^x Synodi Ecclesiarum reformatarum.

^y Vide Ioh. Funct. & Christ Heluic. in suis Chron. & Ioh. Sleid. comm de statu Relig.

^z Decretum à Nationali Synodo Eccles. Gallic. celebrata Gapinci, an. 1603.

To these may be added the confessions of many reformed Churches ^a; of *Auspurge* presented

^a Confessiones Reform. Eccles. vid. Harmon. Confessionum

to

to *Charles* the fift, an. 1530. of *Basil*, an. 1532. of *Heluetia*, an. 1536. of *Saxonie*, an. 1551. written to be presented to the Councell at Trent, of *Wittenberg*, an. 1552. presented to their Council at Trent, of *France*, an. 1559. presented to *Charles* the ninth; of *England*, an. 1562. of *Belgia*, anno 1566. of *Bohemia*, an. 1573. of *Scotland*, an. 1581. and others; in all which with one harmonie is condemned their Papall Monarchie, and that euen in Ecclesiasticall, much more in Temporall causes.

y Protestantū
Scripta.

What an infinite number of Witnesses in this last age might be produced out of the reformed Churches y, *Luther*, *Melancthon*, *Brentius*, *Bucer*, *Caluine*, *Musculus*, *B. Iewell*, *B. Horne*, *B. Bilson*, and those three Reuerend and most learned Bishops now liuing, *B. Andrewes*, *B. Bückridge*, *B. Moorton*: *Dr. Rainolds*, *Dr. Whitakers*, & a million of other learned and godly Bishops, Pastors, and Writers of the Church, who not onely reiect, but haue by vnanswerable reasons refuted that Papall Monarchie, which they now claime. And though to these most worthy seruants of Christ, the writers of their present Romane Church in this age, are neither for learning, nor pietie, in any sort to be compared, yet omitting all these, I will alledge cheefely the testimonies of some of their owne and best learned writers in this age, most of them such as are extreemely partiall on the Popes side, and earnest in his cause, that themselues giuing testimonie to that truth which we maintaine, and like Midianites,

sheathing

theathing their swords in the bowels one of another, this Temporall Monarchy of the Pope like the head of *Goliath*, may be cut off, though by the hands of *David*, yet with the Philistines owne swords.

It was no good token, that either Pope *Hadrian* the sixth, or *Marcellus* 2.^d, liked wel of their Monarchicall Soueraigntie, when the former ^a caused this to be written on his tombe; That he esteemed nothing to haue bene more unhappy vnto him, then that he did Imperare; and the other ^b sitting at dinner on a time, and there remembring that speech of *Hadrian*, striking his hand on the table, brake out into this saying: *Non video quomodo qui locum hunc altissimum tenent, saluari possunt*, I see not how any Pope can be saued. The well meaning Pope, it seemes, was conscious of some exceeding vsurpation, transgression, or iniustice, generall to all later Popes; (and what else should that be, but their vsurped Soueraigntie) when he grew to such a generall dispaire of the saluation of them all.

Card. Caietane ^c, under the power of Peter it is comprehended, that he rules ouer Kings and Princes in order to the kingdome of heauen, *nec enim huiusmodi Imperium aliud est, quam aperire & claudere regnum cœlorum*, for this power which the Pope hath, is nothing else, but to open or shut the kingdome of heauen; then hath hee no Temporall Monarchy; and this to be the iudgement of *Caietane*, *Bellarmino* ^d and *Franc. de Victoria* ^e assuredly

^a *Marcellus* 2.

^a *Plat. in vit. Hadriani* 6.

^b *Plat. in vit. Marcelli*, 2.

^c *Card. Caietan.* In Opusc. to.

1. Tract. 3. ca.

7.

^d *Bell. lib. 5.*

de Rom. Pont.

ca. 1. vbi citat

Caietan. in

Apol. ca. 13.

^e *Franc. à Vi-*

ctor. Relect. 1.

de potest. eccl.

sec. 6. nu. 8. v-

bicitat *Caiet.*

in *Apol. ca. 6.*

sure vs. Caietane teacheth, that in the Pope there is no meere temporall power.

f. Amb. Cathar.
in cap. 13. ad
Rom.

Ambrosius Catharinus^f, There are some, who either in flattery, or in too great simplicitie, affirme the Pope to haue Dominationē etiam temporalem totius orbis terrae, the Temporall Dominion of the whole world. *Verum ridicula haec profecto*, But truly thus to say is ridiculous. And he sets down diuers reasons to disproue that ridiculous assertion. One, because if it were so, then there should none be truly Kings in the world but onely the Pope. Another, because Christ himselfe refused to bee a Temporall King, when the Iewes would haue made him one: and he answered, to one of the brothers who requested him to diuide the inheritance, who made me a Iudge, or a diuider between you? Of which words Catharinus thus saith; *Hic locus videtur cogere vt fateamur*, This place seemes euen to enforce vs to confesse, that secular iurisdiction was not giuen vnto him. Againe, we doe not deny that the Pope hath dominion of temporall things, but this we say, that such dominion is not giuen to him as Pope, nor immediatly by Christ, sed illud habet quasi unus quilibet hominum, but he hath it as any other man, vnto whom by humane right such power befalls. Againe, In this, that the Pope is Christ Vicare, there is no force to proue, that power is giuen to him, *ad regendum omnia regna mundi in temporali- bus*, to rule all kingdomes in temporall affaires. Nay this doth rather perswade, that such power is not giuen vnto the Pope, seeing Christ whose Vicare he

he is, refused that honour, and tooke it not upon him, as hee was man, but was himselfe subiect to secular powers.

Domin. Soto^g, The excellencie of the Ecclesiasticall powers aboue the Ciuil, is not of this sort, that the Pope should be Lord ouer the whole world in temporal matters, And he giues diuers reasons hereof; one, Christ left to his Vicar no other power, but what himselfe as man had, *nullum autem Regnum temporale accepit*, but Christ receiued no Temporall Kingdome. Another, Pope Innocentius, in the Chapter *venerabilem, qui fil. sint legit. confesseth ingenuously* that he hath not power in temporall matters in the kingdome of France, and, *quicquid alij somniant*, whatsoeuer others dreame, he vnderstands this, *de omnibus regnis, of all Kingdomes.*

Ioh. Driedo^h, This is to be knowne, that Christ when he set Peter ouer the whole Church, giuing him Iurisdiction ouer all the members thereof, *non simul dedit ei imperium temporale super vniuersam Ecclesiam*, did not with all giue him any Temporall Dominion or Monarchy ouer the whole Church: For he did not take from Kings and Emperours their Empires, neither was it his will or intent, that all Regall power should be deriued from the power of Peter, or from the Pope. Neither doe Christian Princes and Kings hold their Kingdomes and Empires in fee from the Pope. Whence hee concludes this to be manifest, That the Imperiall power of one man ouer the whole Church, *non est diuini iuris, aut naturalis*, is neither from the law of God, nor nature, seeing neither naturall reason,

g Dom. Soto. in
4. Sentu. dist.
25. q. 2. art. 1.
concl. 3.

h Ioh. Driedo.
de libert.
Christ. lib. 1.
pa. 145. 146.

doth dictate, that one should be a Temporall Lord over all, neither doth the Law of God command it.

i Andradus
defens. Trid.
fid. lib. 2. pa.
404.

Andradusⁱ commends very highly that saying of Aquinas, *Prudentissime docuit, Thomas* taught most wisely, *That secular Princes are not bound by lawes in respect of coaction, but of direction.* That is, *panis cogi non posse*, they cannot bee compelled by punishments due to transgressors.

k Ibid. pa 403

And the same Andradus addes^k, *That all learned men, yea euen the Popes themselves, Innocentius and Hadrian approve this saying of Thomas:* Then by the iudgement of Andradus, all learned men, and Popes themselves teach, the Pope not not be a superiour Lord, or Temporall Monarch to Kings and Princes; for if they were, they might inflict temporall punishments, and vse coactive authoritie over them.

l Claud. Espense-
us. Com. in
cap. 3. epist. ad
Titum. Di-
gress. 10.

Claud. Espenseus^l, the Apostle following both the example and doctrine of Christ, commaunded beleeuers to be subiect to temporall powers; But some turbulent persons making a controuersie betwixt the Priesthood and kingdome, haue raised great troubles, Chrysostom long after the Apostles, and many hundredth of yeares, *ante hanc camerinam*, before this sinke was set open, neuer suspecting that any such thing would happen, taught, that euery soule must be subiect, whether he be an Apostle, an Euangelist, a Prophet, or a Bishop; Theodoret, Oecumenius, Theophilaet, and all the Greekes follow Chrysostome. Gregorie the Great ingenuously acknowledged, that the Emperour ought, *Dominari*, to rule over Priests. Bernard teacheth the same: yea Popes them-

themselves in their Decrees, *salentur se imperatoribus subiectos esse*, confesse that they are subiect to Emperours. Gregorie^m the seventh called Hildebrand by a new schisme first of all, lifted up his Pontifical lance against the Imperial diademe.

^m Idem eōm in epist. ad Timoth. Digress. lib. 2. cap. 6.

Krantziusⁿ speaking of Hildebrand, triumphing gloriously in his two swords; at the time of the great Iubile, which hee first instituted, with indignation thereat, saith, Behold O Peter, thy successor, and thou O Christ, behold thy Vicare, *Vide quo ascendit superbia serui seruorum tuorum*, See whither the pride of the seruant of thy seruants is ascended.

ⁿ Aib. Krantz. Saxon. lib. 8. ca. 36.

Ioh. Nauclerus^o handling, but very timerously, this question about the Popes Temporall Monarchie; in the end resolues as Gerson did, That both Detraction is to be shunned, whereby all temporall power and possessions are denyed to the Pope: and also Adulation, whereby one ascribes so much to the Pope, as if all kingdomes did depend on him, which he with Gerson calls, *stultas & falsas adulationis insanias*; moderate discretion keepes the meane betwixt these two: Againe, *Videntur per omnia culpandi*, those Bishops seeme altogether to be worthy of blame, who would smite the Kings with that temporal sword, *quem ipsi ex regum habent gratia*, which they haue frō the permission of Kings.

^o Ioh. Naucl. ad an. 1087.

Georgius Cassander^p, this Controuersie about the Popes supremacy in spirituall matters, had neuer, as I thinke, risen among vs, but that Popes *hac autoritate ad dominationis quandam speciem abusi*, abusing this authoritie to a kinde

^p Georg. Cassan. Consultat. Art. 7. Cap. de Pontif. Rom. pa. 58.

of domination, had exceeded the bounds prescribed by Christ. This abuse of their Pontifical power, which flatterers haue beyond all measure encreased, gaue occasion of revolting from the Church, and of disliking that power, which they obtained by the vniuersall consent of the Church. Againe ^q, this ought to be held without all doubt, that the power and authoritie of Christian Kings and Emperours, is no way lesse nor inferiour to the authority which the Kings of Israel had in their Common-wealth. Now Carerius ^r, and others, who are most violent for the Popes Temporall Monarchie, professe, That in the time of the Law, the Kings of Israel were superiour to Priests, and had power and iurisdiction aboue them: might punish and deprive them of their spirituall offices and dignities; yea, euen kill them as any other lay persons, if they were transgressours. The King ^f was then the substantiue, and the Priesthood the adiectiue. Then by Cassanders iudgement, it is also now and ought for euer so to be.

^q Ibid. Artic.
16. de Magis-
stratu.

^r Alex. Car.
lib. 2. de Pon-
tif. Rom. ca.
18. nu. 14.

^f Lib. cod. ca.
1. nu. 6.

^t Sixt. Senensis
Bibl. sanct. lib.
6. Annot. 72.

Sixtus Senensis ^t, disputing this point, resolves it out of Turrecremata. lib. 2. Cap. 113. in this manner. An vniuersall temporall power is two-fold: the one is Monarchicall, the other Pastorall: The Monarchicall power is that whereby one is made a Monarch and supream Lord of all persons & lands in the world, so that he may aduance whom he will to Kingdomes, Empires, and Dukedomes, and depose whom & when he wil: This Monarchical power the Pope hath not, saith Turrecremata; and to him Sixtus subscribes, and he giues this reason, because Christ hath forbidden this to his Apostles; for when

when they did strine, saith he, *de Monarchia temporalis regni*, which of them should be a Temporal Monarch, Christ answered, the Kings of the Gentiles reigne, but with you it shall not be so. Pastoral power in temporall matters is such, as the Oecumenicall Pastour may use for the better administration of the spirituall blessings in the Church, This the Pope may haue, saith Sixtus, but he may not take upon him Monarchical domination; that is forbidden by Christ.

Hofius y calls Kings the heads of their kingdomes, adding, that Christ being the principall head, *gouverneth by those who are ministeriall heads under him, by Princes and Emperours hee gouernes kingdomes; by the Pope, the Church, and vnto Christ as the head of the Church, so the head of the kingdomes is subiect.*

Francis. a Victoria z, The Apostles had power and authoritie in the Church, *ea autem non fuit ciuillis*, but it was not any ciuill power, seeing neither their kingdom, nor power was of this world. Again^a, Temporall power doth not depend on the Pope, the Pope giues no power to Kings and Princes, for no man giues that which he hath not: Again^b, the Ciuill power is not subiect to the Popes temporall power, or to the Pope, *tanquam Domino temporali*, as to a Temporall Lord. Whence it followeth manifestly, that the Pope hath no ordinary power to iudge of the causes of Princes, of rights of dominion, or title of kingdomes, neither may one appeale to him in temporall causes. Further yet, In^d *Papa nullo est potestas mere temporalis*, there is no meere temporall

y Stan. Hofius
contra Brent.
proleg lib. 5.
§. Quarium.

z Franc. a Victoria
Relect. 1.
de potest eccle.
sect. 2. nu. 7.

a Ibid. sect. 6.
nu. 5.

b Ibid. nu. 4.

c Ibid. nu. 5.

d Ibid. nu. 8.
& Relect. 5.
sect. 2. nu. 3.

e Idem Rel. 1.
sect. 2. nu. 9.

temporall power at all in the Pope; neither^e doth the temporall power depend on the spirituall, as an inferiour art depends on his superior, as the art of making bridles depends on horsemanship, and the art of making weapons, on the Military skill. All these and much more doth *Victoria* proue.

f Alber. Pighi.
Controu 16. §
Quod Christi
pa. 254.

Albertus Pighius^f, That they say, *Christum spiritualem tantum potestatem Apostolis dedisse, etiam nobis placet*, that Christ gaue onely Ecclesiasticall power to his Apostles, I like it well, and say the same. Pighius teacheth, saith *Bellarmino* g, that the Pope directly hath no Temporall Dominion.

g Bell. lib. 5. de
Pontif. Rom.
ca. 1. §. Tertia.

h Duarenus.
lib. 1. de sacr.
eccle. minist.
ca. 4.

Duarenus^h, *Bishops haue not ius gladij & imperium*, the right of the sword, nor an Empire: *This belongs to ciuill Magistrates, as Christ cleerely witnesseth when he said, My kingdome is not of this world:* and intreating of the Decree of *Clement 5.* that all Kings depend on the *Roman church*, *This constitution*, saith heⁱ, *did so far displease Cynus Pistoriensis, that he feared not to say, this text proceeded ex Pontificiorum errore*, out of the error of those who tooke part with the Pope: adding, *that most Lawyers are of the same opinion; and that Bartholus in saying otherwise, speakes rather dicis causa, then ex animo.*

i Mich. Coccin.
lib. de trans.
Imperij.

Michael Coccinusⁱ, *Imperator Imperium tenet à Deo*, the Emperour holds his Empire from God, and not from the Pope, and speaking of the translating of the Empire; *The Pope*, saith he, *doth in no other sort transference it from one to another, quam Imperium transferentibus consentiendo,*

endo, but by consenting to others who transference it, or by declaring that it ought to bee transferred; but the translation hath his force and efficacy, not from him, but from the consent of the people.

Hier. Balbus^k, Episcopus Gurcensis, sets downe many and vnanswerable reasons, *ex quibus*, saith he, *planè conuincitur*, by which it is cleerely conuincied, that neither the Pope nor the Emperour doe one depend on the other, *sed utrumque à solo Deo manare*, but that both of them spring from one and the same fountaine, and that is God; euen as^l Moses and Aaron did either of them receiue their power from God: and for this opinion, *pugnant omnes fere Casarei iuris interpretes*, almost all the ciuill Lawyers doe fight, Bartholus, Albericus, and others; yea, diuers also of the Canonists, especially Pope Innocentius in Cap. *licet ex suscept. de foro compet.*, and Pope Iohn. Ca. *Si Imperatori. dist. 96.*, and Archidiac. *dist. 96. ca. Duo sunt.* The same also is taught, saith heⁿ, by Petrus de Ancona and Thomas Aquinas lib. de reg. princip. who saith, that there are two mysticall bodies of Christ, the one spirituall, in which the Pope is cheefe; the other temporall, in which the Emperour is cheefe: and Christ being the head, *influit primario*, doth immediatly giue the influence of power and dignitie to either: and then for the full resolution of the matter, and least^o any should hereafter erre in this, wherein the dignitie and maiestie of the Empire consists, he sets downe verbatim the Constitution of Lewis of Bauare, which was made, as he saith, *in ambiguitate mature discussa*, euery ambiguitie being

^k Hier. Balbus.
lib. de Coro.
nat. pa. 18. &
seq.

^l Ibid. pa. 21.

^m Ibid. pa. 18.

ⁿ Ibid. pa. 21
& 18.

^o Ibid. pa. 64.
& seq.

being maturely and exactly discussed by Bishops: one part of which Decree is this, *that the Imperiall dignitie and power, à solo Deo dependet,* depends onely of God, and *that it is a pestiferous doctrine by which the Deuill hath raised strife and sedition, to say that the Imperiall dignitie or power is of the Pope.*

*b Onuphrius
in vita Greg. 7*

Onuphrius ^b speaking of the ancient Popes, saith, *They were honoured as heads of the Christian Religion, and as Christs Vicars, but their authoritie extended no further, then to doctrines of faith, and they were subiect to Emperours, and did all things at their commaund: they were created by them, to Iudge of Emperours they durst not. Gregorie the senenth first of all, and besides the custome of his Ancestors, contemning the Imperiall authority and power, was bold to depriue the Emperour of his kingdome. A thing not heard of before that age; for those things which are reported of Arcadius, Anastasius, and Leo Iconomachus are but fables.*

*c Papir. Masson.
in vita Bonif. 8*

Papirius Massonus ^c, vtterly dislikes the fact of Boniface the eight, in claiming the supremacy as wel in temporall as in spirituall matters, he cites and commends the words of Petrarch, wherein hee saith, that Boniface *like Iupiter Olimpius, fulminabat de terris*, thundred in the earth with threats and menacing Edicts: he calls Boniface *Tyrannum Sacerdotum*, a tyrant of Bishops; and in the end admonisheth Popes, *not to make Kings their enemies, for let not Popes thinke that God hath made them frænos regibus*, to be as bridles to Kings, to curb them as they list like unruly Horses, let them

them admonish, let them pray, to threaten, to terrifie, to make warres, *Episcopos non decent*, doe not beseeme Bishops.

Sir Thomas Moore ^d, That which Christ commanded Peter, Put thy sword into thy scabbard, is as if he had said, neither will I bee defended with this sword, and I haue chosen thee into that place, *ut non tali gladio te pugnare velim, sed gladio verbi Dei*, that I will not haue thee to fight with such a sword, but with the sword of Gods word, Let the materiall sword be put vp into his place, put it into the hands of secular Princes, you that are my Apostles, haue another sword to vse.

^d Sir Thomas Moore in exposit. passionis. de amputata Malchi auric.

Steph. Gardiner ^e writ a booke, *de vera obedientia*, wherein he fully and substantially refutes the Popes supremacie, and that euen in Ecclesiasticall causes, prouing that the sword of the Church extends no further, but to teaching and excommunication, and that the Soueraignty of gouernment, as well in Ecclesiasticall as in Temporall causes, belongs to Princes. This also he confirmed by his sacred oath ^f. I Steph. Gardiner do promise and sweare to you Henrie my Lord, King of England and France, *atque in terris Ecclesie Anglicane immediate sub Christo. supremo Capiti*, and the supreme head of the Church of England, next and immediately vnder Christ, that I shall not giue, or cause to be giuen to any forren Potentate, Prince, or Prelate, no not to the Bishop of Rome any oath or fealties, directly or indirectly, but shall performe faith, truth, and obedience to your royall Maiesty, as to my supream Lord, neither shall I consent that the Bi-

^e Steph. Gard. lib de vera obedientia.

^f Iuramenti forma extat in Acts and Monuments in Hen. 8, pa. 964

shop of Rome shall haue or exercise here any authority or iurisdiction. Further, I doe professe that the Papacie of Rome is not ordained of God, and that the Pope is not to be called supream, nor vniuersall Bishop, and much more to the like purpose. To all this he swore, subscribed, and set his hand and Seale, an. 1534.

g Edm. Bonner
præfat. ad lib.
Gardineri.

To this booke *De vera obedienda*, Edmund Bonner & B. of London prefixed a Preface, wherein among other words tending to the approbation of that Booke, he sayth of the Pope, That he is a rauening woife dressed in sheepes clothing; he calls him Iupiter of Olympus, which falsly hath arrogated to himself an absolute power without controulement; that hee stirred up other Kinges and Princes traitterously against the King; that it is no new thing to bee against the tyranny of the Bishop of Rome; that the Popes Supremacie is falsly pretended; that the booke of Gard, will well content those who fauour the truth and hate the tyranny of the Bishop of Rome, and his Satanicall fraudulent falshood. Besides the same Bonner did take the very like oath as Gardiner had done, subscribing to it, and confirming it, both by his hand and Seale.

h Ioh. Stokesley
& alij, eorum
Iurament. ex-
cat. in Act. &
Monum. loc.
cit. pa 965.

The like oath for acknowledgement of the Kings Soueraignetie not onely in Temporall but in Ecclesiasticall Causes, and condemning the Popes vsurpation in them both, was taken by Ioh. Stokesley^h, Bishop of London, Edward Le, Arch-bishop of Yorke, Cuthbard Tunstall, B. of Durham, and many moe.

The Vniuersitie of Cambridgeⁱ, though then addicted to Popish Religion, hauing debated and discussed this point, resolved in this manner, *we affirme it as a conclusion vndoubted, that the Bishop of Rome hath no more authority and iurisdiction giuen him by God in the Scriptures, ouer this Realme of England, then any other externe Bishop hath: and that is none at all.*

ⁱ *Academ. Cantabrig. eius literæ extant, ibid pa. 965.*

Card. Poole^k, *By these words it is shewed, that Christs Kingdome was spirituall and celestiall; his Church is not Regnum huius mundi, no kingdome of this world, but of heauen: This Kingdome Christ hath left to St. Peter, and his Successours; And though he call^l it Imperium totius orbis, an Empire of the whole world, yet hee plainly shewes^m, that he meanes not that it is any Temporall Empire, Such as takes away others Empires and Kingdomes, but a Spirituall, such as by spirituall direction corroborates, and confirms them all, by drawing them vnto faith and pietie.*

^k *Card. Poole lib. de summo Pontif. ca. 23.*

^l *Ibid, cap. 19.*

^m *Ibid. ca. 24, in fine.*

Card. Alaneⁿ, one of their learnedest, and most eager maintainers of the Popes supremacie in spirituall matters, sets this downe as a rule; *Quilibet princeps, summus est suorum, etiam Episcoporum gubernator*, Euery Prince is the Supreamer Gouvernour, euen of his Bishops, *but not in all causes*: he meanes in Temporall, but not in Spirituall. Againe^o, *Princes quoad regnum suum & civilem gubernationem nullos superiores agnoscunt*, doe hold none to be their Superiors, in respect of their Kingdomes and ciuill gouernment: and he euery where insists on this.

ⁿ *Card. Alanus in Resp ad persequ. Angl. ca. 3, pa. 319.*

^o *Ibid. ca. 5, in Princ.*

p Rhemists
Testam. in
Math. 22. an-
not. 3:

The Diuines of Rhemes p alledge and approue that saying of *Hosius*, and call them godly words, *Neither is it lawfull for vs (Bishops) to hold an Empire in earth, neither hast thou O Emperour, power ouer incense and sacred things.*

q Tho Stapleton
in hjs Coun-
terblast, lib. 1.
diuif. 5. pa. 29.

Stapleton q, *It is true that the Prince is supreme Gouvernour of all persons, as well Ecclesiasticall as Temporall:* And againe r, alledging and allowing that saying of Constantine, *You are Bishops within, and I without the Church;* hee thus expounds them, *you doe praeesse, are cheefe in Ecclesiasticall causes, (to wit, for deciding of doubts of faith in them) I in secular affaires, and for ordering them.*

r Idem, Do-
ctrin. Princ.
lib. 5. ca. 18:

s Nich. Sanders
de Vis. Monar.
lib. 2. cap. 4.
s. Quapropter.

Nich. Sanders s, *There are two powers in the Church, vna tantum spiritualis cuiusmodi est illa ministrorum, the former is onely spirituall, and such is the power of Bishops: the other is mixt, being originally secular, but in respect of the end spirituall, such is the power of Kings.* Againet, *we doe not say that all Kingdomes and Dominions are in all things subiect to the Church by diuine law: then certainly is not the Pope the Temporall Monarch ouer them all.*

t Ibid. s. Non
tantum.

u Didac. Ve-
ga super 4. pœ-
nitent. conc. 2.

Vega u, *wee must here say as generally doe the Fathers of the Church, Hierom, Austen, Ambrose, Chrysostome, and Cassidore, that Dauid said this, because being a King, nemini nisi Deo subdebatur, he was subiect to none but to God, Hee was bound by no humane lawes: for a King, though he be subiect to humane lawes, in respect of direction, yet not in respect of coaction.*

Pererius

Pererius y the Iesuite, saith of that precept of *St. Paul*, Let euery soule be subiect to the higher power; *That it is meant onely of secular power: and euery soule, that is euery man* (is not the Pope one?) ought to be subiect to those secular powers, in those things which they may lawfully command.

y *Pererius*
com. in cap.
13. ad Rom.
disp. 1.

Bishop *Canus* z approues the profession of faith made by Pope *Agatho*, subscribed vnto and allowed by the sixt Councell. Now in that profession the Pope with all the Westerne Bishops, most cleerely acknowledge a the Emperor to be their Lord, and themselves his seruants, their Citie and Prouince, his seruile Cittie, and seruile Prouince. An euidence that neither *Agatho*, nor the sixt Councell, nor *Canus*, (nor any who approue that Councell) thought the Pope a Temporall Monarch aboue the Emperour.

z *Melc. Canus*,
loc. Theol. lib.
6, cap 6. §.
Aliud.

a *Act 4* Con-
cil. gen. 6.

Corn. Iansenius b, Although Peters power bee in earth, yet Christ said not that he would giue him the keyes of the kingdome of earth, but of the kingdome of heauen, that Peter might know, *suam potestatem extendi tantum ad spiritualia*, that his power did extend onely to spirituall matters, which belong to the kingdome of heauen, and not to temporall things, but onely as they are referred to spirituall.

b *Cor. Iansenius*
Conc. Euang.
ca. 66. in illa
verba, & tibi
dabo claues,
&c.

Franc. Costerus c the Iesuite, Christ by his coming did not change the Politicall administration or gouernment, but left it vnto Princes, and commanded to giue to Caesar that which belongs to Caesar.

c *Franc. Costerus*
Euchir. ca. 3.
propof. 3.

Iacobus de Valentia d entreating of *Dauid*, saith, that he offended only to God, *Quia nullum alium*

d *Iac. de Va-*
lent. in *Pfal.*
50.

superiorem

superiorem habebat, because he had none but God about him, And being a King, he could be punished by none other.

b *Lorinus* in
Psal. 50.

Lorinus^b the Iesuite, God onely is able to punish the sinne of him that was a King, *nec superiorem haberet*, and who had none but God Superiour vnto him. Againe, whereas *Cassiodore* saith, that the King is punishable onely by God, *Turrecremata* obserues, that this is not because the secular Magistrate, is with vs more worthy then the Ecclesiasticall, but because *Rex in suo ordine non habet superiorem*, the King in his owne Order (of secular Gouvernors) hath none about him.

c *Hect. Pintus*
in *Ezech. ca.*
45.

Hector Pintus^c, In spirituall matters Bishops are about Kings, but in secular matters, *Reges non subiiciuntur sacerdotibus*, Kings are not subiect to Bishops; Againe, *Habent Reges in temporalibus superiorem neminem*, Kings haue none about them in secular matters.

d *Tho. Harding*
confut. of the
Apologie. part.
6. cap. 12. §. It
was.

Thom. Harding^d, The Kings place is cheefe among the lay, euen when they are in the Church at the seruice of God; and without the Church in all temporall things and causes, hee is ouer the Priests themselues.

e *Iac. Bosgraue*
eius scriptum
manu ipsius
consignatum
apud nos extat.
Tortur. Torti.
pa. 24.

Iames Bosgraue^e, a Iesuite, and with them an holy Confessour and Martyr^f; I professe before God, that I doe thinke, and am in conscience perswaded, that the Pope *nec de facto*, *nec de iure*, neither hath, nor ought to haue power to loose the subiects of any Prince from their fidelitie.

f *Nomina*
myrtyrum,

Campianus, *Bosgravius*. Concertat. Eccle. cathol. part. 2. pa. 60. g *Ioh. Rishton*.
ibid. in Tort. Terti. pa. 24. se,

John Rishton^g, another of their Confessors al-

so, made the like profession; adding further, as *Bosgrane* and *John Hart* also did, That *g* they *g* Ibib. p. 227. would not reuolt from the *Queene*, nor forsake their obedience to her, though the Pope himselfe should come with forces against her. The like profession was made by *Henry Herton* *h* another of their ho- h Henry Herton
ibid. ly Martyrs *i*.

John Hart *k* another of their Confessors, I thinke that although the spirituall power bee more excellent then the temporall, yet they are both of God, neither doth the one depend on the other. Whereupon I gather this certaine conclusion, that the opinion of them who hold the Pope to bee a temporall Lord ouer Kings and Princes, is vnreasonable, and vnprofitable altogether.

Dureus *l* the Iesuite, approues that saying of *Bernard*, Both Swords are the Churches, but the material is to be vsed for the Church, the spiritual by the Church. Now it is as cleere as the Sunne, that *Saint Bernard* denied temporall Monarchicall authority to all Bishops, and particularly to the Pope.

Adam Blacknodeus *m*, If Kings offend, God only, and no man is to be their Iudge. Againen, they are set in the place of God, to rule and restraine others, not that they should be restrained *a quoquam*, by any; then sure not by the Pope, for Kings rule their subiects, but ouer Kings themselues, *Solius est Imperium Iouis*, God only is a ruler of them.

Guil. Barclay, If Kings offend they are to be iudged by God only, for they are subiect only to

A a

God;

h Henry Herton
ibid.

i Concert.
eccle. cathol.
loc. citat.

k John Hart.
Epist. sua ante
colloq. cum
Ranoldo.

l Dureus con-
fut. respons.
Whitak. fol.
321.

m Adam
Blacknod. lib de
coniunct. Re-
lig & Imperij.
n Ibid.

o Guil Barclay-
us lib. 4. contra
Monarchom.
cap. 4 init.

In allandum

p Idem lib. de
potest. Papæ
cap. 1. §. Est.

q Deliriorum
Bozj. ibid. §.
Huius.
r Ibid.

f Ibidem.

i Ibid. §. Mihi

u Per totum
librum.

x Nin. Wincet.
lib. contr. Bu
canan. pa. 180.

y Skulken. A-
pol. pro Bell.
contra Wid-
ding. cap. 3.
pa. 78.

z Pet. Pitheus
lib. de libert.
Eccle. Gallic.

God; which I meane of temporal iudgement & sub-
iection. Againe p, speaking of Thomas Bozius, who
stiffely holds the Pope to bee a Temporall Mo-
narch of the World, he calls him, *Parasitum Papa-
lem*, the Popes Parasite; his opinion he calls it *de-
lirium* q, a very dotage: and whereas Card. *Hosti-
ensis* is of the same opinion, he saith r; *That opinion
of Hostiensis, à Theologis, firmissima ratione est dū-
nata*, is condemned by Diuines, & that by a strong
reason. He addes f of the same opinion of *Bozi-
us*, and *Hostiensis*, that it is *Putida opinio que solis
ineptijs, & captiunculis suffulta est*, a putid opini-
on, which is supported onely by foolery and so-
phistrie. Yea, he proceeds further, and condemnes
i both the direct and indirect power, claimed to the
Pope in Temporall matters; prouing u that the Pope
neither directly nor indirectly & in order to the spi-
rituall good, hath any power to excommunicate or
depose Kings, or to absolve subjects from their othes.

Ninianus Wincetus x *This is the true diuinity
of the Prophet, that a King, though hee bee neuer so
wicked, Dei iudicio relinquendus est*, it is to be left
to Gods iudgement. *Skulkenius* y confesseth,
that thus much is meant by Wincetus, *That the
King hath no politicall or temperall power aboue him,
to iudge or punish him.*

Pet. Pitheus z, in his booke published by the
authority of the French Court, saith, the liberty
of France relies on two Maximes, *quas Francia
semper ut certas approbavit*, which France hath
euer approoued as certaine. The one is this, that
the Pope cannot commaund or decree ought either in
generall

so, made the like profession; adding^h further, ^h Ibid. pa. 227
as Bosgrave also and John Hart did, That they
would not revolt from the Queene, nor forsake their
obedience to her, *ne si Papa quidem cum copijs suis*
veniret, though the Pope himselfe should come ⁱ Hen. Horton;
with forces against her; The like profession was ^{ibid.}
made by Henry Hortonⁱ, another of their holy ^k Concert:
Martyrs^k, ^{eccl. cathol.}
^{loc. cit.}

Dureus^l the Iesuite, approues the saying of ^l Dureus con-
Bernard, That both swords are the Churches, but ^{fur. respons.}
the material is to be used for the Church, the spiritual ^{Whitak. fol.}
by the Church, the former is in the hand of the Priest, ^{321.}
the other of the King, but at the direction of the
Priest. Now it is as cleere as the sunne, that St.
Bernard denied Temporall and Monarchicall au-
thority to all Bishops; the Iesuite then by appro-
uing Bernards saying, vterly condemnes the
Temporall Monarchie now claimed for the
Pope.

Adam Blackuodens^m, *If Kings offend, non homi-* ^m Adam.
nem sed Deum iudicem habent, God onely, and no ^{Blackuod lib.}
man is to be their Iudge. Againe, *whereas Cas-* ^{de coniunct.}
siodore saith, that the King is punishable onely by ^{Rel. g. & Imp.}
God, Turrecremata obserues, that this is, not because ^{pa. 88.}
the secular Magistrate is with vs more worthy
then the Ecclesiasticall, but because Rex in suo
ordine non habet superiorem, the King in his
owne order (of secular Gouvernours) hath none
aboue him.

Guil. Barclayⁿ, *If Kings offend, they are to be iud-* ⁿ Guil. Barclay
ged by God onely, quia soli Deo subiecti sunt, for ^{us. lib. 4. de}
they are subiect onely to God, which I meane of ^{regno contra}
Monarchom. ^{cap. 4. in init.}

Aa

tempo-

p Idem lib. de
poteft. Papæ.
cap 1. §. Eft.

q Deliriorum
Bozij. ibid §.
Huius.
r Ibid.

f Ibidem.

t Ibid. §. Mihi

u Per totum
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lib. cont Bu
canan. pa. 180.

y Skulken. A-
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z Pet. Pitheus
lib. de liberr.
eccle. Galic.

temporall iudgement and subiection. Againe p, speaking of *Thomas Bozjus*, who stiffely holds the Pope to be a Temporall Monarch of the world, he calls him *Parasitum Papalem*, the Popes Parasite, his opinion he calls it *delirium* q, a very dotage: and whereas Card. *Hostiensis* is of the same opinion, he saith r; *That opinion of Hostiensis, a Theologis, firmissima ratione est damnata*, is condemned by Diuines, and that by a strong reason. He addes f of the same opinion of *Bozjus*, and *Hostiensis*, that it is *Putida opinio quæ solis ineptijs, & captiunculis suffulta est*, a putid opinion, which is supported onely by foolery and sophistrie. Yea, he proceeds further, and condemnes t both the direct and indirect power, claimed to the Pope in Temporall matters; prouing u that the Pope neither directly, nor indirectly & in order to the spirituall good, hath any power to excommunicate or depose Kings, or to absolve subiects from their othes.

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generall or in particular, *quod attinet ad res temporales*, concerning any temporall matters within the kingdome of France.

Iacob. Leschefferius^a sets downe this as the foundation whereon the liberties of the French Church are built, that neither Pope, nor the whole Clergie *ius habet de vlla re temporali statuendi*, hath any right to decree ought in temporal matters, *multo minus de vlllo regno*, much lesse of any Empire or supream kingdome.

Of late yeares there was a memorable controverſie betwixt the Pope and the Venetians^b, the Pope pretended their Lawes^c to be contrary to the libertie of the Church; and therefore to be nullas & inualidas, to be no lawes, nor of any force: And he commaunded the State, under the censure of excommunication, to reuoke and adnull the same lawes. Did they regard these thundering threats, excommunications, or Interdicts? Did they hearken to his commaund, or yeeld obedience to this their Monarch? No, they constantly persisted in defence of their lawes, and plainly told^d him, That the reuoking of those lawes, which for so long time had beene continued, was the euerſion of the foundation of their State; that they were made *ſummi Principis autoritate*, by the authoritie of the supream Prince; (by this they meant their own State) and they conclude, that they were ſubiect to no censure; yea they proclaimed^e the Popes excommunications and Interdicts againſt them to be an abuſe of his power, to be ſuch as that the perſon or State who hath not *Principem ſuperiorem*, a Su-

^a Iac. Leſcheffer apud Bochel. lib. 4. tit. 21. ca. 1.

^b Reſpub. Ve-

^c Verba Le-

^d Reſponſ. Se-

^e Traſt. de

^f Interdicto.

^g propoſ. 16.

^h Confid. P. M.

ⁱ Pauli. 8. Quæ

^j aperta. pa. 95.

^k natus Venet.

^l lib. eod. pa. 95.

^m Aa 2

ⁿ prior

perior Prince vnto it (such they esteeme themselves) *may and ought to resist, by all meanes granted by God.* So in defence of their owne Soueraignetic, they demonstrated to the eyes of the whole world, the Pope not to be a Monarch, no not in Italy, nor in his next neighbour Citties, much lesse ouer all Kingdomes and Empires vpon earth.

f *Ant. Quirinus* dissertat. de iure Reip. Venet. pa. 61.

g *Ibid.*

h *Ibid. pa. 62.*

i *Fr. Paulus.* Confid. sup. Censur. Pauli 5.

Anto. Quirinus^f in defence of the Venetian State, writes thus; *Christ did not diminish the rights of Empires, Cities and Princes, but he confirmed the same, yea, he would not in any sort meddle in that, quod res mundanas & temporales spectat,* not with temporall causes. Againe g, *It is most euident, that the Venetian Common-wealth is as a free Prince, qui à nemine pendet ex natura sui principatus,* which by the very nature of Principalitie, depends on none: Againe h, *This Venetian Common-wealth doth professe Dominium suum à solo Deo habere quod ipsis est ius fundamentale,* that it hath their dominion from God onely, and this is the very fundamentall law of their State; and to this subscribed *Antonius Rebetti, Michael Angelus,* and many others both Diuines and Lawyers.

*Frier Paul*ⁱ in the same quarrell writes in this manner, *The Venetian State potestatem sibi à Deo datam,* exerciseth that power which is giuen vnto them by God, *euem from the beginning of their State vnto this time:* And what power that is, he declares, calling it *antiquam & absolutam veri sui Imperij libertatem,* the ancient and absolute, (and therefore not depending on the Pope) libertie of

of their true Empire.

Card. Bellarmine^k at large handleth this Argument, concerning which he sets downe^l three assertions, and proues them all. *First, that the Pope is not Lord of the whole world: secondly, that he is not Lord of the Christian world: thirdly, that the Pope iure diuino, by any right from Christ, is not Lord of any Prouince or Towne, Nullamque habet iurisdictionem mere temporalem*, and hath no iurisdiction meerely temporall. Yea Bellarmine answeres and refutes, and that very soundly all those reasons which are brought to proue that Christ had any such temporall dominion.

^k Card. Bellarm. lib. 5. de Pontif. Rom. ca. 2. & seq.

Gretzer^l not onely defends Bellarmine herein, but refutes^m the whole dispute of Alex. Carerius, for the Popes temporall Monarchie against Bellarmine, and shewes how weak, feeble, and vniust that Anathemaⁿ is which Carerius denounced against Bellarmine, for denying that temporall Monarchie to the Pope.

^l Ia. Gretz. in sua defens. lib. 5. Bellar. de Rom. Pontif. m Gretz. ibid. defens. ca. 4. & 5. n Ibid. §. Sed en.

Skulkenius^o faith of Anto. Rossellus, *Omnino nobiscum sentit*, he is altogether in this matter of our mind; For he teacheth, that the Pope as Pope hath not the direct dominion of temporall things, & *non esse vniuersalem totius orbis Monarcham*, and that he is not the vniuersall Monarch of the world. Againe, speaking of those words of Otho Frising. *Reges nullum prater deum supra se habent*, Kings haue none aboute them but God, Otho, faith he^p; meant this de superiori politico siue temporali, of a Politicall or Temporall Monarch, such an one Kings haue not aboute them.

^o Adulph. Skulchen. Apolo. pro Bellar. contra Widring. pa. 70.

^p Ibid. pa. 78.

q Ibid. pa. 108 Againe q, *The height of Emperours and Kings hath not any temporall power superior to them. In this sence, Independens est à potestate superiore temporali*, it doth not depend on a superior power, but hath his immediate dependance on God.

r Breireley
Apolog. pro.
test. in Præf.
sect. 20.

Breirley^r, in his Apologie for the Romane faith, taken out of diuers wrested and miserably peruerthed testimonies of Protestants; and by him called the Protestant Apologie, saith, *They exceed measure who load the supream Pastor of the Church, with incompetent attributes of Temporall authoritie, and of the principalitie of the whole world.*

f Rob. Parsons
Treatis of Mi-
tigat. ca. 2. nu.
29.

Rob. Parsons^f, that Iesuiticall Polypragmon in all States, whereas they say, that wee Catholikes, ascribe Monarchicall, ciuill power and Soueraignie ouer Kings vnto the Pope: this of ciuil Soueraignty, is a meere fiction and calumniation, for wee ascribe no such power vnto the Pope ouer Princes, or their subiects, but that Soueraignie onely which belongs to the spirituall head, which is onely spirituall, and for spirituall ends. Againe^r, *Though Kings and Emperours be Supream in Temporall authority, yet in Spirituall, Bishops are more eminent then they.*

r Idem, in his
answer to Sir
Edw. Coke.
ca. 2. nu. 31.

u Georg Black-
well epist. ad
Bellar. Fateor
me illud iura-
mentum suscepisse.

George Blackwell^u their Arch-Priest, hauing by solemne oath professed, *That the Pope neither of himselfe, nor by any authory of the Church or See of Rome, hath any power or authority to depose Kings*, afterwards not onely maintained the same assertion, but in more expresse manner explained the same: of the opinion of the Canonists, that

that the Pope is directly the Lord of the whole world in temporalibus, he saith ^x; That as he sware, so hee doth constantly affirme, that he holdeth the opinion concerning the Popes direct Dominion in Temporalibus, to be untrue: that ^y the Pope is not Lord of the whole world; nor yet of the Christian world; that he hath no Temporall dominion of any one place iure diuino. After this he professeth ^z further, That as the Pope hath no direct Dominion in Temporalibus, so neither hath he indirectly, and in reference to spirituall ends, authority to depose Princes, to absolute subiects, or the like: and that Card. Bellarmine reasons, to proue this indirect power in temporalibus, are weake ^a, and insufficient. In summe, that his ^b iudgement is, that the Popes spirituall authority extends no further, then to the censures of the Church properly so called, and that the Pope hath no authority in temporalibus, either directly or indirectly to depose Kings.

Temporall things, saith Suares ^c, doe fall but indirectly vnder the power of the spirituall, that is in order to a spirituall end.

Nauar ^d, Ecclesiasticall power shall extend it selfe so farre, as the order of things supernaturall doth require, and no further.

The Catholike Author ^e of the Franck discourse, entreating of this, which he calls a Iesuiticall position, That the Pope hath power to excommunicate Kings, to free subiects from their oaths of Allegiance, to deprive them of their Scepters and Crownes, calls it in expresse termes, a pestilent and pernicious doctrine, flatly ^f repugnant to the word and

^x Large Examina. of Geor. Blackwell, pa. 35.

^y Ibid. pa. 55. 56. & seq.

^z Ibid. pa. 70. 71.

^a Ibid. pa. 65. 66.

^b Ibid. pa. 79.

^c Suares disput. 16. de Ex. comm. maior. sect. 1.

^d Naur Relect. cap. No. uit. de Iudic. nor. 3. pa. 106.

^e Le Franc, discourse, pa. 14.

^f Ibid. pa. 16.

g Pa. 18.

and will of God, adding, This hath ever beene the iudgement of the Church of France to excommunicate all those that auouch these and such assertions, as Authors of a barbarous and most accursed doctrine, which begets a world of murders, and a sea of abominations.

h Iesuites Catechisme lib. 3. ca. 17. S. For.

Another of their Catholikes^h in his Iesuites Catechisme, we hold it for an Article firme and indubitate, that our King is not subiect to the Popes excommunication; And he not onely often inueigheth against that Iesuiticall doctrine of excommunicating and deposing Kings, but saithⁱ, That it is an heresie to approue the killing of Princes, though they be heretickes.

i Lib. eod. ca. 9. in Titulo.

k English Catholikes vt testatur Widing. in Apol. Princ. contr. Bell. nu. 3.

Per multi alij Angli Catholici^k, very many English Catholikes, doe professe that it is not sufficiently proued, either by testimony of Scripture, or Apostolicall tradition, or by authoritie of the holy Fathers, or by Theological reason, *summum Pontificem vllum prorsus habere ex Christi institutione rerum temporalium dominium*, that the Pope hath any dominion at all in Temporall matters granted him from Christ, so that he may either directly or indirectly, that is in respect of the spirituall good, depose Princes.

l Becan. controu. Anglic. cap. 3. q. 12. nu. 1.

Mart. Becanus a Iesuite, published anno 1612. a booke intituled *Controuersia Anglicana*, wherein he hath these assertions, Catholikes^l do affirme, and that rightly, that the Pope who may excommunicate Kings, may also depose them: hauing cited many examples of Kings deposed by Popes, he saith^m, what those Popes did, they did by right, and they had power

m Cap. eod. q. 3. nu. 14.

power and authoritie to depose Kings. The ⁿ vsuall ⁿ Ibid. nu. 17.
way of deposing Kings, is to absolute subjects à debito
vinculo subiectionis, from their due bond of sub-
iection, and this the Pope may lawfully doe: and ma-
ny the like. Of these and like assertions of Becanus, the Facultie of Paris ^o gives this censure, that ^o *Censura Fac-*
he falsly ascribeth to Catholikes, the defending of new ^{cult. Paris. de}
errors and crimes, that he brings in dangerous ^{lib. Becani. pa.}
scismes, depraves the Scriptures, spoyles Temporall ^{15.}
Lords of their rights, makes the killing of Princes
which is execrable, to be thought lawfull. They ^p Ibid.
call this book of Becanus, *Pestilentissimum librum*,
a most pestilent booke: the doctrine contained
therein, *pestilentem doctrinam* ^q, pestilent do- ^q Ibid. pa. 17.
ctrine, which robs Princes of their supream power,
and stirres up subjects to rebellion and parricide.
Iohan. Filesjacke a Doctor of that Facultie profes-
seth ^r after he had read that booke, *aliud a se pe- ^r Ibid. pa. 15.
stilentiorum nunquam visum, that he neuer saw a
more pestilent booke. Georg. Frogerius ^f one of ^f *Censura Fro-*
the Sorbonist Doctors, saith, He could not choose, ^{gerii. de lib.}
but be exceedingly incensed against Becanus, *dirum* ^{Becani. ibid.}
et pessime feriatum hominum, that wicked and exe- ^{pa. 23. 24.}
crable man, he could not but reiect, yea *proculcare*
trample vnder his feete, his *maniacall*, and demoni-
acall book, and oppose the sacred scripture, *aduersus*
istam pestilentissimam, furiosissimamque Becani buc-
cam, against that most pestilent and furious do-
ctrine of Becanus. Claudius Aquavina ^t, prouost ^t *Censura Claud.*
Generall of the Iesuites, censures the selfe- ^{Aquavini. de}
same booke, as written rashly, as being dis- ^{lib. Becan.}
allowed by the societie of the Iesuites. Besides these, ^{ibid. pa. 22.}*

^u Censur. Card.
Bellarmine de
libro Becani.
ibid pa. 10.

^x Censura Pau-
li 5. de lib. Be-
can. ibid.

^y Bellar. l. b. 5
de Rom. Pont.
ca. 1.

^z Catholici
Theologi.

Card. Bellarmine ^u, (whose very doctrine, and no other, *Becanus* defends) yea Pope *Paulus* the fift ^x himselfe, whose authoritie is therein maintained, they both censure that booke *as containing many false, timerarious, scandalous, and seditious matters, and they utterly prohibited it to be read, or so much as kept by any, untill it be corrected.*

And to alledge no more, (for it were euen an endlesse and irksome worke to cite all, they being in number so infinite) I will conclude with that testimonie of Bellarmine ^y This, *that the Pope as Pope hath not directly and immediatly any Temporall power, but onely spirituall, est Catholicorum Theologorum^z communis sententia*, it is the common iudgement of Catholike Diuines.

Thus we see, that this Temporall Monarchicall Soueraigntie now claimed for the Pope, hath beene by *Apostles, Councels, Popes, Fathers, Bishops*, and learned *writers*; yea euen by the most earnest *Romanists*, and chiefe pillars of their present Church, with an vniforme consent opposed and condemned in all successiue ages of the Church, euen from the daies of Christ vnto this very present time.

CHAP. XII.

*That the Popes Temporall Monarchy is condemned
by Emperours, Kings, and Imperiall States
in the seuerall ages of the
Church.*



After Councels, Fathers, Bishops, and learned Writers in all ages of the Church, by which as you haue seene the Popes temporal Monarchy hath bin condemned, there remaines in the last place one consideration touching *Kings and Emperours*, of whom they pretend ^a, that they not onely haue acknowledged this Monarchicall Soueraigntie, but in token thereof, haue *subiected themselves, and yeelded up their Kingdomes to the Pope*. How to this purpose *Steuchus* and *Gretzer* haue published many *writings, Grants, and Donations* of seuerall Kings and Kingdomes, I haue before entreated. To both these I must here adioyne a *Vaticane Manuscript* of one *Nicholas Card. of Arragonia*, from whom both *Steuchus* and *Gretzer* borrowed, and with much ease exscribed those very Gifts and Grants which they so venditate to the world. This *Nicholas*, being as earnest for the Popes Temporall Monarchy, as either *Bozius*, or *Scioppius*, tels vs, that Popes ^b *as Christs Vicars hauing the fulnesse of power, vtrum*

^a Vt supra
ostensum est.
ca. 1.

^b Nichol.
Card de Arr.
M.s. fol. 61.

Bb 2 que

- que gladium possunt ad libitum exercere, may at their pleasure exercise either sword, Excommunicate, and depose Kings and Emperours. And that both *de iure* and *de facto* diuers worthy Popes
- e Ibid. fol. 61. & seq. haue exercised this power, hee shewes e by an whole Catalogue of Emperours and Kings, no fewer then 28. deposed by them. For the further aduancing of this Papall Temporall Monarchie, the
- d Ibid. in Tit. lib. same Nicholas hath, and that as he tels d vs, with great labour and industry, compiled out of diuerse Registries and Chronicles, those same (and many other) writings and grants made to the Popes, of Rome, Italie, Spaine, France, England, Denmarke, Hungarie, Russia, Croatia, Bohemia, and diuers others, which for the most part in the bookes of Stenhus & Gretzer are to be seen. Nor can either the name of Nicholas, or the Manuscript left by him, adde credit or countenance to those Grants and writings. What worth and credit he and his Records are of, it may be perceined by his com-
- e Ibid. fol. 46. & seq. mending of the Charter e of Constantines Donation, and diuers such like; but I will onely here mention two of his passages, by which you may conie-
- f Idem fol. 88. cture his verity in the rest. The former is, That f
- g Ibid. fol. 46. whe Constā. ine builded the Church of our Saviour in the Laterane (that was as he else-where g saith, The fourth day after he was baptized by Siluester) he placed in that Church, the Arke of the Testament, which Titus carried away from Ierusalem, the golden Emmerods, the golden Mise, the tables of the Testament, the rod of Aaron, the golden pot, with Manna, the seemlesse coat of Christ, the vestment of Iohn Baptist, the sheeres wherewith Iohn the Euangelist was polled,

Rare monuments, able to cause long pilgrimages and deuout adoration, if the Romane Bishops haue kept til these daies those *Deposita*. The other is the prophesie of *Romulus* touching Christ. *Nicholas* entreating of the Pallaces in Rome, (he reckons 16.) *In the Pallace of Romulus, who builded Rome, Romulus, saith he g, set up his own statue made of gold, saying, Non cadet donec Virgo pariet, This my statue shall not fall till a Virgin bring forth a child. And as soone as euer the Virgin Mary had brought forth Christ, statua illa corruit, saith Nicholas, that statue fell downe to the ground. Such rare and admirable Records and Monuments hath Nicholas compiled, and out of him Steuchus and Gretzer published; which though in themselves they might iustly be contemned, yet because the Popes and their flatterers applaud and please themselves with such toyes and fancies, let vs see how weake they are to support that Monarchical Soueraigntie, which they build on such sandy foundations; and I nothing doubt to make it euident, that by none of all their pretences, none of those most renowned and glorious Empires euer were, or euer will be brought vnder the yoake of subiection to the Popes Temporall Monarchy.*

g Ibid fol. 74.

Here first in general for al kingdomes it may be rightly said, that the admitting of this one *Vniuersall* Temporall Monarchy of the Pope, is the vtter ruinating, adnulling and annihilating of all other kingdomes in the world. *Scioppius* truly saith ^h, *This one kingdome, tollit omnia alia regna mundi*, doth abolish all other temporal kingdomes.

^h Sciop. in suo Ecclesiast. ca. 46. pa. 155.

c Amb. Cathar. in cap. 13. ad Rom. 9. Verum.

And to the like purpose *Amb. Catharinus*^c, *If the Pope be the temporall Monarch of the whole world, nulli ergo vere terrarum Domini essent in temporalibus, sed solus Pontifex*, then should none else be truly Temporall Kings here vpon earth, but onely the Pope. For seeing *Soueraigntie* (which as I haue formerly proued, is the very essence of Regall authoritie) should then be in the Pope alone, he alone and none else should truly bee King: Al others should be but *Viceroyes, Deputies*, or *Lieutenants* vnder him, subiect to him, as their supream Lord both for their persons & possessions. So this very position of the Popes *Vniuersall temporall* Dominion aboue all Kings, implies an euident and vnauoydable contradiction to it selfe. For if the Pope bee such a Monarch, there can be no other Kings to acknowledge this Papall Monarchy. And if there bee any other Kings to acknowledge this, *euen eo nomine*, for that they are *Kings*, they doe directly deny and ouerthrow his Monarchicall Soueraigntie.

d Ioh. Maior in 4. Sentent. dist. 24. q. 3. Cong. 3.

is vndeniably refuted. Of it *Ioh. Maior*^d saith, *The Pipe hath nullum titulum*, no title at all in temporall matters in the Kingdome of France. The French King

King, saith Ioh. Igneus ^c, *Non recognoscit superiorem in temporalibus*, doth not acknowledge any to be his superior in Temporall matters. Guil. Benedictus speaking of the French State, saith ^d, *If one doe appeale, it must be to the King, not to the Pope, for seeing he is an Emperour in his kingdome, and the Empire is notorie quoad temporalia a superioritate Papae exemptum*, notoriously knowne for Temporall matters to be exempted from the superiority of the Pope, there is no appeale from the King, *seeing the kingdome of France is none of those which are held in fee from the Pope*. Aegidius Romanus writes very ^e fully to this purpose, *The French King à solo Deo immediate tenet & possidet Regnum suum, non ab homine quouam*, holds immediatly his kingdome from God only, & not from any man. He holds it not of the Pope, neither as he is a man, neither as he is the Vicar of Christ. And if you reply, that though he doe not de facto acknowledge any Superior, yet de Iure, he ought so to doe. Respondemus quod non, we answer (saith he,) that de Iure he ought not. The French ^f King is not subject to the Pope, *nec ei tenetur respondere*, neither ought to answer him for the Fee of his kingdome. The French King, saith Cassianus ^g, *acknowledgeth no Superior*; He ^h in his kingdome, like the Emperour *solus in temporalibus praeesse debet*, alone ought to be Supream in Temporall matters. Againe ⁱ, Although Boniface the eight by his Constitution sent to Philip the faire, declared the kingdome of France to be subject to the Pope in temporall matters, yet Clement the first his successor, *eam constitutionem revocavit*,

^c Ioh. Igneus Repet. in le. Conationes, nu. 28.

^d Guil. Benedi in repet. cap. Rainurij Decis. 2. nu. 27. 28.

^e Aegid. Rom qua st. de vtraque Potestat. artic. 5.

^f Lib. eod, arr.

^g Cassian. Catal. glor mundi. part. 5. confid. 24 nu. 179

^h Idem. part. 5. conf. 31. §. 1

ⁱ Ibid. §. 2.

uocauit, reuoked that Constitution made by Boniface, as it is euident in the Extrau. cap. Meruit. I omit many other like euident testimonies, the rather because I haue often before touched this point; and that one expresse Confession, yea Decree of Pope Innocentius is so cleere, that there needeth no further prooffe in this matter. The

k Cap. Per
Venerabilem,
extr. qui fil. ant
Legit.

I Cassian lib:
cit. Conf. 28.
§. Ex quo etiã.

French King, saith he^k, *superiorem in Temporalibus minime recognoscit*, doth acknowledge none to be his superiour in Temporall affaires. Of which words Cassaneus thus^l writeth, *I finde it determined by the Popes, that the French King acknowledgeth none to bee his superior in temporail matters, ca. Per Venerabilem: which text loquitur de iure, et non de facto, speakes not of the fact, but of the right, because the Pope (in his Decrees) namquam loquitur in facto sed in iure tantum*, neuer declares what is done, but what in right ought to be done. And though it were easie by very many examples of the dealings of the French Kings with the Pope to confirme this truth, some of which I haue before expressed, yet I will mention at this time no more, but that one of Philip the faire. He to the letters of Boniface the eight, signifying to him, that he was subiect to the Pope, both in temporall and spirituall matters, returned an answer to Boniface in this manner^m: *Sciat tua maxima fatuitas*, Let your great foolishnesse vnderstand and know, that in temporall matters we are subiect to none, and those who thinke otherwise (one of the cheefe of which was the Pope) *dementes et fatuos reputamus*, we account mad men and fooles.

m Literæ Phi-
lippi apud Ni-
chol. Gillium
in Phil. pulch.

For

For the Catholicke King, and his kingdomes of Spaine, how directly repugnant to this Papall Monarchy are those cleare and euident Testimonies of their best learned writers of that Nation? That of Cardinall *Turrecremata*ⁿ, *The Pope by reason of the Papacy hath no direct power in temporall matters, extra principatum suum ecclesiasticum*, out of his owne Ecclesiasticall principallitie: no part of which is the kingdome of Spaine. That of Franc. à *Victoria*^o, *There is no direct temporall power at all in the Pope*: then certainly no Monarchicall soueraigntie in Spaine. Whereof he giues a true reason, *because there is no power in the Pope, which is directed to a temporall end: and such is that power which is meereley temporall*. That of Dom. Soto^p, *Euery King* (then doubtlesse the King of Spaine) *is in his owne kingdome the supreme Iudge for temporall matters*. That of Did. *Couarruias*^r a Lawyer and Bishop also, *Semper mansit apud Regem ipsum suprema iurisdictio*, Supreme iurisdiction remained euer in the King of Spaine himselfe. And this he prooues besides other reasons, *by a pragmaticall sanction of Ferdinand and Elizabeth, an. 1502*. That of Iohn de la *Puente*, their late and famous Chronicler, whose scope is to shew *the conueniencie of a double Catholicke Monarchy*. The one of which onely, (to wit the *Spiritual*) to belong to the Pope, whom he compares to the *Greater light, ut praest urbi & orbi*: The other (to wit the *Temporall*) to belong to him, whom hee compares to the *lesser light, ut subdatur urbi & dominetur orbi*, the very frontispice of his booke doth make most euident. To these Spanish writers of best note, may be added

ⁿ Turrecrem.
in Sum. de Ec-
cles li. 2. c. 113.

^o Fr. à Victor
Relect 1. de
potest. Eccl. f.
sec. 6. nu. 8.

^p Dom. Soto.
in 4. sent. dist.
25. q. 2. art. 1.
concl. 5.
^q Did. Couar.
Pract. quaest.
ca. 4 nu. 2.

^r Iuan. de la
Puente. dela
conueniencia
de las dos
Monarquias
Catholicas.
Cit. lib. i.

i Ioh. Maior.
in dist. 24. q. 3.
§ Tertia Con-
clusio.

t Cassan. in
Catal glor.
mundi. part. 5.
Confid. 28. §.
Imo, etiam.

u Gold. in sua
Repl. c. 9. p. 83.

x Censura
Tract. Baronij
de Monar. si-
cil. per Card.
Colum.

y Lib. cit. pa.
1. c. 9.

z Ibid. pa. 161.

a Darum ni-
mis ut is Ec-
clesiæ monstrū
dicatur & o-
stentum ibid.
p. 158.

b Tyrannus
& Ecclesiæ
hostibus de-
terior. ibid.

c Occulta cū
venetis consilia
inijt, ut Cæsa-
rem Mediola-
no exueret.
Onuph. in vit.
Clem. 7. pa. 400

that of Iohn Maiorⁱ, The Pope *nullum habet titulum super regem Hispaniarum in temporalibus*, hath no title or authority ouer the king of Spaine in temporall matters: And that of Cassan^t, *Those Princes which do acknowledg any superior vnto them, are called superillustres*. Among which hee expressely reckons the *Kings of Spaine*.

How distastfull was this Papall Monarchy to that kingdome, when not many yeares since the whole^u eleuenth tome of Card. Baronius his ecclesiasticall Annales were by the kings Edict prohibited, & that vnder the paine of high treason either to be printed or sold in Spaine, because there was inserted into that Tome, the booke of Baron. touching the Monarchy of Sicilie, wherein he labors to proue, not the king of Spaine, but *the Pope to be the Monarch thereof*? When Card. Columna further writ a very sharp censure,^x both of Baron. himselfe, and of his book, taking it indignly (as iustly he might) that *the king of Spaine y qui ea Monarchia potitur et fruitur*, who doth now (saith he) possesse & enioy, & that also, *hereditario iure*^z, by a rightful inheritance, that Monarchy, should bee called by Card. Baronius a *monstera*, a tyrant^b, *one worse then the enemies of the Church*. Will they patiently endure the Pope to be called the Supream Direct Monarch and Temporall Lord of all Spaine, yea of all the world, who so hardly can digest his Temporall Monarchy in that one little Iland?

Haue they not also giuen diuers eminent and euident tokens of their dislike to that Monarchy? When Clement the seuenth fearing the greatness of Charles the fifth, then king of Spaine, sought^c by cunning dealing to deprive him of Millane, and for that purpose made an holy

league, as they called it, Charles being for this & some other like causes incensed, sent an^m army into Italie vnder the leading of *Carolus Burbonius*.

When the Cæsarean army approached to Rome, the Romane *Iupiter* thunders out his Excommunicationsⁿ against the *Lutherans*, (so he called the French;) and against the *Marranes*, (so in contumely he called the Spaniards:) Did either the Spanish or French feare or regard those cen-

sures? Nothing lesse. They besieged^o Rome, tooke it, and made such hauock therein, vt ab *Hunnorum et Gothorū diebus*, that the like miserable spoyle had neuer bene seene, since the dayes that the Gothes and Vandals surprised Rome: or as *Onuphrius* p^p sayth: *Newer in the memory of man, maiori truculentia seuitū*, was there greater cruelty vsed either against Turkes or most deadly enemies. The

Pope and thirteene Cardinals who being taken prisoners, and kept in the Castle of Saint *Angelo*, were glad to make couenants vpon very hard conditions. First, that the Pope *cuncta quæ Cæsar imperasset se facturū polliceretur*, should promise to do whatsoeuer Charles the fift should command.

Next, that *himselfe with his 13 Cardinals should stay in prison till their ransomes* (which surmounted many hundred thousand pounds) *were paid*: then to be kept at Naples or Caieta, and there expect what Charles the Emperour would decree of them.

It is a wonder to see how shamelesse *Surius*, Card. *Alane*, and others are, in striuing to excuse Charles 5. in this action. *All this was done* (say they^r) *in sciente et inuito Cæsare*, Charles neither

m Imperator nihil prius habuit quam exercitum in Italiam mittere. Paralip. Abb. Vrsperg. ann. 1527.

n Ibid.

o Append. ad chron. Nauclean. 1527. & Guiccard. lib. 18. hist. pa.

774. p Onuph. loc. cit. pa. 402.

q Onuph. loc. cit. & Guiccard lib. 18. pa. 782.

r Surius cōm. rer. in orbe gest. an. 1527. Card. Alan. in lib. ad Persequutores Anglos. contra Iustic. Britan.

knowing, nor approoving thereof: and in token of his dislike heereof, as soone as the report came into Spaine, presently the King commanded those sportes and ioyfull celebrities (which then were used for ioy of his sonne Philips birth) to be left off, yea hee diligently excused himselfe both to the Pope and other Princes. Thus they; whose whole narrations is quite contrary to the truth. For first Charles ^f purposely sent his army into Italy, *qui cunctis minaretur*, threatning reuenge to all who were confederates in that holy league: and the Pope was author *conspirationis*, the very author and ring-leader of that conspiracie: Then, Guiccardine (who is of all the most faithful relator of these matters, happening in his owne time) expressely notes ^r, that Charles though in words he said he was sorry for the Popes being taken, *tamen ei gratissimam fuisse animadvertebatur*, yet it was obserued to haue beene glad some newes vnto him. Neither did he; saith Guiccardine, *conceale this*, seeing *inceptos ob filij natalem ludos, non intermisit*, he did not so much as breake off or interrupt those playes, sports, and celebrities which was then begun for ioy of his sonnes birth; yea, hee was so farre also from excusing this fact either to the Pope or other Princes, that hee purposed to haue brought the Pope prisoner into Spaine: but partly the infamie of doing so with the vicare of Christ restrained him; and partly the earnest sollicitation of Henrie the eight, King of England, of Francis the French King, and others mooued him to send to Lanoy

^f Paralip. ad
Abb. Vrsper.
an. cir. pa. 472.

^r Guic. lib. 18
pa. 790.

Lanoy, the Generall of his armie, to set the Pope at liberty.

The same Charles vpon another displeasure against the Pope, set forth an Edict^u in Spaine, whereby he prohibited his subiects to haue their causes debated in the Romane Court. Whence vpon a solemne day of pleading, a Spaniard in the Kings name openly in the Romane Court, commanded diners, *vt a litibus in eo foro prosequendis desisterent*, that they should desist from prosecuting their causes in the Popes Court.

The like may be seene in Philip the second, sonne of this Charles. He to reuenge the manifold iniuries^x offered vnto him by Paul the fourth, sent Duke D'alua with a mighty army into Italy against the Pope; *Qui Pontificia ditionis fines perpopulatus*, who hauing exceedingly wasted the Popes Territories, besiedged the Cittie, spoyled the Cittizens, burnt many faire houses, slew many of the people, *Pontificem sacra ditione exturbaturus*, and would haue thrust the Pope from his patrimony and holy seat, if the French King ayding the Pope, had not remooued the danger at that time. Doe these seeme either in Charles or Philip or others acknowledgements of the Popes supream and Vniuersall Temporall Monarchy?

Now whereas Carerius^z and Thomas Bozius^z boaste, that the Pope gaue the Indies vnto the King of Spaine, by vertue of which Donation hee still holds them; they are many

Cc 3 waies

^u Guiccard.
lib. 17 pa. 6. 8.

^x Quæ contra
regem suum à
pontificatus
initio molitus
fuerat sigilla-
tim aperiens.
Onuph. in vit.
Paul. 4. pa 45 r

^y Guil. Para-
don. lib. de
motibus Gal-
liæ, apud
Scard. to. 4.

^z Carer &
Tho Eoz. cit.
ca. 1. pa. 22.

^a Franc. a Vict.
Relect. de In-
dis.

^b Bell. lib. 5. de
Rom. Pontif.
ca. 2 §. At A-
lexander.

^c Benzo. Hi-
stor. noui or.
bis. lib. 3. ca. 3.

waies, and childishly mistaken in this matter. The Kings of Spaine haue to those parts of the *Indies* which they iustlie possesse, a farre stronger title then any Charter from Pope *Alexander*; as *Franc. a Victoria* at large declares ^a. Nay that Charter of *Alexander* to giue them no title at all thereunto, Card. *Bellarmino* doth witnesse, who thus writeth; *The^b Pope diuided the Indies betwixt the Kings of Spaine and Portugall, not to this end that they should subdue those Infidels, et eorum regna occupare*; and take their kingdomes vnto themselves, *sed solum ut eo adducerent predicatores*, but onely that they should bring thither Preachers of the Christian faith, and defend them, and such Christians as they conuerted. There may also another answer be giuen to *Cacerius*, touching that Papall Donation; euen the same which *Attabaliba* an *Indian* King, of the Prouince of *Peruana*, gaue in this very matter: but the answer is such, as argues more acutenesse, magnanimity, & wisdom, the one would easily expect of a barbarous *Indian*. *Vincentius* the Dominican, made a pithy ^c Oration to perswade him to the Christian faith, he declared vnto him both the Popes power, who had giuen those vnknowne Countries to the King of Spaine; and the puissance of the King of Spaine, *totius orbis Monarcha*, as hee there calls him: aduising *Attabaliba* to embrace his friendship, and become tributarie vnto him; which if hee would not willingly doe, he should *vi et armis* be enforced thereunto. To this *Attabaliba* answered, That hee did willingly accept the friendship of the highest

highest Monarch of the world, but it was not equall that a free King should become tributary to him who he neuer saw. And for the Pope he added, *Pontificem insigniter fatuum et impudentem esse, eo facile prodi, quod aliena tam liberaliter largiatur*, the Pope to be exceeding foolish and shamelesse is hereby euident, in that he is so liberall in giuing that which is none of his own, but belongs to others.

For the other example of the Kingdome of *Nauar*, of which *Scioppius* saith, that it is held *nullo alio titulo*, but by the Popes Donation: were it free to discourse of such points, it were easie to shew, how their owne *Genebrard*^c sets downe another, and farre stronger Title to that Kingdome, yea such also, as wholly excludes the Popes donation: easie againe to shew, how by that, which some other^d of their owne Catholikes relate touching that very kingdome of *Nauar*, that there is no comfort for any Prince to hold any kingdome by that title. But as it was vnfit for *Scioppius* to be so peremptory, so neither is it fit for me, nor will I presume to enter into the discussion of such arguments. This which I haue already sayd being sufficient to be spoken of the kingdome of Spain.

For the kingdome of *England*, their insolency in pretending the Popes Temporall Soueraignty ouer it, enforceth mee more at large to manifest the vanity of such their boasting. And I nothing doubt, but to make cleere vnto them that which *Bracton* sayth, and that^e most truely, *Euery subiect is vnder the King, ipse sub nullo, nisi tantum sub Deo*, but the King himselfe is subiect to none but onely to God. Let vs begin at the Conquest,

which

^c Gil. Genebr.
in sua Chron.

^d Frank, discourse.

^e Bract. de legib. & consuet. Anglo. lib. 1. c. 8. nu. 2. 5.

Amel. in manu

which fell out in that very age wherein both the mists of superstition had much darkened the faith, and the pride of the Romane See, by the meanes of *Hildebrand*, was now aduanced to the zenith of their highest exaltation.

How farre that renowned Conquerour was from acknowledging their Papall Monarchy, or superiority in this kingdome, his owne Epistle written to Pope *Hildebrand*, recorded in an an-

b Cod. ille M.
S extat in no-
bili Biblioth.
Dom. Rob.
Cottoni. & ci-
tat à Ioh. Pi-
chardo ad E-
pist. 83. lib. 3.
Epist. Anselmi.
& à Ioh. Speed
in Chron. in
vita Guil:
Rufi.

cient Manuscript^b among the Epistles of *Lanfranc*, doth demonstrate. *Hubert your Legate came vnto me, warning mee from your Holinesse, that I should doe feolty vnto you, and to your successors, and warning me also to consider better of that money which my ancestors used to send to the Romane Church. I haue yeelded to the one, I haue not yeelded to the other. Fidelitatem facere nolui, nec volo*, I neither would doe feolty to you, neither will I. *Because I neither promised it my selfe, nor doe I finde, that my predecessours haue done that to your predecessours.* Could hee more fully or expressly deny that Papall Soueraignty, and testifie his Ancestors, the Kings of England neuer to haue acknowledged the same?

In the next Kings dayes there fell out great contention betwixt *William Rufus*, the sonne of the Conquerour, and *Anselme* Arch-bishop of Canterbury. When ^c *Anselme* shewed his purpose to goe to Rome to Pope *Vrbane*, the King waxed exceeding angry thereat, and told him, *quod nullus Archiepiscopus vel Episcopus Regni sui, curia Romana vel Papa subesset*, That no Arch-bishop or Bishop

c Math. Paris.
in Guil. 2. an.
1094 §. Hoc.

Bishop of this Kingdome was subiect to the Romane Court, or to the Pope. Specially, *seeing the King of England eandem potestatem haberet, had the same power in his kingdome,* (and that euen from^d the Conuersion of this Realme vnto the Christian faith) which the Emperour challenged in the Empire, And what^e said he, hath the Pope to doe in the Empire, or in my kingdome touching temporall liberties? It is his duty to be carefull for the soule of man, and to see that heresies doe not spring vp. Yea Anselme^f, *ob hanc rem vt lesa maiestatis reus postulatur,* was accused as guiltie of high treason for this very cause, of seeking to appeale to the Pope: and to this accusation *plurimi Episcopi suum calculum adijciebant,* most of the Bishops consented that it was iust and right. Neither would the King make any agreement with Anselme, *nisi protestaretur cum iuramento,* vnlesse he made protestation, and that with an oath, that he would not obey the command of Pope Urbane; but if hee would *sweare not to goe to the Pope, nec s pro quouis negotio Romanae sedis audientiam appellaturum,* neither to appeale to the Romane See for any businesse whatsoeuer, then he should enioy all fauour and tranquillitie. If otherwise he would aduenture to passe ouer sea, that is to say, to goe to the Pope, *nul- lam reuertendi spem in posterum ei futuram,* hee told him he should neuer returne into his Realm againe.

In the time of Henry the first, when Anselme was recalled to his See, the contention about Investitures, which was begun with William Rufus,

Dd

conti-

d Ex Eadme-
ro citant tum
Hollinsh chro.
in Wil. Rufus.
an. 1099. p2.
24. tum Speed.
Chron. in Wil.
Ruf.
e Hollinsh. loc.
cit.
f Mat. Paris.
loc. cit.

g Proposuit
mihi Rex ne
aliquando A-
postolicum ap-
pellarem. An-
sel. Epist. 40.
lib. 3.

h Epist. Anselmi ad Pascalis. Quæ recitatur in Act. & Monument. in Hen. 1. pa. 178.

i Vt ex Iornal. hist. & Walt. Couent. dicitur in Antiq. Brit. in Anselm.

k Ibid.

l Math. Paris. an. 1119. in initio.

m Math. Paris. in Hen. 2. ann. 1164. in initio

continuing, *Anselme* h writ thus to Pope *Pascalis*, I shewed them the Apostolique Decree, that none should take Inuestiture of Lay men, or become the Kings man for it: and that no man should presume to consecrate him that did offend herein. When the King, his Nobles, and the Bishops themselves and others of lower degree, heard these things, they tooke them so greuously, that they said they would in no case agree to this thing; (*tam iniquo Papa decreto*, as others say;) and that they would rather drine me out of the kingdome, and forsake the Romish Church, then keep those things: or as others k set it downe, rather then approue this Decree or sentence of the Pope, *à iure Regis Regnique consuetudine prorsus alienam*, being vtterly repugnant to the right of the King, and custome of the kingdome. *Thurstan* being elect Archbishop of yorke, obtained l leaue of the same King *Henric the first*, to goe to the Councell at Rhemes, but with condition, that hee should not receiue consecration from the Pope. When contrary to his promise, hee receiued the Papall consecration, the King vnderstanding thereof, *Omniem dominationis suæ cum ei interdixit*, he forbade him to come within his kingdomes or dominions. Euidēt tokens that the King and State of England, held not the Pope for their Temporall Lord, seeing euen in Spirituall causes they yeelded so slender subiection, that they were ready to renounce and forsake the Romane Church, rather then consent to the Pope in those things.

In the reigne of *Henric the second*, the King m called a very great assembly to Clarendon, at which

which were present the Archbishops, Bishops, Abbots, Priors, Earles, Barons, and Nobles of the Kingdome.

In it was made a Recognition and confirmation of the customes and liberties of the kingdome, anciently used in the times of former Kings, and which debebant in Regno, & ab omnibus teneri, ought to be obserued in this kingdome, and mainteined by all. One of those ancient customes was this,

That no Archbishop, Bishop, or other person of this kingdome, might goe out of the Realme (to wit, to the Pope) *absque licentia Domini Regis*, without the Kings leaue: and if the King granted them leaue, yet they should put in security, that neither in going, returning, nor staying, they should doe ought to the hurt or dammage of the King or kingdome.

Another custome was, That if any appealed, it should be from the Arch-deacon to the Bishop, from him to the Arch-bishop, and from him to the King, *ita quod non debeat ultra procedi absque assensu Domini Regis*, from the King they might appeale

to none, nor proceed further in the cause without the Kings licence. When the King and whole State confirmed these decrees, they did euen demonstrate, that they held not the Pope to be a superior Lord or higher Iudge, then the King, no not in Ecclesiasticall, much lesse in ciuill causes. To these Decrees at Clarendon, Thomas Becketⁿ (whom they call a Martyr, but who was in truth, one of the most insolent and periured Traitors, that euer England bare or bred) consented and swore to obserue the same, and that *bona fide & absque malo ingenio in perpetuum*, faithfully

n Hanc recognitionem Archiepiscopi, &c. cum proceribus cunctis iurauerunt, & firmiter promiserunt obseruandas, &c. Math. Paris. ibid. pa. 135. & Tho. Cantuar. cum eas leges obseruare iuramento firmasset. ibid. §. His itaque.

o Ibid. & S.
Alexander.

p Sup. ca. 7.

q Math. Parif.
loc. cit. §. Vi.
dens.

r De quo Rog.
Houed. part. 2.
post an. 1165.
pa. 283. &
Parif. loc. cit.
pa. 137.

f Rog. Houed.
loc. cit.

and without fraud for euer, *as did also the other Bishops, Abbots, and Clergie, with the Earles, Barons, and all the Nobles.* Becket not long after (such is the *bona fides* of a true Romanist) repented^o of this oath, procured absolution from it at the hands of Alexander, the supposed Pope: (for in truth he was but an intruder and Pseudo-Pope, as by that which I haue formerly p said, is euident) and attempted^q to goe to Rome without the Kings leaue, but was drinen backe by the wind: for which and other offences he was called, and came to another great assembly^r of the State, both Bishops and Barons held at Northampton. Where fearing what sentence would passe against him, he (being againe periured) appealed to the Pope. The iudgement^f of the Barons was, that he was worthy to bee apprehended and imprisoned: But before hee heard their iudgement he went away, *omnibus clamantibus & dicentibus, Quo progredieris proditor,* all crying after him, and calling him Traitor. Did they account the Pope the supream Lord or Iudge, when both by oath they binde all, not to appeale vnto him, and iudged the very appealing to him, to be an act of Treason?

If we looke into the Acts of Parliaments, wherein is expressed the consenting voyce and iudgement of the whole kingdome, it is easie to obserue, and euident to be seene, that in them the Kings of this Realme are vsually called, *The Soueraigne Lords*; as in the Statute of Merton, an. 20. Hen. 3. an. 3. Edw. 1. an. 1. Edw. 2. and in like sort in the reigne of euery King following. Can

Can there be a more cleere and certaine demonstration, that the Popes Soueraigntie and Monarchy was not heere admitted, when by the whole State the King is with one voyce proclaimed to be the *supream Lord*? Or can any be *superior* to him that is *Supream*?

In the reigne of *Edw.* the first, in the Statute at *Carlile* ^t, complaint being made, *that the Bishop of Rome vsurping the legnories in Ecclesiasticall dignities and Benefices, bestowing and granting the same to aliens, and to whom he pleased, as if he were the Patrone of them,* it was decreed by the whole Parliament, *that such oppressions, greouances, and dammages, should not bee from thenceforth suffered,* yea, they plainly affirme, *such vsurpation* (so they call it) *of the Pope, to be the disinherison of the King, Earles, Barons, and others, and to be the destruction of the lawes of this Realme.* In the same Kings reigne there arose a very great contention about the Dominion of Scotland, which King *Edward* claimed ^u to belong to the Kings of England, as the direct and supreme Lords thereof; *Boniface the eight* (who challenged ^x most earnestly the same kingdome to belong to the Pope, saying; *Nulli in dubium veniat*, that none should so much as doubt thereof:) writ to the King, willing him to *send his Procurators and Legates to Rome, with a Declaration of his Title, that there hee might receiue iudgement in that cause in the Romane Court.* The King resolutely and constantly refused either *to write or send, in forma iudicij*, as if hee would receiue any iudgement

^t Stat.an. 25.
Ed. 1. quod repetitur. 25. Ed.
3.

^u Vt videre est, in literis Edw. 1. ad Bonifac. 8. apud Math. Westm. an. 1301.

^x Vt liquet ex literis Bonifac. 8. ad Edw. 1. apud Westmo. anno eodem.
^y Volumus quod tuos procuratores & nuncios mittas &c. ibid.

f Literæ Co-
mitum & Ba-
ronū Angliæ,
Bonif. 8. ibidē
apud Math.
Westmonast.

of the Pope therein. And calling a very great assembly of his Barons to *Lincolne*, they with one consent returned this answer to the Pope. That *the Kings of England*, by the prebeminence of their royall dignity, and by the custome *cunctis temporibus irrefragabiliter observata*, which had beene observed in all times without any contradiction, neither haue answered, nor ought to answer for the right in that kingdome, aut alijs suis temporalibus, or for any other of their temporalities, to any either Ecclesiasticall or secular Iudge. And this is our unanimous consent, that our King for any of his temporalities, nullatenus respondeat iudicialiter coram vobis, nec iudicium subeat quoquo modo, shall in no sort answer iudicially vnto you, nor by any meanes vndergoe any iudgement: neither send Proctor or messenger about such matters. And hereof they giue this remarkable reason, because the doing of it did manifestly tend to the disinherison of the State of the kingdome, and to the preiudice of those liberties, customes, and lawes, to the observing and defending of which they were bound by oath; Neither doe we, nor will we in any sort permit, sicut nec possumus nec debemus, as indeed we may not that our King shall doe so vnaccustomed, vndue, and preiudiciall Acts. Could they more plaine-ly, or more constantly deny the Papall, and auer the Regall Soueraigntie in temporall matters?

g Stat. of Pur-
ueiers an. 25.
Edw. 3. ca. 22.

In the reigne of *Edward the third*, an expresse Statute was made, That if *any purchase or procure any Provisions from Rome of any Abbies or Priories*, he and his executors shall bee out of the Kings pro-

protection, and that any man may doe with them as with the enemies of the King; and he that offendeth against such Prouisors in body or in goods, shall bee excused against al people, nor shall euer be impeached or greued for the same. In another Statute^b made the same yeare, both the Statute of Edward the first against Prouisors, was repeated and ratified, and it was further ordained, that the King and other Lords should rightly present to Benefices, notwithstanding the Popes prouisions. And in case the presentees of the King, or other Patrons bee disturbed by such Prouisors, so that either they may not haue the possession of such benefices, or being in possession, be impeached by such Prouisors, then the said Prouisors, their Procurators, Executors, and Maintainers, to abide in prison till they haue made fine and ransome to the King at his will, and agreed with the party that shall be greued. And further, that they shall not be deliuered out of prison till they make full renunciation, and finde sufficient suretie not to attempt such things in time to come, nor to sue Proces either by themselves or others, against any man in the Court of Rome. It was not long after by another Statute^c enacted, That if any of the Kings people, of what condition soeuer they bee, doe draw any out of the Realme for any Plea, the cognisance whereof pertaineth to the Kings Court, or which doe sue in another Court, so defeate or impeach the iudgements giuen in the kings Court, such should personally answer for such their offence within two moneths, and if they came not within that time, they, their Atturneyes, Procurators, Executors, and Maintainers,

^b Stat. of Prouisors, an. 25. Edw. 3.

^c Stat. an. 27. Edw. 3. ca. 1.

reiners should be put out of the Kings protection, and their Lands, Goods, and Chattels, forfeit to the King. And of such offenders, it is there expressly said, that they did those things *in preiudice and disinherison of the King, and of his Crowne, and (which I doe specially obserue) to the destruction of the Common Law of the said Realme, at all times used.* So that *neuer* from the first erection of the Kingdome, was the Popes Soueraignetic, acknowledged therein, but at *all times* repugnant to the *Laws* thereof, by the consenting voyce, decree, and iudgement of the whole State, *the King, the Nobles, and Commons.* The very like was againe enacted ^d in the same Kings reigne, against such as *procured Citations from Rome, upon causes, whose Cognisance and Finall discussion (obserue Finall) pertaineth to the King and his Royall Court, or who got Impetrations and prouisions of Benefices or offices in the Church, Deaneries, Archdeaconries, or the like, They all, their mainteiners, Counsellors, and Abettors, if they be conuicted of any of these things, shall haue the punishment comprised in the Statute of 25. Edw. 3 before mentioned.*

^d Stat. an. 38.
Edw. 3. ca. 1.

In the reigne of Richard the second, it was ordained ^e, *that for all Archbishopricks, Bishopricks, and other dignities and Benefices electiue, the Statute made by Edward the third, should firmly hold. And if any make acceptation of any Benefice contrary to this Statute, and if it be duly prooued, if he bee beyond the sea, he shall abide in exile, and be banished for euer, and his lands, goods, and tenements, forfeite*

^e Stat. an. 13.
Ric. 2. ca. 2.

forfeit to the King. If he be within the Realme, hee shall be exiled and banished, and incur the same forfeiture. In the same reigne ^f complaint being made of diuers Processess, Excommunications, and Translations made by the Pope to the preiudice of the Crowne, it was ordeined, That if any purchased or pursued, or caused to purchase or pursue any such Translations, Processess, Excommunications, Bulls, or Instruments, or if any receiue them, or make notification of them, both they and their maintainers and abettors, should al be put out of the Kings protection, and their lands, goods, and chattels forfeit to the King. And if this be not sufficient, these expresse words are set downe in that Statute, worthy to be written in golden letters; *The Crowne of England hath beene so free at all times (note All times) that it hath beene in subiection to no Realme, but immediatly subiect to GOD, and to none other.*

^f stat. an. 16.
Ric. 2. ca. 4. &
5.

In the reigne of Henrie the fourth, it was ordeined ^g, That if any prouision bee made by the Bishop of Rome, to any person of religion, to bee exempt of obedience regular, or of obedience ordinary, or to haue any office perpetuall within houses of religion, if such Prouisors doe accept, or enioy any such prouision, they shall incurre the punishment comprised in the Statute of Prouisors, made an. 13. Richard the second; and that was perpetuall banishment, and losse of all their lands and goods. The like punishment was set downe ^h for those who procured Bulls from Rome, to be quit or discharged to pay the dismes of their lands.

^g stat. ann. 2.
Hen. 4 ca. 3.

^h Ibid. ca 4.

l 2. Hen. 7. 10. In the reigne of *Henry* the sixt, the Pope *l* writ letters in derogation of the King and his Regalitie: and whereas the Church-men durst not speake against it, *Humphrey Duke of Glocester* cast them into the fire. So little did that noble and loyall heart esteeme the Popes authoritie, when it was derogatorie to the royall dignitie. In his reigne also, when *m* *Hollinsh. in Hen. 6. ann. 1460.* *Richard Duke of Yorke* had ouercome *Henrie*, he claimed the Crown as in right belonging to himselfe, and expressing the royall dignitie thereof, said, *That he was subiect to no man, but onely to God.*

n 2. Hen. 7. 10 In *Edward* the fourths time, the Pope *n* sent a Legate to Callis to come into England, who sent to the King to haue safe comming; the King by aduise of his Councell would not suffer him to come within England, untill he had taken an oath that he should attempt nothing against the King and his Crowne, which oath the Legate tooke, and then came.

That in the reigne of *Henrie* the eight, this Papall vsurping of Iurisdiction, was vtterly extirpated, and the Regall Dignitie or Soueraignty of the Crowne declared, none is ignorant. The whole State of the kingdome, both Ecclesiasticall and Laicall, euen then when for other matters, (as the Masse, Adoration of Images, Purgatorie, and the like, they were as zealous for the Romish doctrine, as at any time before) with one voice *o* declared, That this Realme of England is an Empire, as by ancient and authenticke Histories and Chronicles is manifest: that this Empire is

o Stat. 24.
Hen 8. cap. 12.
& an. 25. Hen.
8. cap. 11.

is gouerned by one Supream head and King, hauing the dignitie and royall estate of the Imperiall Crowne of this Realme: That this Realme recogniseth no superior vnder God but the King: That the whole body politicke, both the Spirituality and Temporality is bound, and ought to beare a naturall and humble obedience to the King thereof Next vnto God: That the King hath plenarie and intire power, authority, prerogative, and iurisdiction, to render Iustice, and finall determination to all his subiects, in all causes and contentions, without either restraint from, or prouocation to any forreine Prince or Potentate in the world: That the Pope by his Exactions, Procurations, Prouisions, Bulls, and Appeales, hath vsurped therein, to the derogation of the Imperiall Crowne, and authority royall, contrary both to right and conscience. And that it might bee knowne to all, that these Statutes whereby they abandon the Papall, and manifest the Kings royal Soueraignty in all causes, as well Ecclesiasticall as Temporall, that these, I say are no Introductory Statutes, such as giue a new, but onely Declaratorie, such as explaine the ancient authoritie & rights of the King, they adde, that in decreeing these, they did no other thing then former Kings had done for the conseruation of the prerogatiues, liberties, and preheminence of this Imperiall Crowne, and by name, as Edw. 1. Edw. 2. Rich. 2. and Hen. 4. had done.

The same Soueraignty was acknowledged to be in Queene Marie, the whole State declaring p that all Regall power, dignity, authority, and Iurisdiction did, and of right ought to appertaine vnto

p Stat 1. Mar.
part. 2. cap. 1.

Ec 2

her,

q. Inst. Britan.
pa. 49. & Parli.
answer to Sir
Edw. Coke,
ca. 14. §. 15.

her, in as full and ample manner, as it did to any of her Noble Progenitors. By vertue of which Supream power, when a Pope *Paul* the fourth being displeased with Card. *Poole*, meant to take from him his Legantine authoritie, and giue it to Fryer *Peto*; for which purpose the Pope chose him Cardinall, and sent him the Cardinals hat, and other ensignes of his new authoritie, as farre as Callice; Queene *Marie* (for all her deuotion to the Romane faith) by the aduice of her Nobles and Iudges, in fauour of Card. *Poole*, sent to Callice, straitly forbidaing the Popes Nuncio so much as to set foot within England, though he was sent thither by the Romane Monarch. And though the Pope threatned and stormed thereat, yet Card. *Poole* quietly enioyed his dignity, but Fryer *Peto* the Popes Minion, was faine to go vp and downe the streets of London like a begging Fryer, without his Cardinals hat.

Thus from the Conquest to the beginning of *Q. Elizabeth* (since which time the cleere light of the Gospel hath most happily shined throughout this Realme) the Popes Soueraignty hath beene euer reiected by this most renowned kingdome. And that long before the Conquest the like was done, yea euen since the very first planting of the Gospel in this Iland, there are pregnant euidences. I do purposely passe by that of S. *Edward* the Confessor, in whose lawes the King of England is called *the Vicare of the highest King, to rule the holy Church, and defend the same*. I omit also that of King *Edgar*, who in a Councell at Winchester

r Leg. Sancti
Edw. ca. 19.

chester speaking of himselfe, saith^f, *Vicarius Christi eliminavi*, I being the Vicar of Christ, haue cast out troupes of *ungodly Fryers, which were in the Monasteries of my kingdome*. Who also vsed that memorable saying to his Clergie, *Ego Constantini, vos Petri gladium habetis*, I haue Constantines, and you haue S. Peters sword: *Let vs ioyne hands together, and swords together, to cast out leproous persons out of the Temple*. Nor will I insist on the saying of Pope Eleutherius, who in his Epistle to *Lucius King of Brittain*, saith thus vnto him; *that you may reigne with God, cuius vicarius estis in pradieto regno*, whose Vicar you are in your kingdome; and againe, *Rex quia vicarius summi regis est*, the King, because he is the Vicar of the highest King, *is appointed to this end, that hee should honour the holy Church, and rule it*. And yet I could wish to stay heere a little, to castigate the vanitie, and shamelesse dealing of *F. Parsons*, who to decline this testimony, would gladly perswade^t you, that this is *but a fained Epistle*, yea euen fained^u by *Master Fox*. Whereas beside other Records thereof, the same whole Epistle is *Verbatim* set downe in a very auncient Manuscript, written diuers hundredth of yeares before *Master Fox* was borne, which among others my selfe haue, and others may see in the most worthy Library of *Sir Robert Cotton*, that honorable fauourer of learning, and learned Antiquities.

The speciall reasons which I will vse to proue the truth thereof, are two. The former is taken

Ee 3 from

^f Edgari verba extant in cod. M.S. literis aureis exarato in Bibl. D. Rob. Cotton.

^t Pars. triple Conuers. part. 1, ca. 4. nu. 22. & 29.

^u If it be true and not fained by Mr. Fox. ib. nu. 20.

z Vid. 6. part.
Reports of Sir
Edw. Coke in
Præfat. & the
Reports of Sir
John Davis in
Præfat.

a In omnibus
nationum
suarum (Bri-
tonum, Ro-
manorū, Sax-
onum, Dano-
rum, & Nor-
manorum) &
regum earum
temporibus,
regnum hoc
(Angliæ) eis-
dem quibus
iam regitur
consuetudini-
bus continue
regulatum est.
Fortesc. de
Polit. Angl.
ca. 17.

b 1. Hen. 7. 10

c 2. Ric. 3. fol.
22.

d 12. Edw. 4.
fol. 16.

e 14. Hen. 4.
fol. 14.

from the *Common Law* of this Realme. A law so ancient ^z, that no certaine beginning is knowne thereof, (as neither of the Law of Nations :) but it was receiued and grew into vse by the continued, constant, and vnchanged practise of wise and iudicious men in this Realme, euer since a Common-weale hath beene setled therein: and because it was both by *Common experience* of all approued, as a most fit rule of Iustice, and also generally or *commonly practised* ^a, first in the reigne of the Brittaines, then of the Romanes, then in the seuerall kingdomes of the Heptarchy of the Saxons, then of the Danes, and lastly of the Normans; it seemes to haue obtained the name of the *Common*, that is the generally approued Law of this Realme. That by it the Popes Soueraigntie and Supream Iurisdiction, was neuer approued in this Realme, in the bookes of Law are set downe many authorities. In *Henric* the seuenths time ^b, *The Pope excommunicated all such persons as bought Allume of the Florentines*. It was adiudged that the Popes excommunication *ought not to bee allowed*. In *Richard* the thirds time, it was holden ^c, *that a iudgement in the Court of Rome, should not preiudice any man at the Common Law*. The like was held in *Edward* the fourths time, that *the Popes* ^d *excommunication was not to be allowed in the kings Court*. In *Henry* the fourths time, it was ruled for ^e Law, that it is no plea for the defendand to say, *that the plaintiffe is excommunicated by the Pope, although he shew forth the Popes Bull to witnesse it; For the Iudges ought not*

not to allow such an excommunication: and that the Certificate of no excommunication is available in Law, but such as is made by some Bishop in England. In Edw. 1. time ^f, one brought an excommunication against another from the Pope: The kings pleasure was, that according to the law he should be hanged and drawne, as a Traytor, but the Chancelour and Treasurer kneeled for him before the king; so hee had iudgement onely to abiure the realme. Many the like authorities are set downe in the booke ^g of the right Honourable Sr. Edward Coke, whose exact knowledge in that profession is not vnknowne to any. But these few, (which by the helpe of those who are very learned in that profession, I was desirous to examine for my owne satisfaction) are sufficient to testifie the Popes authoritie, euen his *Censures of excommunication*, not to haue beene of force in this Realme by the *Common Law* thereof.

^f 30. Edw. 3.
lib. 3. Affis. pl.
19.

^g 5. Part of
his Reports.

And I was much more earnest and glad to be satisfied herein, because with such as are not eyther themselves expert, or seeke not, as I professe I haue done, to bee informed by them who are learned in the Law; the collusions of *F. Parsons*, who would seeme to make some answer ^h to that Treatise, may perhaps cast a mist before their eyes, whereas if the truth be duly and fully scanned, the Iesuite by that his answere, hath maruelously both disgraced himselfe, and bewrayed the weaknesse of that cause of the *Popes Supremacie*, which he vndertook to defend; but he could no otherwise support it, but by flying to *Impertinent*,

^h Parls. answer
to the 5. part
of Reports set
forth by Sir
Edw. Coke.

inent, Sophistical, and Reuiling euasions, on which his whole dispute doth consist.

Of the *Impertinency* of his dispute, take this demonstration. We in all our writings do professe and make euident, that by the *Soueraigne authority* which we giue vnto kings in causes Ecclesiasticall, we intend not *any either Supream or subordinate power* to preach, to administer Sacraments, to ordeine, to suspend, excommunicate, and absolue, or iudicially to decide and define doubts of faith: This *power* is giuen to no Laicall, but onely to *Ecclesiasticall* persons; and giuen or deriued to them onely from Christ, by the mediation of his Apostles and Bishops. And because in all these there is a direction in the waies of God, but no corporall force or punishment, coacting men to walke in those waies, therefore is this rightly called a *Directiue power*, or a *power of executing* those Spirituall duties. But the power which wee acknowledge to belong to Kinges in causes Ecclesiasticall, is an *Imperiall*, not *Spirituall*; a *Supream coactiue*, not a *directiue* power; a power *Mandatorie*, commanding those Ecclesiasticall duties to be done, not *Executory*, as doing those themselues: Such a *power*, as by which all Kings and Princes are authorized by God, as being his immediate Vicegerents ypon earth, not onely to *permit* with libertie and freedome, but to *see all those spirituall duties performed* in their kingdomes by *Ecclesiasticall* persons, yea, to *coact* and *compell* both them to performe, and others to embrace the same duties

ties of pietie and religion. This being the doctrine which we euery where proclaime, *F. Parsons* not being able with any colour to oppugne this truth, that he might seeme to say somewhat in the Popes behalfe, and against vs, slyly declines the maine point touching the *Supream Coactiue power*, and as if we gaue vnto Princes the *Viuetiue power* in causes Ecclesiasticall (which we neuer so much as once dreame of) he labours to proue against vs, that *Princes haue not that Ecclesiasticall powerⁱ, not such power^k as Popes, Archbishops and Bishops haue: That it is absurd^l* (which he saith we teach) *that all Spirituall power is originally in a King; yea in a child, yea in a woman, and from them must be deriued to others: That it is likewise^m absurd* (which he perswades you, that we teach) *that a King, a child, yea a woman hath power not onely to giue this Ecclesiasticall Iurisdiction vnto others, but much more to vse and exercise the same in their owne persons; as namely, to giue holy orders, to create and consecrate Bishops, absolue sinnes, administer Sacraments, teach, preach, iudge, and determine in points of faith.* Thus disputes the great Iesuite against vs. In all which euery one may see that this grand Master in their Romish schoole, doth not so much as once touch the point which he vndertooke, but fighteth onely with his owne shadow; and when he hath refuted this idle and sottish conceit of his owne deuising, then he insultes, and triumphs as if he had killed the wise and worthy *Pliffes*, whereas in very deed the blind *Polyphemus* hath done nothing

Ff

else

ⁱ Spirituall power is a commission of bindeing and loosing. Parl. lib. cit. ca. 2.

nu. 7.

The Spirituall Ecclesiasticall power consisteth in bindeing & loosing sinnes, by means of sacraments, in iudging causes of the Church, it is a power to teach and direct, to punish by spirituall censures of suspension, excommunication, &c. *ibid.*

ca. 2. nu. 16. 17

^k They giue vnto her (*Q. Eliz.*) all & all manner of Iurisdiction, &c.

^l *Ibid* ca. 3. nu.

23. The absurditie of the statute, &c.

^m *Ibid.*

else but hackt and hewed in peeces one of his owne hogges.

* Parliib. cit.
ca. 11. nu. 24.
& ca. 12. nu. 15
& saepe alibi.

As his dispute is *Impertinent*, so is it in euery part *Sophisticall*. I will instance onely in this whereof we now entreat touching the reiecting of the Popes Excommunications. He seeing that they were often and expressely by the Law reiected, deuiseeth this shift, (and it is very frequentⁿ and vsuall in him) that the reiecting of them proceeded not from any want of respect to the Pope, nor from the denial of his authoritie in this kingdom, but *from want of a Certificate frō the Arch-bishop or Bishop, that those writings were indeed the Popes Bulls, and not counterfeit.* Wherein besides his supine ignorance, hee bewrayes a resolute intent rather to cauil and wrangle, then to dispute and argue. It is true, that in the books of the Law there is often mention of *hauiing a Certificate from the Bishop.* But that *Certificate* was not to testifie that this was truly and certainly the Popes Bull or Excommunication, (for how could any Bishop here, be able to certifie that?) but to certifie that the partie (whom that excommunication did concerne) was by the Arch-bishop or Bishop himselfe excommunicated. Which to be the true meaning of those words, there are many cleere proofes. By the Statute an. 27. of Edw. 3. cap. 1. it is expressely declared, that the very *suing to the Court of Rome*, and seeking by such courses to hinder or impeach iudgement in the Kings Court, was the very destruction of the Common Law, vsed at all times in this Realme. So
by

by the consenting voyce of the whole State, explaining and confirming the Common Law, the very *Act of procuring the Popes Excommunication*, (and not the want of a Certificate of the truth thereof) is declared to be an Act contrary to the *Common Law*, and therefore to bee condemned and reiected by *that Law*; and that also *at al times*. Had the want of a *Certificate from the Bishop*, bene once knowne to auoid the force of the Popes Bull of Excommunication, would any, thinke you, after that, haue beene so simple or carelesse in their owne causes, as not to haue brought alwaies with the Popes Bull, a Certificate thereof from a Bishop? Would *Edward* the first haue beene so rigorous, nay tyrannicall, as to condemne one for Treason, and *will that he should be hanged and drawne*, or but to be *abiured the land*, for omitting a part of the forme in legall proceeding? for want of a *Bishops Certificate of the Popes Bull*? Did euer the Statute or Common Law iudge such an omission to be so heynous, and euen a *Capitall offence against the Crowne*? Long before this, the *ancient Lawes of the Land were recognised and confirmed by all the States of the kingdom*, and that also by oath in the reigne of *Henrie the second*, as both *Math. Paris.* whom before I cited, and an Act of Parliament ^o vnder the same *Henry the second*, witnesseth. It was then declared to bee an Act vnlawfull and preiudiciall to the King, for any *to Appeale to the Pope in any cause, without the Kings consent*. Whence it is cleere, that the very suing for the Popes Excom-

Ff 2 munication,

o An. 10. Hen.
2. verba Par-
liam. citantur
à D. Edw.
Coke in 6.
part. Relat.
in Præf.

munication, and not want of a Certificate was the offence in Law taken at those writs. Nay the Certificate, that such a writ was truly procured from the Pope, had beene an assurance of the offence, not an help to the offender. Besides, in the 14. of *Henrie the fourth*, fol. 14. it is said, that *the Certificate of no excommunication is available in Law, but only of such excommunications as are made by the Arch-bishop or Bishop.* And therefore though the Popes Excommunication had beene by all the Bishops in the Realme certified, yet in law it was not available, because it was the *Popes Excommunication*, and not the Bishops. Nay it is further there said (which is a cleere demonstration of this truth) that though an Excommunication was certified by the *Archbishop of Canterburie*, vnder his seale, yet for that *the same Excommunication was but in execution of a Sentence in the Court of Rome*, and was not vpon any cause originally depending before the Archbishop, it was ruled, *that the said Excommunication should not be allowed.* How much more then was the Popes owne Excommunication (though certified by a Bishop) by the Law reiected, when euen those Excommunications made and certified by Bishops, which of themselves were of force, lost their allowance in law, when they had reference and dependance to the Pope, and at his solliciting of the Bishops, were made against any for execution of a sentence in his Court? Lastly, the reasons why those Excommunications of the Pope are in law reiected, doe vndeniably conuince this.

One

One reason hereof was, *because* ^{o 12. Edw. 4. fol. 16.} *it was against the Kings regaltie and Crowne*, To want a Certificate that the Bull was truly the Popes Bull, none can imagine to be preiudiciall to the King, or to his royaltie: at the most that is but an error and ouersight in the partie that pleadeth, it is no derogation to the kings right. But *to bring an excommunication from the Pope, as from a superior Iudge then the King*; to bring the Popes authoritie and writ, to hinder the proceeding of Iustice in the Kings Court, & to ouermaster the Kings authoritie, this indeed directly, and in *Capite* toucheth the Crowne and the Kings royaltie; for in effect it is a very deniall of the *Kings Soueraignty*, a deniall that he is in truth a King. Another reason which is often set downe in the bookes of Law P, ^{p 12. Edw 4. fol. 16. & alibi.} is this, *because the Pope is not a Minister or Officer to the Kings Court*. Whereby is meant, that such Excommunications as are of force in Law, must be made by those who are ministers, and subiect to the King. And the reason hereof is euident: because if the Excommunication be vniust, the Court in the Kings name may command, and the King may compell them to redresse the same. Now to the Pope, neither could the *Iudges* (as they say) *write*, (to wit, *authoritative* to command him) nor could the King compell him to reuoke or redresse his Excommunication, though it were neuer so vniust. By all which it is euident, that the Popes excommunications were by the Common Law, and that at all times reiected, *eo nomine*, because they were the Popes, and

so were derogatorie to the royall dignitie; not as the Iesuite cauilleth, because they wanted the *Bishops Certificate* to testifie the truth of them: for which his fancie as those who are very learned in that profession, assure me, he hath no ground at all in the bookes of the Law. But *F. Parsons* thought by his equiuocating, and cauilling about the *Bishops Certificate* (whereof he knew there was mention in the bookes of Law) to delude the simple and vnskilfull Reader, who either cannot, or will not regard to enforme themselves in such matters. But howsoever among his owne ignorant profelites he may gaine an applause, yet by his so vile and malicious sophisticating with the Law, among all men of sound learning and vpright iudgement, hee hath made himselfe a very *Ludibrium* vnto them.

Parsons fearing his *Sophistry* would faile him, as it hath in this, turnes him to his other shift, which is indeed his last refuge, and that is open *Railing and Reuiling*: an Art wherein of all that euer I haue read, he is most skilfull and expert, able to put *Shemie, Rabshekah, and Thersites* himselfe to the schoole. I will not *Camerinam mouere*, not offend your eares with stirring that sinke: Doe but heare how contumeliously, how spitefully he derideth and declameth against the very *Lawes* of that land, which bred and brought vp such an vnnaturall Viper. *What is that Common Law?* saith he *p*, *that ancient Common Law?* *How was it made?* *By whom?* *Where?* *at what time?* *vp-on what occasion?* *To auouch a Common Law, an ancient*

tient Common Law, without beginning, author,
 cause, occasion, or record of Introduction, is a strange
 Metaphysicall contemplation. This Common ^q Law, ^q Lib. cod. ca.
 it is *Ens transcendens*, or rather *Ens Rationis*, nay it ^{13. nu. 16.}
 is a very Chymera, (an ^r old Chymera, an Imaginary ^r Ibid. nu 17
 Law) such as hath no essence or being at all *a parte*
Rei, but onely in imagination. And in this com-
 mon place, as in a large field hee exspatiates al-
 most throughout his whole booke, and in deri-
 ding the Law, makes himselfe most ridiculous. I
 cannot more fitly answere him, then with the
 words of S. Hierom, *Imperitia confidentiam, sci-*
entia timorem creat. Modesty and humility at-
 tend vpon knowledge, pride and confidence are
 the companions of Ignorance: or with that of
 the Poet, *Omnia quæ nescit dicit spernenda colonus.*
 The dignitie and honour of this Law (vnder
 which this renowned kingdome doth now most
 happily, and hath for more then 16. hundreth
 yeares, continued in a flourishing estate:) is by
 so many most worthy men, and learned in that
 profession, so amply set forth, that as it needs no
 Apologie at all, specially not of me, so meane
 and vnworthy an Encomiaist; so can it no whit at
 all be blemished by the contumelies of him who
 doth but reprehend, what he doth not compre-
 hend. Thus much onely let me say, that all his
 scoffing and opprobrious demaunds do equally,
 and with as much force fight against the *Law of*
Nations: yea, for the most part against the Law
 of Nature also. What is this Law of Nations?
 How was it made? By whom? Where? at what
 time?

f Parf. anfw to
Sir Edw. Coke.
ca. 2. nu. 7.

t Sir Edw.
Coke 6. part
of his Reports
in Prefat.

time? Vpon what occasion? Seeing notwithstanding all these friuolous demands, the *Law of Nations* is acknowledged by all learned men, yea euen by *Parsons*^f himfelfe, (who is to be ranked in another predicament) to haue a true realitie, let him either professe the like *Realitie and essence* in the Common Law, or with it let him condemne the other, as a Chymericall imagination; and so at once bid battell, not onely to this one kingdome, but euen to all mankind, and all Nations. Now his booke consisting of these and such like *Impertinent, Sophisticall, and Reuiling* discourses, what other answer could he expect, or should he receiue from him whom according to the Prouerb, *Dares Entellum*, he made his (though a most vnequall) Antagonist in this cause, but that which he hath returned against him, a Writ of *Nihil dicit*, for in very deed, he speakes *Nihil ad Rhombum*. But to passe from him, seeing it is now cleere, that *by the Common Law*, the Popes supream authoritie euen in Ecclesiasticall, and then much more in Temporall causes, of which wee intreat, is reiected; and seeing that Law is the selfe-same now that it was alwaies, it being a certaine, immutable and inflexible rule; it remaines as cleere and certaine, that not onely since the Conquest, but euer since there was a Common Law in this Realm (that was euer since there was a Common-weale therein;) which knew the Pope, the Popes Soueraigntie hath bin by the Church of this Realme, and that euen by the *law of the land* reiected.

The

The other reason to proue this, is drawne from the Brittaines & their Church. That their Church was not subiect to the Popes Iurisdiction, no not in Ecclesiasticall (much lesse in Temporall) causes, the ^a *manner of their baptising*, and others *Ceremonies far different from the Romane*, & that euen when *Austen* the Monke came hither, being sent from Pope *Gregorie* the Great; and especially their *different obseruing of Easter*, is a certaine and vndoubted euidence. For seeing the Popes, specially *Victor*, as *Eusebius* ^b shewes, were so earnest to draw the Asiaticall Churches to the Romane custome in the obseruation of that day, none may thinke but that they would prouide to haue conformitie in such Churches as were subiect to their owne Iurisdiction. Besides this difference of Rites, the Brittaines Bishops manifestly declared that they held not their Church nor themselues to be subiect to the Pope, nor to his authority. Pope *Gregory* appointed *Austen* to be their Archbishop. *We commit vnto you omnes Britaniarum Episcopos*, all the Bishops of Brittain, *that the weake may be confirmed, and the obstinate corrected.* The Brittaines Bishops knew that Pope *Gregorie* had giuen to *Austen* this authoritie ouer them, as by *Bede* ^d and others is euident, seeing *Austen* *laboured* ^e to bring them to his obedience *Apostolica authoritate* by the Popes authoritie. Had those Catholike Bishops knowne and beleueed either the Pope to bee a *Supreme Iudge and Commander* in the whole Church in causes Ecclesiasticall, or themselues to be subiect to his command and

^a Bed lib. 2.
hist. Angl. ca. 2.

^b Euseb. lib. 5
hist. ca. 24.

^c Gregorij
verba apud Bedam lib. 1. ca. 27. in Respons. 9.

^d Bed. lib. 2. ca. 2.

^e Amad. Xieriens. apud Antiq. Britan. in August.

e Minitans
p. adixit. Bed.
lib. 2. ca. 2.
f Ibid.

g Ibid.

h Galf. Mo-
numet. lib. 11
ca. 7.

i Antiq. Bri-
tan. in August.
pa. 46.

authority in such causes, they would no doubt haue yeelded obedience to *Austen*, and in him to the Pope. See now how farre they were from doing or acknowledging this. *Austen* vsed both praier & threats ^e to moue them to consent, and to conformance to the Romane Church, though not in other things, yet at least for ^f *their mann^r of baptising and celebrating Easter.* *Neque precibus, neque increpationibus Augustini assensum praeberere voluerunt,* they would neither yeeld to his entreating, nor increpation, but told him plainly, *they would obserue their owne Traditions.* When he the second time required of them *mibi obtemperare* ^g, to be obedient to him in those motions, their answer was, *nihil se horum facturos*, that they would yeeld to none of them all: and they further added, *illum pro Archiepiscopo se non habituros*, that they would not accept of him for an Archbishop ouer them: Yea ^h *Dinoth the Abbot of Bangor, a man of great learning, made it appeare by diuers arguments, when Austen required the Bishops to be subiect vnto him, that they ought him no subiection.* They further added, as some ⁱ set downe, *That they had an Arch-bishop of their owne, residing at Caerlegion, or Legancestria* (that is *Chester* whither it seemes the Metropolitan See, which while the Brittain Monarchy continued, was at Yorke, was now remoued:) *Him they ought and would obey, externo vero Episcopo minime subiectos fore*, but they would not be subiect to any forren Bishop, and then not to the Pope, much lesse to *Austen*.

This

This example of the Brittaines is so ancient, and withal so pregnant against the Popes supremacy, and that euen in Ecclesiasticall causes, that *Baronius*^k being no other waies able to auoide the force thereof, flanders those Bishops with *the imputation of schisme*, because they would not yeeld obedience to the Pope. Wherin *Baronius* shamefully begs the maine question in that his dispute. Neither could he, nor will others euer proue, either that *all Churches*, or that this of *Brittaine* in particular, did owe subiection to the Romane B. The Church of Brittain^l in ancient time, like other Prouinces, had a *Patriarch, or Patriarchall Primate of her owne*: to him the other Bishops in this Church were subiect, as they in *Ægypt* to the Patriarke of *Alexandria*, diuers in the Easterne parts of *Asia*, to the Patriarke of *Antioch*; they in *Italy* to the Patriarke of *Rome*, and so in other Prouinces. Among these Patriarkes, and Patriarchall Primates, by reason of the Imperiall seat, and other seats of Iustice in seuerall Prouinces, there was a *Primacy, or Precedency* of one before another, but no *authority* of one aboue another, no *subordination* or *subiectiō* of one vnto another. Admit those Bishops had then separated themselves frō the Pope, (which yet doth not appear:) it is not the separation from the Pope, or from any Bishop, no nor from any Church, but onely the *cause of separation* that makes a schismaticke: And seeing the Pope then sought to oppresse the ancient liberties of the Brittain Church, and to bring them vnder his yoake to whom they were not subiect; the *Cause of their separation* from the

^k Baron. ann.
604. nu. 65.

^l Bert. in sua
Diatrib.

Pope being iust, could not make them Schismaticall; but if the Pope and his adherents did for this cause forsake or refuse communion with them, or separate themselves from them, hee and his adherents must rightly and truly bee herein accounted Schismatikes. Of which point, because in another Treatise: I haue at large euen against *Baronius* entreated: I will adde no more in this place.

F. Parsons is more cholerike against the Britains then *Baronius*, and therefore imputes an higher fault, euen the crime of Heresie vnto them; and because they would not obey *Austens* perswasions to obserue *Easter*, as the Roman Church did, he makes them guilty of the Heresie of the *Quartadecimanes*. To wch purpose he saith: *The Brittons obserued a Iewish Ceremony against the order and faith of the Church of Rome.* And hee accounteth this a substantiall point of faith, saying, *m for other substantiall points of faith (this then is one) they agreed with Augustine.* And again, *n Austen at his comming, found no other substantiall difference of beliefe, in the Brittish faith from that which he brought from Rome.* And yet more plainly, *o The Easterne custome of celebrating Easter, used by the Brittons, hath beene condemned, not onely for an error, but also for an Heresie.* Wherin the Iesuit bewrayes a great deale both of ignorance and malice. For the Heresie of the *Quartadecimanes*, did not consist in the bare obseruing of Easter, on the 14. day of the Moone of March, seeing not onely the Churches of Brittain but diuers also in Asia,

l Parf. triple.
Conu. part. 1.
ca. 8. nu. 27.

m Ibid nu. 28
n Lib. eod. ca.
9. nu. 4.

o Lib. eod. ca.
3. nu. 14.

Asia, as *Eusebius* testifieth, p obserued that same day, who were not held Hereticall in this point, no not by the Romane Bishops, who q retained communion with them. But the Essence and formality of that Heresie, was their teaching that Easter ought of *Necessity* to bee kept on that day and *none other*: which *Necessity* they grounded vpon the *Mosaicall Law*, wherein that day is precisely commanded, from which law they thought and taught others, that none might depart; and so by their doctrine they couertly and closely laboured to reduce Iudaisme, and all the Iudaicall rites, one of which was this of Easter; and for which, hauing most colourable pretences, they vsed it but as a pully to drawe on the rest. *Tertullian* sheweth this fully, who speaking of *Blasius* the Author of that Heresie, saith: *r Latenter Iudaium introducere voluit dicens, Pasca non aliter custodiendum esse nisi secundum legem Moysis 14. luna mensis*. Hee indeuored cunningly to bring Iudaisme into the Church, teaching that Easter was on no other day to be kept, but on the 14. as *Moses* commanded. With this Heresie (which quite abolisheth Christ, & euacuateth the whole Gospell) those famous Churches in Asia, and this of Brittain had no affinity. For although they celebrated the same day that the Iewes did, and the *Quartadecimanes* vrged, yet they kept it neither after the manner, nor vpon that ground that the Iewes and Heretikes did. The Iewes and Heretikes obserued that day *eo nomine*, because *Moses* in his Ceremoniall Law, prescribed it. The

p Euseb. lib. 5.
hist. cap. 21. 23

q Prædecessores tui Eucharistiam miserunt Ecclesiis, quæ aliam consuetudinem sequuntur sunt. ait. Iren. Victori. ibid.

r Tert. lib. de præscrip. cap. 53. iuxta Pam.

f Nec Policar-
 po perinadere
 potuit Anice-
 tus ne id reti-
 neret quod
 cum Iohanne
 obseruasset, I-
 ren apud Eu-
 seb. loc. cit. Ioh-
 hannes Apo-
 stolus, Policar-
 pus, 14. Luna
 Pasca obserua-
 bant Euseb. lib.
 cit. cap. 23.
 t Ipsum est
 quod B. Iohan-
 nes cum omni-
 bus quibus
 præerat Ecce-
 lesiis celebra-
 legitur. & Ioh-
 hannis Apo-
 stoli exemplū
 sectamur. Beda
 lib. 3. cap. 25.
 u Iohannes 14
 die mensis pri-
 mi incipiebat
 celebrationem
 festi pascatis,
 nihil curans,
 an hæc Sabba-
 to an alia quæ-
 libet feria pro-
 ueniret. Wilf.
 verba ibid.
 x Apud Euseb.
 lib. 5. Hist. ca.
 24.
 y Decret Nic-
 synod. recita-
 tur apud Eu-
 seb. lib. 2. de
 vit. Constant.
 cap. 17. & 18.

Churches in *Asia* and *Brittaine* obserued it as a tradition from Saint Iohn the Euangelist, and by the example of St. *Iohn*, & all the Churches subiect to him, as *Policrates* in *Eusebius*^f, and long after him *B. Coleman* expressly declared in that disputation which *Bede*^t sets downe: and St. *Iohn* to haue obserued that day, *B. wilfrid*^u who was earnest for the custome of the Roman Church expressly confesseth. The Iewes and *Quartadecimans* taught that it ought necessarily to bee obserued on that 14. day, and on no other; the Brittain & Asiaticall Churches, vsed it as a rite *Indifferent*, which might either on that 14. or another day, according to different custome of Churches be celebrated: For which cause they did *not renounce Communion, nor breake the vinity of the Church, with such as obserued another day*, as by that famous example of *Policarp*^x and *Anicetus* is most euident. And though the Nicene counsell decreed y that Easter should not bee kept on the foureteenth day after the manner of the Iewes, but one another, to which order of the holy generall Counsell euery particular Church was in duety to haue conformed it selfe, yet because that Decree of the Council, was not a *Decree of faith* (no further then it condemned the *Necessity* of obseruing the foureteenth day, and so condemned the *Quartadecimanes*) but a *Decree of Order*, of *Discipline* and *Vniformity* in the Church, when it was once knowne and euident that any particular Church condemned the *Necessity* of that

that 14. day, the Church by a Conniuence permitted, and did not censure the bare obseruing of that day, so long as it was obserued, but as an indifferent and mutable rite, nor as a Mosai-call, but as an Apostolicall tradition or custome: euen as in that other Nicene Canon ^x, *that on euerie Lords day from Easter to whitsontide, none should pray kneeling, but standing*, the Church both now and euer, vsed the like Conniuence, or Indulgence. So long as there is a consent, vnity, and agreement in the Doctrines of Faith, the Church neuer vseth to be rigorous with particular Churches, which are her owne Children for the variety and difference in ourward Rites, though commanded by her selfe. Euery particular Church like the Kings daughter, must haue the same *glory of faith within*, though they haue diuersitie of rites, like variety of *colours in their garments without*. And this to haue bene the very iudgment of the church touching the *Brittaine* Church and Bishops, her selfe declared: seeing not long after that Nicene decree, both at the *Generall and holy holy Councell of Sardica*, and after that, in another at *Ariminum*, (which *Baronius* and *Binius* y professe to haue bene also a generall and holy Councell) and at which were present about foure hundred Catholike Bishops, they as willingly and gladly receiued *the Bishops of Brittain*z (though obseruers of the foureteenth day) as any of other Prouinces, who obserued another. Doubtlesse had the Church esteemed either the bare *observing of that foureteenth day*, to make

x Conc. Nic.
Can. 20.

y Bin. Not. in
Concilium
Ariminense.

z Episcopus
Britanniae in-
terfuisse Con-
cilio sardicen-
si, testatur, E-
pist. Synodalis
illius Conc.
apud Athan.
Apol. 2. Tres
etiam Britan-
niae, Episc. in-
terfuisse Con-
cilio Arimi-
nensi testatur,
Sulp. Seuer. lib
2. hist. sacr.

make an hereticke, or the *Church and Bishops of Brittain*, for obseruing that day to be hereticall, *Hosius, Athanasius*, and other, most holy and orthodoxall Bishops would neuer haue admitted them vnto, or permitted them to sit and giue sentence with them in those holy assemblies. It was some Ignorance, but much more Malice in *Parsons*, to account those Brittaines who would not yeeld obedience to *Austen*, *Hereticke*s, and taxe them as obseruing that rite against the *Faith*, yea against a *Substantiall point of Faith*, whereas it is cleere that they were at that time as *Amandus Xierixensis*^a expresly and truly calls them, *Catholikes*; euery way, if not more, as *Catholike* as *Austen* himselfe.

^a Amand, Xierix, apud Antiquit. Brit. in August. Britones fuerunt Catholici.

It doth now appeare, that the Popes supreme authoritie in causes Ecclesiasticall, was not beleued nor receiued, but directly oppugned and reiected in this Realme, at that time when *Austen* came, seeing the *Catholike Brittaines*, *British Bishops*, and *Church* refused *Austen* for their Arch-bishop, and in that reiected the Popes authoritie, by which they knew he was appointed to be their Arch-bishop. But there are besides this, some other important consequents. First *Father Parsons* tels vs^b, that in all substantiall points of faith, excepting that Ceremonie (so himselfe expresly^c calls it) of obseruing Easter, the Religion of the Brittaines did wholly agree with that of the Romanes at that time, which was the time of *Gregorie the Great*. Now seeing it is cleere that the doctrine of the Popes Supremacie in causes Ecclasi-

^b Pars. trip. Conu. part. 1. ca. 8. nu. 28. & ca. 9. nu. 3.

^c A Iewish ceremonie obserued against faith. ibid. ca. 8. nu. 27.

Ecclesiasticall, was no point of the Brittaines faith, but a doctrine which both by their profession and practise they did vtterly condemne and reiect: it hence followeth, that the same doctrine was condemned by Pope *Gregorie*, and all Catholikes at that time. Againe, *Parsons* tels vs ^c, *That the faith which the Brittaines formerly had in the time of Eleutherius, and before that also in the Apostles time, was the selfe-same in all materiall and substantiall points (excepting that Ceremonie of Easter) which they had when Austen came: in all that time neither did the Church of Rome change her faith, nor the Brittaines theirs. And Galf. Monumetensis* leauing out that ridiculous exception of *Parsons*, testifieth ^d, (as *Parsons* also confesseth ^e of him) *that the same doctrine of Christianitie which was receiued in the time of Eleutherius, failed not among the Brittaines, but remained in force when Austen came.* Whence it againe and certainly followeth, that seeing the doctrine of the Popes supreme authoritie in causes Ecclesiasticall, was no part of the faith of the Brittaines when *Austen* came; therefore neither was it any part of their faith in *Eleutherius* daies, no nor in the Apostles neither: nay seeing the faith of the Brittaines (as *Parsons* truly affirmeth ^f) was then the same which the *Romane Church*, and all Catholikes embraced, it further followeth, that the Popes Supremacie, was no part of the faith of the *Church of Rome*, or of any Catholikes either in *Eleutherius*, or in the Apostles time. So is it cleerely prooued, and that with a large ouer-

H h plus,

^c Ibid. ca. 9.
nu. 1. 2. 3. 6.

^d Galf. Monu.
met. lib. 11.
ca 7.

^e Verba Galf.
citat. Parf. lib.
eod. ca. 2. nu.
13.

^f Parf. ca. 9.
cit. nu 2.

plus, that as the *Supreme authority* of the Pope in causes Ecclesiasticall, (and a *fortiori* in Temporall) was reiected by this Realme euer since the Conquest, so was it also during the whole time of the *Saxons and Brittaines*, euer since there was a Church planted therein, and that is euer since the daies of the Apostles, in whose time, by the confession of all learned men, there was a Church in *Brittaine*.

To this Demonstration, and euident Deduction of the truth, let me adde somewhat touching those three pretences which they alledge, & wherby they strue to proue the *Popes* Soueraignie and Monarchicall authority in this kingdom.

g Sup. ca. 1.

The first, as you haue scene^g, is the payment of *Peter-pence*, begun by King *Ina*, about the yeare 716. and confirmed by *Offa*, *Adelphus*, *William* the Conquerour, and others, till the time of *Henrie* the eight: which payment, because *Polydore*^h calls a *Tribute*, they thence inferre, that the

h Pol. Virg.
hist. Angl. lib.
4. §. Post hunc

Kingdome of England was *Tributary to the Pope*, and he the *direct or Supreme Lord* thereof. But what a slender witnessse is *Polydore* for so weighty a matter? An *Italian*, one of the *Popes* Pentioners, Collectors, and flatterers also: such an one as Card. *Bellarmino* himselfe misdoubts in this very matter, sayingⁱ;

i Bell. Apol.
pro Tort ca. 4.
§. Quamquam.

England is tributarie to the Pope, si Polidoro Virgilio credimus. If we will beleeue *Polydore*. And sure the Cardinall had reason to doubt that *Polydore* meant not any such thing as they collect: for he expressly saith^k, that

k Pol. Vir. loc.
cit.

those Peter-pence were paid to the Pope, pietatis et religionis

ligionis causa, for pietie and deuotion. So by *Polydore* testimonie, that was a tribute of Deuotion, not of Dutie, a tribute giuen for *Pietie*, or giuen in *Pios vsus*, not a *payment of subiection*, or *seruice*. But what speake I of *Polydore*? That those *Peter pence* were indeed nothing else but a voluntarie *Almes* giuen to the Church of Rome, partly for the vse of some English Church there erected, partly for the releefe of English Pilgrims and Trauellers who came thither, either vpon deuotion or otherwise, there are such authentick Records witnessing the same, that the poore and petite testimony of *Polydore*, (on which, but with extreame diffidence, they build that their idle fancie) is not to be named, much lesse compared with them. In that old Manuscript collection of *Nicholas Card. of Arragonia*, of which before I spake: among other Records there is set downe a Writ or *Instrument* ^k which *Mr. Sintius* Clerke of the Popes Exchequer, and the Popes Nuncio in England brought to the Roman Court, concerning these *Peter pence*. In it is expressed, both how those *pence ought to be collected*, at *what time*, and *where to bee payed*, what *forfeiture for not payment thereof*, and which I principally obserue the very reason why the King payed them to Rome, which is this, *Quoniam denarius hic Elemosyna Regis est*, because those *Peterpence* are the *Almes* of the King. Among the Lawes of *S. Edward* the Confessor, which are extant in another ancient Manuscript ^l, the very same touching all those particulars, are ex-

H h 2

presly

k Instrumen-
tum quod Mr.
Sintius Came-
ræ dom. Papæ
clericus, Nun-
cius Apostoli-
cæ sedis in An-
glia ad Curiā
apportauit.
Cod. M. S. ante
citat. fol. 41.

l Cod. M. S.
legum antiq.
Inter leges, St.
Edw. fol. 35:
extat in Bibl.
D; Rob. Cor.

m Rog. Ho.
ued. Annal.
part. 2. in Hen.
2. pa. 343.

pressly and *verbatim* set downe, as in the Instru-
ment of *Sintius*, the same reason of payment is
there also expressed, *Quoniam Denarius hic Elemo-*
syna Regis est. William Conqueror, to the end m
he might bee vndoubtedly certified of the true
Lawes, which were formerly vsed by the Saxons
in this Realme, caused a collection of them to
be made by the consent of *sworne men*, 12 to be
chosen out of euery Shire of England. They all
(witnesses for number, antiquitie, and credit a-
boue all exception) among other ancient Lawes
and Customes, mention this concerning *Rome-*
scot or Peter-pence, in the very same manner and
words as the former did; and this very reason,
for the payment thereof by them is expressed,
Quoniam Denarius hic Elemosyna Regis est. By all
which it is euident, that by those Peter pence, the
Pope and Church of Rome is certainly proued,
to be *Elemosynarius* a Beeds-man to the Kings &
kingdome of England, as receiuing that Annual
Almes from them, to the payment whereof they
voluntarie bound themselves. And from this vo-
luntarie giuft of an Almes, to conclude that the
Pope is the highest Lord of England, is euen
such a reason, as if a begger from the giuft of a
penny, or an Hospitall from the giuft of twentie
shillings, which you promise or binde your selfe
yearely to pay, should conclude that they are
certainly your Landlord, and that you hold all
your lands and possessions of them, and in token
of recognition thereof, do pay yearely to the one
a penny, or to the other a pound.

Their

Their next pretence, and that wherein they do most confidently & continually triumph, is that famous, nay infamous, and as *Math. Paris*^a, and *Math. west.*^b, rightly call it that *lamentable execrable, and detestable Charter*, made by King *John*, by which he *resigned* for the Popes vse, into the hands of his Legate, the *Realmes of England and Ireland*, and as *Feudatarie*, tooke them of the *Pope againe*, for the annuall rent of 1000. Markes. For answer whereunto, I wish them first to consider what they will say to Sir *Thomas Moore*, an holy Martyr^c among the, who denyeth^d the *Fact* and that any such Deed was at all made by King *John*. For my owne part, I doe not consent to their Martyr in this point. For besides that the Copy of the Charter made to *Pandulph* the Popes Legate, is set downe in *Math. Parisiensis*^e, and *Math. westmonasteriensis*^f, who liued neere those times, there is extant a Bull of *Innocentius*. 3. which (reciting *Verbatim*, euery word in *Johns* Charter to *Pandulph*;) the Pope sent vnto K. *John*: declaring how willingly and ioyfully hee accepted the Kingdomes so resigned, and let them vnto King *John* againe. The very *autographum* of that papall Bull, dated on the 4. of Nouember, Anno 1213. signed with the Popes owne hand and marke, witnessed by the *subscriptions and markes* of 12. Cardinals and 3. Bishops, sealed also with the Popes seale of lead, imprinted on the one side with the name of *Innocentius* 3. and on the other, with the Images of *Peter* and *Paul*, after I had seene s and perused, it left no scruple at all

^a Charta saeculis omnibus detestanda.

Math. Paris.
M. S. hist. minor in Ioh. S.
Dum ita. Detestabilis illa charta. Idem. hist. maior.

an. 1245. S.

Diebus vero,
^b *Math. West.*

ad an. 1213.

^c Sand de Schis.
p. 29

^d Sir Thomas Moore in the suplication of soules.

^e *Paris. an.*
1213 S. Rebus

^f *Westmon.*

an. 1213.

^g In Bibl. D. Rob. Cotton.

touching the fact in my mind. Besides this Charter made to *Pandulph* at *Douer*, on the 15. day of May, an 14. *Iohannis*; the Pope afterwards solicited and induced King *Iohn*, by *Nicholas* Bishop of *Tusculum*, the Popes Legate, to renew & the same grant of resignation; and so *Iohn* did. This second Charter was made for the Popes vse to *Nicholas* the Legate, at London, in the Church of *St. Paul*, dated on the 3. of *October*, an. 15. of King *Iohn*, and *Anno Domini* 1213. sealed^h with gold, whereas the former was but with waxe. The Copy of which Grant being wholly set downe in that Manuscript Collection of *Nicholas Card. of Arragonia*, of which before I spake, after I had also seeneⁱ, perused, and compared with the former, it did fully satisfie me for the Fact againe. And though it be not easie to coniecture what the Popes pollicy might bee in procuring this second resignation, seeing for euery Materiall and substantiall point, it doth *Verbatim* agree with the former; yet thus much I thinke may bee easily obserued, that both these may well bee *inualide*, but that they both should be of force it is impossible: the validity of either one, makes the other vtterly inualid. For if the *former* was of force, then *Iohn* hauing passed away all his right to the Kingdome by it, hee could haue nothing to passe by the *later* to the Pope; and then the *later* is vtterly void and of no force at all: Again, if the *later* be of force, so that by it *Iohn* granted or resigned the Kingdome to the Pope, then was nothing at all past away, granted, or resigned.

g Extracta est a Rege & inuoluta, illa non formosa sed famosa subiectio. Math. Paris An. 1213. s. Veniente. h Charta prior cera signata fuerat, nunc aureo bullata est Paris, ibid. Verba chartæ sunt ista, per hanc chartam aurea bulla munitam. i In Bib. prædicta.

resigned by the former, and then the former is vtterly inualide. And of the two, though they esteeme more of the gold, yet if I might aduise the, they should hold them to the waxe: specially for that the golden Charter (as *Parisiensis* ^k tells them was said by many to haue beene melted in that fire at Lyons, which *Innocentius* the 3. himselfe, was thought to haue kindled in his own Palace, that vnder pretence of that losse, he might more colourably exact a Collection of the Clergie: the fire preuailing further then the Pope intended, deuoured that golden Jewell, and some other of lesser value.

^k Math. Par:
an. 1245. §.
Diebus.

But on whether soeuer they set their rest, it is certainly no better then a staffe of Reed, to support the pretended Dominion of the Pope. For though we suppose it to haue beene sometimes of force, yet the saying of *Polidore* their owne witnesse, and the Popes Fauourer is very true in this case. *Omnia* ^l *illa onera Iohanni tantummodo imposita sunt, non item successoribus*; Those hands tyed, and those burdens were laid vpon King *John* alone, they bound not any of his successors; and this, saith he, *Satis constat*, is very cleere and certaine. For as *Accursius*, *Albericus*, and other Lawyers teach ^m of the Donation of *Constantine*, that it could not preiudice his successors, the very same may bee said of the Donation of King *John*: as the Charters, so the validity of them is not vnlike. Yea, by the iudgement of *Lucias de Penna*, the grant or Alienation of a Kingdome though confirmed by oath also, as was ⁿ this, could not be of force, no not against King *John* him-

^l Polid. Virg.
lib 15. § His.
dictis.

^m De quibus
vid. sup. part. 1.
cu 8. pa. 170.

ⁿ Iuravit rex
se iudicio Ec-
clesie parita-
rum, Math. Pa-
ris. an. 1217.
§. Rex deni-
que.

Sup. par. 1. ca.
8. pa. 169.

p. Euglogium.
Cod. M. S. in
Bibl. D. Rob.
Cotton,

himselfe. For though an Emperour, saith hee^o,
swear that he will not reuoke such royalties as are
giuen away to the preiudice of his Crowne, yet he may
reuoke them notwithstanding that his oath. And the
reason is, because the Emperour at the time of his
Coronation, hauing sworne to keepe safe the honour
& rights belonging to his Empire, his second & con-
trary Oath (whereby hee sweares to alienate the
rights of his Empire, or suffer them to be aliena-
ted or withheld) being *vnlawfull*, neither doth
it, nor can it binde him to violate his former, iust
and *lawfull* Oath; for *Iuramentum* is not *Vincu-
lum Iniquitatis*. And this directly concernes the
very case of King *Iohn*. Nay, what if the Pope
himselfe adnulled this grant of King *Iohn*. Both
the Charters were made in that one yeere. 1213.
as by their date appeares. Of the next yeere thus
writeth the Author of the *Eulogium*; *P Anno 1214.*
conuocatum est, This yeere there was a Parlia-
ment called at London, the Arch-bishop and all the
Clergie, *cum tota laicali secta* with all the Laikes,
being present therein. *Per domini papæ præceptum*
illa obligatio præfata, quam Rex domino papæ fecerat
cum fidelitate & bomagio relaxatur omnino 1 die
Iulii. In this Parliament, that obligation spoken
of before, which the King had made to the Pope,
with feolty and homage done vnto him, was
wholly releas'd by the Commandement of the
Lord Pope on the first day of Iuly. Thus the *Eu-
logium*, evidently witnessing what force or vali-
dity soeuer, was in either of the Charters granted
by King *Iohn*, the same by the Popes owne Act
or

of Relaxatiō, was the next yeere wholly adnulled.

And all this I haue spoken, vpon supposall that those Charters, or either of them, made by *Iohn*, had sometimes bin of force. But the truth is, that neither of the was euer of any force to transfer or giue away the Kingdome; but *ab initio*, euen from the very first making of them, there was an inuailidity and a meere *Nullity* in those grants, both in respect of the *Giuer*, of the *Gift*, of the *Cause*, and manner of giuing thereof. The *Giuer* was *Iohn*, who as he was neuer rightly *King*, so neither had he, nor could haue any power at all to giue away the Kingdome, which was not his, nor of right belonged vnto him. For of the sixe *q* Sonnes of *Henry* the second, *Iohn* was the yongest; *William* and *Henry* dyed before their Father, and without *Issue*; *Richard* the third sonne, raigned after his Father, and dyed without *Issue*. The fourth sonne was *Geffray*, who dyed a little before his Father, but left issue, *Arthur* Duke of Brittain; and *Elenor*, called the Damsell of Brittain. *Phillip* the fift sonne dyed yong, and without *Issue*. After the death of *Richard*, the Kingdome in right belonged to *Arthur*; but *Iohn* (the yongest sonne of *Henry* the second) by force inuaded, and by force withheld the Crowne from him. After the death of *Arthur* (which was in the fourth yeere, & after *Iohn* had taken the Kingdome) the whole right to the Crowne descended, and in right belonged to *Elenor*, the Sister of *Arthur*, who liued full 23. yeeres after the death of *Iohn*: for *Iohn* dyed^r, anno 1217. and *Elenor* dyed^r anno

p Iohannes
nunquam fuit
verus Rex, ver-
ba Philippi
Regis Franc; 2.
2. apud, Ma t.
West. an. 1216
q Hanc esse
veram genea-
logiam filiorū
Henr. 2. videre
licet præter ali-
os in Chron.
Ioh. Speede in
in Hen. 2. nu.
102. & seq.
& in Chron.
Hollinsh. in
Hen. 2. pag. 115
r Speede Chr.
in Ioh. nu. 19.
& 20.
f Math Paris:
Math. Westm.
Hollinsh.
Speede in Ioh
t Math Paris.
an. 1241. 6. Et
circa pa. 770.
& Speede in
Iohane. l. u. 20.

1241. which was the 24. yeere of *Henry* the 3. sonne of *Iohn*. After which time all the brothers of *Iohn* and their issue also being extinct, the right of the Crowne remained in the issue of *Iohn*. By this now it is euident that *Iohn* at no time (and least of all, when hee was deposed and depriued of his Kingdome by the Popes iudiciall sentence as then he was when this Charter was made) had any right to the Kingdome; and seeing he had no right to take it to himself, much lesse had he right to giue it to another. He could giue no more thē he had: Right to the Kingdome he had none in himselfe, right to the Kingdome hee could giue none to the Pope. Of his gift that may bee said which is vsually spoken in another matter, *Nihil habuit dare, Nihil dedit*. And although such Acts of *Iohn* as concerned the making of Lawes, or administration of Iustice either betwixt subiect & subiect, or himselfe and the subiects are to be held of force, as were also the like Acts of some other, and namely of *Richard* the third, one knowne and confessed by all to bee an Vsurper: though those Acts, I say, of *Iohn* be rightly iudged to be of force, because the State of the Kingdome consented to his gouernment, and yeelded obedience vnto him, thinking it better to accept and obey such a King as had but a pretended title, rather then to haue no King or ruler at all; yet for his other Acts betwixt him and strangers, such as concerned the rights of the whole Kingdome and Regality of the Crowne, and which tended to the bringing of the whole Kingdome into bondage and

and vassallage vnto others ; for these, neither the Acte of *John*, nor of any other were, or were euer iudged to be of force ; there was an Inualiditie in *John* to doe such Acts, and when he did any such, there was a meere Nullitie in the same.

As the Giuer had no power to giue, so neither was the kingdome such a *Gift* as could be passed away by *John*. For no Emperour can without the consent of his State, giue his Empire to a stranger ; seeing in so doing, he should preiudice the rights of others, and make them subiects and vassals to another, without their owne consent : whereas both *equitie and naturall reason teacheth*, as out of *Lupoldus*^u was before declared, *that the Act which preiudiceth the right of others must be approued by them all*. Now although in the Charters, King *John* is made to say, *that he did this communi consilio Baronum*, by the common consent of his Barons ; yet was that clause, as many other, most falsely and fraudulently put into the Charters by the Popes Legates. The Barons and State were so farre from consenting to this Grant, that when the first Charter was sealed at Douer, *Henrie Archbishop of Dublin* the principall man in that assembly, (in the name as it seemes of the rest) *did Reclamare*^x, openly disclaime the same, and *greeue thereat*. And when the second was sealed in *Pauls*, *Stephen Lancton*, the Archbishop of *Canterburie*, (a Cardinall, and the Popes owne creature, but in this a true louer of his Countrey) *Appellationes y solenniter fecit ante altare*, made solemne Appeales before the

^u Lupol. de
Iur. regni &
Imp. ca. 14.

^x Math. Paris.
an. 1213. 9.
Charta itaque
& Speed in
Chron. in Ioh.
nu. 48.

^y Math. Paris.
ann. 1231. 8.
Defunctæ.

z Ibid.

a Innixus iuri
& Appellatio-
nibus Step-
hani, ibid.b Excuteret
Angliam de
sub iugo do-
mini Papæ,
&c, ibid.c Verba Epist.
Iohannis ad
Innoc. citantur
in resp. ad A-
pol. Bellar. ca.
3. §. Frater.* In illum in-
furgunt post-
quam ecclesiæ
satisfecit, qui
assistebant ei-
dem quando
ecclesiam of-
fendebat. in
Epist. Innoc. 3.
apud. Math.
Parif. an. 1214
§. Innocentius
pa. 356.d Derisioni-
bus multipli-
catis substan-
nando dixerūt
Math. Parif.
an. 1215. §.His peractis.
e Idem. ann.
1216. §. Circa
hoc,

altar against that writing, which was ^z *toti mundo execrabile*, detestable to the whole world. By ver-
tue of these appeales ^a, as also of the right in the cause
it selfe. Rafe Neuil Chancelor of England doubted
not openly to say, and his speech was related to
the Pope himselfe by Simon Langeton, That the
yoake ^b of the Pope to which Iohn had subiected Eng-
land, might iustly be shaken off, and that for so do-
ing, himselfe would strue euen to the losse of his
head. How much the Barons disliked this Grant
of King Iohn, his owne words to Pope Innocen-
tius, as also the Popes answer, doe witnesse: Our
Earles and Barons, saith he ^c, and the Pope writes
* the like, *were deuout and louing vnto vs, till we*
had subiected our selues to your dominion, but since
that time, & specialiter ob hoc, and specially euen
for so doing, *they all rise vp against vs*. The ma-
nifold opprobrious speeches vsed by the Barons
against King Iohn, for this subiecting himselfe
and his kingdome to the Pope, doe declare the
same. Iohn, said they ^d, *is no King, but the shame*
of Kings; Better to be no King then such a King: Be-
hold a King without a kingdome: a Lord without Do-
minion; Alasse thou wretch, and seruant of lowest
condition, to what misery of thraldome hast thou
brought thy selfe? Fuiſti Rex, nunc fex, Thou wast
a King, now thou art a Cow-heard, Thou wast the
highest, now the lowest. Fye ^e on thee, Iohn, the last
of Kings, the abomination of English Princes, the
confusion of English Nobilitie; Alas England,
that thou art made tributarie, and subiect to the
rule of base seruants! of strangers! and which is
most

most miserable, subiect to the servant of servants !
 Thou Iohn, whose memorie will be wofull in future
 time, thou of a most free King, hast made thy selfe
 tributary, a farmer, a vassall, and that to seruitude
 it selfe: this thou hast done, that all might be drow-
 ned in *barathro Romana auaritia*, in the Hel of the
 Romish auarice. Yea, so detestable was both this
 fact of Iohn, and dealing of the Pope, that Philip
 the French King, though the mortall enemy of
 King Iohn, hearing thereof, euen vpon this very
 point, that the Barons and State did not consent to
 that Act, did proclaime both the absolute free-
 dome of the kingdome of England, notwith-
 standing this Grant of Iohn, and declaime also
 against the Pope, for seeking to enthrall king-
 domes vnto him. For when Gualo ^f the Popes
 Legate, told him that the kingdome of England was
 now become the Popes patrimony, by the giift of
 King Iohn, Philip presently replied, & his words
 are very remarkable, *Regnum Anglia patrimonium*
B. Petri nunquam fuit, nec est, nec erit; The king-
 dome of England neuer was, nor is, nor shall be
 the Patrimonie of Peter. And the King gaue
 two reasons of his so worthy and resolute asser-
 tion; the one g, because Iohn was neuer King, and
 therefore could not giue away the kingdome;
 The other, because ^h *Nullus Rex, No King nor*
Prince can giue away the kingdome (which is the
Common-wealths) without the assent of his Barons,
who are bound to defend the kingdome; and if the
Pope being allured by the lust of Dominion, determine
to maintaine this error, he giues a pernicious example

^f Math. West.
 an. 1216. &
 Math. Paris.
 hist. minor. M.
 S. in Iohan.

^g Math. West.
 loc. cit.

^h Math. West.
 & Paris. M. S;
 locis citat.

i Math. West.
loc. cit.

k Math Paris.
M. S. loc. cit.

l Ex Rotulo
Parliam. an.
40. Ed. 3. nu. 8.

unto all kingdomes. At which sayingⁱ, all the Noble men of France that were present, began *uno ore clamare*, to cry with one voyce, *That they would stand to this truth vsque ad mortem*, euen to death, *That the Pope cannot at his pleasure giue kingdomes, or make Kings tributary, whereby their Nobles shall be made slaues to whom he will*: Nay, they did not onely say it, but *sweare^k also*, that they would spend their lines in this quarrell. Besides all which, there is yet a farre more authentick prooffe of the inualidity of King *Iohns* grant, and that is the Iudgement of the whole kingdome assembled in Parliament in the time of *Edward* the third. This matter touching the Grant which King *Iohn* made to the Pope, being proposed and discussed in that Parliament; Vpon^l full deliberation, the Prelates, Dukes, Earles, Barons and Commons answered and said with one accord, that neither the said King *Iohn*, nor any other, can put him, nor his Realme, nor his people in such subiection without their assent: and as by many euidences appeareth, if it was done, it was done without their assent, and contrary to his owne oath at his Coronation. And besides this, the Dukes, Earles, Barons, Gentlemen, and Commons, doe accord and agree, that in case the Pope shall enforce, or attempt by proesse, or by any other manner of doing, to constrain the King or his subiects to performe this, (as it is said he will) these parties will resist and withstand it with all their puissance. Thus are the words of the Act: A demonstration aboue all exception, that to the Grant or Charter made by

by K. *John* to the Pope, there was no assent of the Realme; and therefore that K. *John* neither did, nor could by that his Grant, or by either of those Charters, resigne or transerre his kingdome to the Pope, but that in his very Act of doing it, there is not onely an Inualiditie, but a meere Nullitie.

The third Nullitie ariseth from the Cause, which moued *John* to make this Grant to the Pope. And though in both the Charters *John* is made to say that he did it, *for pietie and deuotion, to make satisfaction to God and the Church for his sinnes*; that he did it also *bona nostra spontaneaue voluntate*, of his owne free accord, and with a willing mind; yet are these in truth, nothing else but pretences: An easie matter it was for the Pope and his Legates, to make *John* write what colourable pretence they listed, when they made him giue away his kingdome to whom, and as they listed. The true and onely Cause inducing, nay enforcing *John* to make this Grant, was that imminent danger and feare, to loose both his Crowne and his life also, into which extremitie, both of danger and feare, the Pope himselfe had now first brought *John*, that so he might bee plyable to his owne perswasions, & then held him so fast inwrapped and ensnared, that without the Popes helpe he was now inextricable. His land was now *under a generall Interdict*ⁿ, and had so remained for *five whole yeares*, like an Heathenish Nation, without celebration of diuine Seruice and Sacraments. *John* himselfe was by name Ex-communicated,

n Math. Paris.
an. 1208. 5
Londoniensis.

o Idem. ann.
1209. §. Sub
his.
p Idem ann.
1212. §. Circa
hos.

q Math. Parif.
hif. min. M. s.
in Ioh. §. Dum
ita.

r Westmon:
an. 1213. &
Math. Par an.
cod. §. Anno
1213.

f Parif. loc. cit.
pa. 310.

t Westm. loc.
cit. ex parte
do. Papæ regi
Francorum a-
lijq; iniunxe-
runt & idē ait
Parif. pa. 311.

u Parif. loc. cit.

x Parif. &
West. loc. cit.

communicated^o, and had so remained for diuers
yeares: All^p his subiects were released and freed à
Regis fidelitate et subiectione, from owing eyther
fidelitie or subiection to him; yea they were for-
bidden, and that vnder the paine of excommunica-
tion, so much as to company or conuerse with him, ei-
ther at Table, or in counsell, or in speech and confe-
rence. Further yet, Iohn was deposed from his
kingdome, and that iudicially, à *iure regni ab-
dicatus et sententialiter condemnatus in Curia Ro-
mana*, being in the Romane Court depriued of
all right to his kingdome, and iudicially con-
demned; and that Sentence^r of his Deposition and
Deprivation, was solenniter promulgata, solem-
ly denounced and promulgated, before the French
King, Clergie, and people of France. Neither one-
ly was Iohn thus deposed, but his kingdome also
giuen away by the Pope, and that euen to his
most mortall enemy. For the Pope^f to bring his
sentence to execution, writ vnto Philip the French
King, perswading, yea inioyning^t him to vndertake
that labour of dethroning Iohn (actually, as iudi-
cially he was before) and expelling him from the
kingdome, promising vnto him, not onely remissi-
on of all his sinnes, but that ipse et successores sui
regnum Anglie iure perpetuo possiderent, he and his
heires should for euer haue the kingdome of
England: withall the Pope^u writ letters to all No-
bles, Souldiers, and warriors in diuers Countries, to
signe themselues with the Crosse, and assist Philip
for the deiection of Iohn. Philip was not a little
glad of such an offer, gathered forces^x, and all
things

things fit for such an expedition, *expending in that preparation no lesse then y 60 thousand pounds.* ^y Paris, ann. 1213. §. His ita
All^z these things being notified to King Iohn, did ^z Idem an. cod. §. Rex Angl.
 not a little daunt him; And though he was too sensible of the impendent calamities, yet to strike a greater terror into his amazed heart, and make a more dreadfull impression in his minde, of the dangers which now were ready to fall on his head, *Pandulph* was sent from the Pope vnto him, to negotiate about the resigning of his kingdome, to which if he would consent, hee should finde fauour, protection, and deliuerance at the Popes hands. *Pandulph* by a craftie kinde of Romish Oratorie, at his comming to the King, expressed, yea painted out in most liuely colours all the *difficulties and dangers* ^a *to which the King was subiect,* The losse of his Crowne, the losse of his honour, the losse of his life. That *there was* ^b *no other way in the world to escape them, nisi sub alis domini Papae potenter protegatur,* but by protection vnder the Popes wings. Iohn ^c *seeing dangers vndique imminere,* to hang ouer him on euery side, by the French abroad, by the Barons at home, and being deiected, and *mente* ^d *nimis perturbatus,* vtterly dismayed and confounded with the ponderation of them, resolved for sauing his life, to loose his libertie and honour: and to saue his kingdome from his open aduersarie, to loose it and giue it quite away to his secret, but worst enemy that he had: doing herein as if one for feare of being slaine in the open field, should kill himselfe in his owne chamber. It was not *pietie*

^a Paris, an. cit. §. Dum autem.

^b Math. West. loc. cit.

^c Paris loc. cit. §. Rex denique

^d Ibid.

but extreame *perill*; nor *deuotion*, but *feare* onely, and *dispaire* that caused, and euen *enforced* *Iohn* against his will, to make this Grant to the Pope. *Parisiensis* rightly obserued this when he said *e*, *Demersus Rex in desperationem*, King *Iohn* being then drowned in Dispaire, made that *shamefull agreement*, *volens nolens*, with an vnwilling will to the Pope. And truly the very same cause induced *Iohn* to make the second Charter. For besides that the *Interdict*^f was not then released, *K. Iohn* knew by experience, that if he had incensed the Pope, by not yeelding to his motion, the Pope would, and could as easily now as before, vse his power of Excommunication, Deposition, and giuing away his kingdome. As *Feare* and *Force* imminent, caused him to make the first, so *Feare* and *Force* foreseene, caused and compelled him to make the second Charter. And what validitie can there possibly bee in those Actes which are done *per vim & Metum*? It is a rule in the Law *g*, confirmed by a perpetual *Edict*, *Interpositas metu transactiones ratas non haberi*, that such agreements as are made for feare, are of no validitie. We command, say the Emperours^h, that those *Venditions*, *Donations*, and *Transactions* bee void, *quæ per potentiâ extortæ sunt*, which by force & power are extorted. *Innocentius* himselve declares the same, euen in another Act of this King *Iohn*. The Baronsⁱ not preuailing by perswasions with him, tooke the Citie of London from him, and being in armes, forced him to confirme some liberties and lawes vnto them. *Iohn* hauing made com-

e Math. Paris.
hist. min. M.S.
S. Dum ita,

f Licet terra
Interdicta fu-
isset, (cum ad-
uenit Nicola-
us) &c. Math.
Par. hist. maior
an. 1213. §
Eodem anno
circa. pa. 329.

g Cod. de
Transaction.
l. Interpositas.

h Honor. &
Theod. Cod.
de ijs quæ vi
& metu gesta
sunt l. Vend-
itiones.

i Math. Paris.
an. 1214. §.
Per idem pa.
355.

complaint thereof to Pope *Innocentius*, he thus writ^k of that matter, *Iohn being destitute of helpe and aduise also, durst not deny what they required, unde compulsus est per vim & metum*, whereupon he was compelled by Force and Feare (which may fall into a man though he be most constant) to make both a shamefull and wicked composition with them; That composition *reprobamus penitus ac damnamus*, we vtterly reiect and condemne; and all the Couenants and Obligations conteined therein, we make altogether frustrate and voide. Boniface 8. entreating of some things done by the Kings of Scotland, which seemed preiudicial to their right, saith^l, *Ea utpote per vim & metum elicita nequam debent de iure subsistere*, those things being done by reason of Force and Feare, (which may happen to a constant man) ought not in Law to be of validitie, nor to redound to the preiudice of the kingdome. Whose saying doth equally in euery respect, shew the inualiditie in this Act of King *Iohn*. Pope *Pascal* with an whole Councell decreed the like. Hee being imprisoned^m by Henrie 5. by a faire Charter resigned vnto the Emperour, the Inuestitures of Bishops, and ordering of the See Apostolike. The Pope was no sooner at libertie, and the feare past, but calling a Laterane Councell, they reuoke and adiudge that Grant, euen because it was *per violentiam extortum*, made by constraint, to be of no force, to bee *Præuilegium*, not *Præuilegium*. Were they not quite blinded with partialitie, they could not chuse but confesse, that much more this Charter and Grant of

^k Idem eod.
an S. Innocen-
tius pa. 357.

^l Bonif. in suis
literis ad regē
Angl. apud
Math. Westm.
an. 1301.

^m Ab. Vsp̄erg.
an. 1112. Alb.
Stad. et Nauch.
eod. ann. &
Conc. Later.
sub. Pasc. 2.

King *John* must be inualid; the Grant to *Henrie* was iust and lawfull, being that which in right belonged vnto him: this Grant of *John* was sundry waies iniurious; iniurious to *John* himselfe, it being contrary to his iust oath formerly taken: iniurious to the whole State and kingdome, whose liberties it enthrall'd: iniurious to the Crowne, as taking away the Regality thereof. Seeing they vpon that rule of *Gesta per vim et metū non valent*, adnull the iust Charter and Grant of Pope *Paschalis* to the Emperour, they doe warrant vs by the same rule to pronounce a Nullity of the iniurious Charters and Grant of King *John* vnto the Pope.

The last Inualidity, ariseth out of the very Manner of the Grant, and of the making thereof. For after all that K. *John* either resigneth, giueth or granteth any way to the Pope, this Prouiso and Exception, or Reseruatiō is expressely set downe, *Saluis nobis et heredibus nostris, Institijs, Libertatibus, et Regalibus nostris*. Sauing to vs and to our heires, our Rights, Liberties, and Regalities. Which words being expressed in the former Charter, the Copy whereof is vulgarly extant & obuius vnto all, I supposed that the principal, if not the onely reason, why the Pope procured his second writing had bene, to haue this clause (which adnulleth all the former Grant) expunged and left out in the second and golden Charter. But when I found the selfe-same Prouiso, and that *totidem verbis*, expressed in both the Charters, I did euen wonder to see their vanity, and with what insolency they boast that Soueraignty

raignty of Dominion is here giuen to the Pope, and the King made an homager and vassall vnto him by this Grant: all which this one Prouiso doth manifest to be vntrue. For the *Right* of a King is *Soueraigntie of Dominion*: The *Libertie* of a King, is *Freely* and *Absolutely* to rule, without being subiect or seruant to any other mortall man. And the very essence of *Regalitie*, as I haue before shewed, is *Supremacy of authoritie*, *Independent of any, saue onely of God*. Seeing all these are expresly and directly excepted in both the Charters, they vtterly made void whatsoeuer is before mentioned, either as granting Soueraignty to the Pope, or as acknowledging subiection in the King. In both these respects, by reason of this one Prouiso & Exception, there is a certaine Nullity of the Grant made in both the Charters. Much more might be added; But for further satisfaction in this whole point concerning these Grants, I gladly refer the Reader to the History of King *Iohns* life, so faithfully, exactly, and iudiciously set forthⁿ, by my learned friend Mr Dr *Barkam*, that were the rest of our Country Story Iutable thereunto, few humane Histories of kingdomes could be preferred before it.

Their third and last prooffe, concernes *Henrie* the second, father of this King *Iohn*. Card. *Allen*° pretends that *Henrie* the second, when hee was absolved for the death of Thomas Becket, made an agreement with Pope Alexander the third, that none might lawfully take the kingdome of England till hee were confirmed by the Pope.

Kk 3

And

n Ea est quæ
extat in Chro.
Iohan: Speed.

o Card. Allan.
admonit. to
the Nobil.an.
1588. pa. 3. &
cit. in Blackw:
larg. examin.
pa. 18.

p Bar. an. 1173
nu. 9.
q Bell. Apol.
pro Tort. cap. 3
§. Extrat.
r Bec. Contr.
Angli. q. 9 nu.
1. 2. & seq.
s Gretf in cō.
Exeget. siue Ba-
fil. dor. ca. 5 §.
fi temporalia.
t Epist. 136 in-
ter Epist Pet.
Blef.

And both *Baronius* p and *Bellarmino* q, and after them *Becanus* r and *Gretser* s alledge to this purpose, an Epistle of *Henry* the second, set downe among the Epistles of *Pet. Blesensis* t, wherein King *Henry* acknowledgeth the Pope to bee his temporall Lord, and himselfe the Popes Feudatary. *Vestra Iurisdictionis est Regnum Anglie:* The Kingdome of England belongs to your Iurisdiction, and by Feudatary obligation I am bound and obnoxious to none but to you. Let England know what the Pope can doe; and because the Church useth not materiall weapons, let it defend the Patrimony of *Saint Peter* by the spirituall Sword. Whereunto I answered, that both this pretence of a Covenant, and Feudatary subiection, is vntrue; and that Epistle going vnder the name of *Henry* the second, wherein this is acknowledged, is either wholly forged, or in that part or passage corrupted. Whereof there are so many euident profes, or rather Demonstrations, that none of sound iudgement duely pondering the same, can iustly make any doubt thereof. Had the Pope knowne this Kingdome to haue beene the Popes Patrimony, and the Kings thereof Feudatary vnto them in the time of *Henry* the father of *K. Iohn* or could they haue shewed that King *Henry* had acknowledged this vnder his hand and seale, would they haue beene so simple as to haue laboured so earnestly and craftily to draw King *Iohn* to make those Charters of Resignation, and that grant of the Soueraignty thereof vnto them? What could either *K. Iohn* resigne, grant, or giue vnto them,
or

or the Popes receiue more then was their owne before, and that by the authentickall acknowledgement of King *Henry*? Seeing this acknowledgement of King *Henry*, vtterly adnuls the Grant, and both the Charters of K. *Iohn*, wherein they so much triumph, & for which (as also for the Popes earnest labour to obtaine the same) there are so cretaine and vndoubtfull Records, euen themselves must either confesse this *Epistle* and acknowledgement of King *Henry*, to be a Forgery, or else for euer disclaime the Charters of King *Iohn*, and whatsoeuer is granted therein vnto them. Had the Pope knowne this Kingdome to be his Patrimony, and himselfe to be the Lord thereof, by any acknowledgement of King *Henry*, why did hee not protect K. *Iohn*, and his Kingdome against the Barons, against *Philip* the French K. and against *Lewis* his sonne, as well before *Iohn* had made those Charters, as hee did after? specially seeing he giues this very reason why he protected *Iohn*, because ^u he was his Vassall, and a Feudatarie vnto him, one whom in duty he was to protect and defend. For thus saide ^x the Pope to the Legates of *Lewis*. He ought not to make warre (no not iust warre) against King *Iohn*, but he must make complaint to *Iohns* higher Lord, to witt the Pope, Cui subest Rex Anglia tanquam vassallus eius, whose Vassall King *Iohn* is. Nay why did the Pope incite K. *Philip*, to invade England, to dethrone King *Iohn* and promise his Kingdome vnto him, if it was the Patrimony of St. *Peter*, by any Grant or acknowledgement from K. *Henry*? Or how could *Innocentius*

the

u Admonet papa Philippum ne permitteret Ludouicum Angliam hostiliter adire vel Regē Anglorum inquietare in aliquo; sed ipsum vti Rom. Ecclesiæ vassallum protegeret & defenderet Math. Paris. an. 1216 §. Sub. his. pa. 375. Ecce qualiter patrimonium B. Petri Anglicani pontificis defendunt, dicunt Barones, quorum insolentiam minis & censuris coepescit Innocentius 3. in suis literis apud Math. Paris. an. 1215. pa. 362. x Paris. an. 1216 §. Tunc dixit. pa. 381.

y Bulla Innoc.
de qua supra.

the third, in his Bully of Acceptation of *Iohns* Charter, haue said in such a glorying manner, That now vpon K. *Iohns* Grant, *was fulfilled, that which Saint Peter saith: Regnum Sacerdotale, et Sacerdotum regale.* The Pope being now made (in respect of England) like *Melchisedek*, both a King and a Priest! That this and other Prouinces, *que olim*, which formerly held the Roman Church, for her Mistresse in spirituall matters, *Nunc etiam in Temporalibus Dominam habeant specialem*, hath the same Church now (vpon King *Iohns* Grant) for her Lady in Temporall affaires also? *Innocentius* doth hereby cleerely witnes that this Realme of England, neuer till K. *Iohns* time acknowledged the Roman Church for her Lord in temporall matters. And therefore by the Popes owne iudgement, neither *Henry* the second, nor any former King did euer acknowledge, as in that forged Epistle *Henry* is made to doe, this Realme to haue beene the Patrimonie of *Peter*, or the Kings thereof Feudataries to the Pope.

z Epist. Hen. 2.
in M. S. cod. in
Bib. D. Rob.
Cot.

a Galt. Chron.
in sæcul. 12.

Besides this there are diuers reasons that may perswade that K. *Henry* neuer writ that Epistle, at least not that passage therein, nor euer made any such acknowledgement. There is extant a Letter^z of this King *Henry*, to *Pascal* the third, who succeeded to *Octavianus*, called Victor the 3. and was chosen Pope in the time when *Rowland* called *Alexander* the 3. held the See. *Pascal* is accounted by them^a for an Antipope, but as before I shewed, *Alexander* was indeede a Pseudopope, which much impaireth the credit of *Henries* Epistle,

Epistle and acknowledgement made vnto him. Henry after congratulation for his election, and signification how he sent that pension of *Peterpence* vnto him, which he expressly calls *Beneficium*, as noting it to be giuen in curtesie, and as an Almes, not as a duty, he thus saith, *what honour and obedience your See had in the time of my father, and Predecessors, the same I will that you haue in my time: In this tenor that I also do entirely enioy those dignities and customes in my Kingdome, which my Ancestors had in the same: And I certifie you that as long as I liue, the dignities and customes of my Kingdome shall not (God willing) bee impayred. And though I (which God forbid) should so much deiect my selfe, yet my Nobles, imo totus Angliæ populus id nullo modo pateretur; yea the whole Kingdome of England will not suffer the impayring thereof.* So cleerely and constantly doth King Henry protest that neither himselfe would, neither would his people permit the impayring of the dignities and custome of the Kingdome: and therefore that neither himselfe nor they would euer acknowledge such *Feudatary* subiection to the Pope, as in that forged Epistle is both against the mind, the hand and seale of the King, and against the consent of the Kingdome acknowledged. Those other acts of King Henry, recorded in Historians, do shew the same. He forbade^b any to *appeale to the Pope*, and that also, *qualicunque de causa*, for any cause whatsoever, without the Kings leaue. He accounted and often called, ^c *Thomas Becket* a Traitor for appealing to the Pope, and seeking

L1

helpe

^b Rog. Houed. Annal. part. 2. fol. 289 S. Amantissimo.

^c Ille Thomas proditor. literæ Henry 2. ad Episcop. London. apud Math. Paris. an. 1149. S. Per Idem: & ad Zundou. Regem Franc. scripsit ne inimicum suam ac proditorem Thomam foueret. lit. Henr. apud Westm. 1168. & sæpe alibi.

^d Literæ. H. n.
2. ad Frid. Im-
per apud
Westmonast.
loco citato.

^e Rog. Houed.
lib. cit. fol. 284.

^f Ibid. fol. 290.

^g Ibid. fol. 287.

^h Ibid. fol. 303.

ⁱ Ibid.

helpe of him against the King: He entreated ^d aid of Frederick the Emperour, to depose Alexander the Pope, *ex quod proditoris Thomæ causam fouit*, because he tooke part with the Traytor Thomas against him: He decreed, that if any ^e brought into Englande either any letters or mandate from the Pope, containing an interdict of the land, hee should bee apprehended, and iustice without delay done vnto him, *Sicut de traditore Regis ac Regni*, as on a Traytor to the King and Kingdome. He decreed that ^f neither Archbishop nor other, should without his leaue go out of the Kingdome, *no not ad uocationem domini Papæ*, though the Pope called him: He professed ^g obedience to the Popes sacred commands, but with this *Prouiso. Salua sibi sua, regnique sui dignitate*: alwayes sauing his owne dignity and the Kingdomes (by which one *Prouiso* his regall Soueraignty is kept safe.) His oath taken at that very time when he was absolved, after the death of Becket, is worthy obseruing. One part whereof was this, that he ^h would not reuolt from Pope Alexander and his successors, *quandiu ipsum sicut Regem catholicum habuerint*, so long as they entreated him as a Catholike King (and that is, so long as they touch not his regall Soueraignty, or attempted ought against it.) Another part was, that he ⁱ would not hinder appeales to the Pope in causes Ecclesiasticall (in ciuill he would) but yet with this *Prouiso* (which kept his soueraignty safe) that if any were suspected, they should put in security, that they would not hurt either him or his Kingdome: Vpon such security, he permitted onely, but allowed not,

not, and that onely in Ecclesiasticall causes, appeales to the Pope. These and a number the like, as they are cleare euidences, that he still as well after as before the death of *Becket*, kept the Souerainty of the Kingdome in himselfe, so they demonstrate that acknowledgement of the Popes superior authority vnto him, and that himselfe was a Feudatarie to the Pope, mentioned in that Epistle to be a meere fiction and forgery, deuised by some vnskilfull fauorer of the Pope.

To all which may bee added the iudgment of their learned Arch-priest, who entreating of that accord betwixt King *Henry* the second, and Pope *Alexander* the third, which Cardinall *Allane* mentioneth, not only taxeth ^kthe Cardinall *for oversight in that point*, but further also of his assertion resolutely saith: *It is vnttrue*, adding that *King Henry the second neuer made any such accord, for ought that he couldeuer reade in any Chronicle of credit*. Now it is not to be doubted, but that so learned a man, exercised in the diligent search of such matters, had both read and knew right well of this Epistle, going vnder the name of King *Henry* the second, so familiar and obuious in their writings; but because he iudged that Epistle to be of no credit, he therfore denyed any *such grant to haue bin euer made*. But enough touching *England*, to manifest the vanity of their boasting, *that the Kingdome thereof, euen ex quo Christi nomen ibi clarificatum est*, euer since Christianity was embraced therein, *hath beene in the hand and power of S. Peter*, as Pope ¹*Alexander* the 2. saith, or as *Stan.*

^k Georg. Blackw. in his large Examination. pa. 18, 19 & 20. He must needs acknowledge his oversight in that point.

¹ Epist. Alex. 2. ext. apud Bar. an. 1068. nu. 1.

m *Christianou.*
Examen, Ca-
thol. fol. 33.

n *Cassaneus*
citat. apud E-
pisc. Roffe.
contra Bell.
lib. 1. ca. 8.
o *Literæ Bo-*
nif. 8. extant a-
pud Math.
Westmon an.
1301.

p *Literæ Co-*
mitum & Ba-
ronum Angl.
extat apud
eund. Westm.
an. citato.

q *Statute of*
Ireland an 10.
Hen. 7. ca. 5.

Christianouic m explains it, *hath at all times bin tri- butarie to the Pope:* whereas we haue now by many and by authenticke evidences demonstrated, that euer since the first planting of the faith in this Land, it hath still beene *an Imperiall Kingdome, subiect to none but onely and immediatly vnto God.*

For the Kingdome of Scotland, I will onely heere mention two Testimonies. The former of *Cassaneus* n. The King of Scots, *non habet superio- rem nisi ipsum Creatore,* hath no superior vnto him but onely God. The other of the whole State of *England.* When *Boniface* the 8. challenged o the Kingdome of Scotland *to belong pleno iure,* in full right *to the Church of Rome, as to the direct and su- preame Lord thereof,* the Earles, Barons and No- bles of England after diligent examination of the whole matter, with one consent returned this an- swere p to *Boniface.* *The Kingdome of Scotland, nullis temporibus, in temporalibus pertinuit, vel per- tinet quouis iure, ad Ecclesiam vestram,* doth not now, nor at any time did belong by any right vn- to your Roman Church. Which one authentick testimony is enough to silence for euer their vaine pretences for that Kingdome.

For the Kingdome of Ireland, how farre it was from acknowledgement of the Popes temporall Monarchie, may certainly be discerned by their condemning his Ecclesiasticall soueraignty, and that by consenting voyce in their Parliaments. In the time of King q *Henry* the 7. *all the statutes made in England against Prouisors, were authorized, con- firmed and decreed to be of force for Ireland.* The like Statute.

Statute against Prouisors was made in the time of Henry the sixth^r, yea a more seuerer law was made in the time of Edw. the fourth, That^t such as purchase any Bulls of Prouision in the Court of Rome, as soone as they haue published or executed the same to the hurt of any Incumbent, should be adiudged Traytors.

1 An. 3. Hen. 6
ca. 1.
[Stat. of Irel:
an. 16. Edw. 4.
ca. 4. not prin-
ted, sed citatur,
in the first part
of the reports
of Sir Iohn
Dauis, in the
case of Præmu-
nire fol. 87.

The like might be declared of the Kingdomes of Denmarke, Suetia, Hungaria, Russia, and the rest, which are mentioned in Nicholas Cardinal of Aragonia, and after him in Steuchus and Gretzer: for them all in generall, that one testimony of their owne, Dom. Soto, being so full and cleare to our purpose, may suffice at this time. Pope Innocentius, saith he^r, ingeniously confesseth, that he hath no power in temporall matters, ouer the French King: *Et quiquid aliū somniant, id de omnibus regnis intelligit*, and whatsoeuer others dreame, the Pope vnderstands this of all other Kingdomes. But omitting other particulars touching them, I will only now in the last place entreat of the Roman Empire, which both by Act and Word, to haue reiected their papall Monarchie, might by innumerable testimonies and examples, be made euident. Of them all, I will briefly mention but a few, hauing in many passages before set downe much to this purpose.

t Dom. Sot. 4.
Sent. distin. 25. q. 2. art. 1.
concl. 3. S.
Quod si.

Constantine the great, the first Christian Emperour, was so far from acknowledging that Papall monarchy, that himselfe exercised supreme authority, & that not only in Ciuill, but euen in Ecclesiastical causes. The Donatists brought vnto him a

t Imperatorem
harum rerum
adhuc ignarū.
Opt. lib. 1.
conr. Parm.
pa. 28.

u Non Ausus
est ipse iudica-
re. August. E-
pist. 162. & 166
x Aug. Epist.
166.

y Optat. loc.
cit. & Epist.
Constant.
Miltiad. apud
Euseb. lib. 10.
ca. 5.

z Aug. in Bre-
uic. collat. die.
3. S. Quinto
ergo.
a Aug. Epist.
166.

b Aug. Epist.
162.

c Idem Epist.
68.

very troublesome cause, and many accusations a-
gainst *Cecilianus*. He being at the first *vnacquainted*
with the *Canons*, durst ^u not (personally, or by him-
selfe) giue sentence therein, but he did that which
demonstrated his Soueraignty both of authority
& iudgement; for *causam^x iudicandam atque finen-
dam Episcopis delegauit*, he delegated and deputed
Bishops to iudge in his roome, and to end that
businesse: first *Maternus*, y *Rhetilius*, and *Marinus*,
to whom he ioyned Pope *Meltiades*, & *iunxit^z*
causam audiendam, and hee enioyned or gaue a
precept to the Pope and them to heare the cause,
and to end it. When the *Donatists* appealed from
the Synodall iudgement of the Pope, the Em-
perour ^a *dedit alios iudices*, appoynted other Iud-
ges at *Arles*, to iudge euen of the Popes iudge-
ment. When the *Donatists* yet againe appealed
from them also, *Constantine* though hee might
iusty haue reiected their appeale after so many
iudgements giuen by those Bishops, yet he tooke
the iudgement ^b thereof into his owne hands, *a sanctis
Antistitibus postea veniam petiturus*, saith Saint
Austen, purposing to craue pardon of the Bi-
shops, for vndertaking to iudge in that same
cause which he had appoynted to bee ended by
thē. Himselfe ^c personally then *heard the whole cause*,
and *Episcopalem causam cognitam terminauit*, sayth
S. *Austen*, he made a finall conclusion and deter-
mination of all that ecclesiastical matter, & withal
made a most seuerer law against the *Donatists*. Can
there be desired moe, or more cleare euidences, that
this most religious Emperor esteemed not the pa-
pal,

pal, but his own Imperial authority to be supreme in these causes? His *delegating & appoynting of Iudges*, euen the Pope for one, his *receiuing appeales*, and giuing other Iudges *after the Popes iudiciall sentence* past, his owne *personall hearing* the cause, and finall ending of it by his owne iudgement, are euident proofes of his superiority aboue the Pope. And this Imperiall iudgement was so approued by the Church, that S. Austen little lesse then triumpheth therein against the Donatists. *Constantine*, sayth he ^d, *is dead, sed iudicium Constantini contra vos uiuit*, but the iudgement of *Constantine* against you doth still liue. The Emperours (*Constantine, Gratian, Theodosius* and *Valentinean*) doe command the same that Christs commands, because when they command what is good, *per illos non iubet nisi Christus*, none but Christ doth command by them: yea S. Austen, in this very cause, besides this of Imperiall superiority aboue the Pope, expresly declares that there is another iudge in Ecclesiasticall causes aboue him: for speaking of the Synodall iudgement of Pope *Meltiades*, of which the Donatists complained as vniust, *Let vs*, saith he ^e, *suppose those Bishops who iudged this cause at Rome, to haue beene ill iudges, restabat adhuc plenarium Ecclesia concilium*, there remained yet a generall Councell of the Church, where the cause might be debated, *cum ipsis iudicibus*, euen with iudges theselues, one of which was the Pope. No maruell if *Stapleton* ^f was so displeased at this example, so ancient, and withall so pregnant against their doctrine, that he, reuiling *Constantine*,

d Aug. Epist.
166.

e Aug. Epist.
162.

f Stapler.
Counterblast.
ca. 19. pa. 171.

stantine, for that very iudgement, for which *S. Austen* and the whole Church honoured him, shamed not to say of him, *that he waded farre beyond the borders of his owne vocation*. But wisdome is iustified of her owne children.

Iustinian in his Imperiall lawes fully declares this Soueraignty of Emperours aboue the Pope, *There is*, saith he *g*, *nothing exempt^h from the Princes inquisition, who hath receiued from God communē in omnes homines moderationem, & principatum*, a common Regiment and Soueraignty ouer all men. His owne acts also, as by name the *Banishing of Pope Siluerius*, the commanding *Pope Vigilius to come to Constantinople*, and staying him there till the Emperour gaue him leaue to depart, and diuers the like, doe manifest that hee iudged the Imperiall authoritie to be a superiour euen a commanding power aboue the Papall.

The like Soueraignty doth *Basilus* the Emperour testifie to belong to himselfe and al the Emperours, when in the presence, and with the approbation of that, which they call the eight generall Councell, he expressly thus saydⁱ, *The gouernment of the Ecclesiasticall ship* (that is of the whole Church) *is by diuine prouidence nobis commissa*, committed to vs who are Emperours.

I would gladly stay a little in speaking of *Charles* the Great, specially because *Sciopius* hath so insolently and so vildly misused him, metamorphising^k him into an *Asse*, into a right *Issachar*, that is into a *strong Asse*, yea into an *Asse with Bels about his necke*, that it will not seeme amisse

^g Iustin. Novel. 133. in præfat.

^h sic legitur in antiquis Cod. & sic legendū agnoscit. Stap. in suo Coun. terbl. ca. 19. p. 184. in nonnullis edit. aliter habetur.

ⁱ Conc. Gen. 3. Act. 1

^k Is porro (Carolus) tantus Asinus, Sciop. c. 147.

misſe, for vindicating his honour againſt ſuch railing *ſherneys* to make manifeſt how this renowned Emperor was in very deed the *high commander* both of the *Pope* and all others in his Empire. See firſt how by his commanding authority hee calls the Pope and other Biſhops out of their Provinces to the Councell at Frankford. *Iuſſimus*¹ *Synodale Concilium*, we haue commanded a Councell to be held at Frankford of all the Biſhops within our dominions. Among thoſe Biſhops the Pope was one, who at the Emperours command was preſent in that Councell by his two Legates^m *Theophilaëtus* and *ſtephanus*, whom he ſent to ſupply his roome therein. Let *ſcioppius* now ſay who was then the Aſſe, the Pope, who obeyd the Emperours command, or *Charles* who like the chiefe muliter droue the Pope to what ſould hee liſted.

See next how this great Emperour not onely reſiſted the Popes doctrine and direction, and that alſo in a matter of faith, but like the holy Angell of God, reprobued the Romiſh *Balaam*, and his *Baaliticall* Idolatry, in their adoration of Images. There are extant foure large bookes called *Libri Carolini*, wherein not onely the doctrine and decree of their ſecond *Nicene Councell* about Images is fully, and by many diuine authorities and reaſons reſuted, but that ſecond *Nicene Synod* is as *Hincmarus*ⁿ ſayth, *penitus abdicata*, vtterly reiected therein, yea *Athelmaus*^o addes, that the ſecond *Nicene Synod* was ſo wholly reiected, *vt nec ſeptima nec vniuerſalis haberetur, dicereturue*, that it ſhould neither bee eſteemed nor called the ſe-

¹ Reſcriptum
Caroli ad Eli-
pandum, tom.
3. conc. p. 425.

^m Athel. in
Ann. Franc.
an 794. Reg-
hin. in eund.
an. & Ado
Vien. atque
alij;

ⁿ Hincm. lib.
cont. Hincma-
rum laudum.
c. 20.
^o Athel. loc.
cit;

p Steuc. lib de
Donat. Const.
p. III.

q Eck. in Eu-
chir c de Ima-
ginibus.

r Bell. lib 2 de
Concil. c. 8. S.
Primo quia.
f Ibid S. Quod
autem.

t Nam eodem
ordine cum
Ariminenfi
censetur Præf.
lib 1 Carol p.
97.

u Ibid.

x Secundum
quod continet
Epist. 3. Gre-
gorij ad Sere-
num. lib. 4. c.
vlt.

y Greg. Epist.
9. lib. 9. Indi. 4
z Had. 1. Epist
3. quæ est ad
Carolus. c. vlt

uenth, or any generall Councell. That *Charles* the great was the Authour and writer of this booke; *Aug. Steuchus* witnesseth, saying p, *Charles the great writing of Images in the first booke and sixth chapter, thus sayth*: and then hee repeateth that whole Chapter of the *Libri Carolini*. The like is witnessed by *Eckius* q, *Charles the great quatuor libros scripsit* writ foure bookes against such as take away Images. *Bellarmino* r is of opinion that they were not f writ by *Charles*, but by the Counsell at *Frankford*, seeing there is set downe the very acts of that Councell, and this both out of *Hincmarus*, and the bookes themselues hee declares. Both their opinions are in part true, for it is certaine, that some parts of those bookes were written by *Charles*: Of the Preface, in which their 2. *Nicene Synod* is reiect-
ed, it is euident to be the preface of *Charles*, *This worke we haue undertaken with the consent of those Bishops which are set ouer Catholicke flockes, in regno à Deo nobis concessso*, in the kingdome giuen vnto vs by God; which words can agree to none but to *Charles*. Againe of the last Chapter, wherein *Charles* professeth x *to follow the indgement of Gregorie the great*, who writ thus to *Serenus*, *wee y praise you that you forbade them to adore Images, but we reprove you that ye brake them downe*. This chapter to be the true writing of *Charles the great*, *Pope Hadrian* z expressly testifieth. So both the beginning and ending of those bookes are the writing of *Charles*. The rest of the bookes wherein all of any moment which is set downe in the second *Nicene Synod* is repeated and refuted, seemes indeed

indeed to be written, as Bellarmine sayth, by the Councell at Frankford, but yet so, that it was approved by Charles. And because according to the law^a, *Omnia nostra facimus quibus nostram impartimur auctoritatem*, they were vsually and rightly sayd to be the bookes of Charles. This, Hincmarus witnesseth, saying^b, *By the authority of the Councell of Frankford, the worshipping of Images was somewhat repressed, yet Hadrian and other Popes after the death of Charles, suarum pupparum cultum vehementius promouerunt*, did more earnestly labour for the worshipping of their puppets, so that Lewes the sonne of Charles, *libro longe acriori insectatus sit imaginum cultum quam Carolus*, did in a more sharpe booke write against the worshipping of Images then Charles had done, where hee plainly testifieth those bookes writ against the adoration of Images to be the bookes of Charles. The Councell at Paris held in the time of Lewes, witnesseth also those books to haue bin written with the allowance and approbation, yea in part by the direction of Charles. when your father Charles, say they^c, *had caused the second Nicene Synod to be read before himselfe and his Bishops* (in the Councell at Frankford) *et multis in locis ut dignum erat reprehendisset*, and when hee had in many places reprobued it, as it well deserued, and when further hee had noted and obserued certaine chapters of the Nicene Synod which were to bee reprobued, he sent the same chapters by Euguilbert an Abbot to Pope Hadrian, *ut illius iudicio et auctoritate corrigeretur*, that they should bee amended

^a Cod. lib. i. de
veteri iure
Eccl.

^b Hinc. loc. cit.

^c synod Paris.
sub Ludonico
& Lothario
in principio.

by Pope *Hadrianus* authoritie and iudgement. Now seeing those bookes which *Charles* sent to *Hadrian*, and which *Hadrian* answered, were no other but these very foure *Libri Carolini*, as *Bellarmino*^d rightly professeth, and as any who compareth the one with the other, cannot chuse but acknowledge; it euidently hence followeth, that what Chapters of the second Nicene Councell are in those bookes reprobued, the reproofe was either *pranotata* obserued, or at least allowed by *Charles*. Seeing so great an Emperour as *Charles* not onely reiected and condemned their second Nicene Synod which Pope *Hadrian* had confirmed, but writ or published large bookes, and that vnder his owne name against that Synod, yea when hee admonished the Pope to correct and amend his Nicene Synod, and the Decrees thereof: let *Scioppius* here againe say, who seemes to him in this cause to bee the Muliter, and who the Assē; and whether *Charles* be such a wise that is obedient Assē as hee foolishly boasteth hee was.

See lastly how in this very point touching the Popes temporall Monarchy, (in respect whereof *Scioppius* accounts and calls him one of their greatest Assēs) hee was in very truth one of their Popes greatest Muliters and Commanders. *Charles the great*, saith *Iac. Almanec* did not acknowledge any *superiorem in temporalibus*, to be aboue him in temporall matters. Nay hee tooke, and that rightly a Soueraignty aboue all, euen in the Pope himselfe. Hee had^f the election of the Pope, he had the ordering of the Apostolicall See; he had

^d Bell. lib. de
Concil. c. 8. §.
Primo. quiz.

^e Iac. Alm. lib.
de Poreft. Eccl.
& laica. q. 1. c.
4. §. De In.
st. nino.

^f Dist. 63. c.
Hadrianus.

had the Soueraigne disposing of Rome and Italy, hauing conquered and obtained it *iure belli*, he gaue (as to Tenants vnder himselfe) Dukedomes and Cities, to whom he would, *Permisit pontifici*, he permitted the Pope to haue the Exarchate of of Rauenna, the Dukedome of Rome, and other Cities, and he permitted the Pope with this Prouiso to haue them, *iure principatus & ditione sibi retenta*: he let the Pope haue only *vsam fructum*, the vse, profit and commodity of those territories, but the Soueraignty and supreme dominion hee reserved still to himselfe, as Sigonius and 300. yeeres before him, Eutropius witnesseth: who saith ^h that Charles ordained that all the people of Rome, *tam Episcopi, quam laici*, as well Bishops as Lay-men, should be *Homines Imperatoris*, the Emperours men. Now becaule Scioppius saith ⁱ, that Rome is the meate, and the fould of the Church, whether the Pope and his Cardinals, who eate such Fodder, and are couped in that Fould, bee to bee called Asses, or Charles who allowed them this Fodder and this Fould, I leaue it to the iudgement of any saue onely Scioppius, who accounts himselfe, and not without cause, one of that fould ^k of Asses.

O but, Charles cryed out, sayth Scioppius ^l to all the fould of Asses, lets honour the Roman Church (that is the Pope) and beare with humility, whatsoeuer yoke he imposeth though it be almost insupportable: which is the saying of a right Issachar. But why doth not Scioppius tel you, where Charles the great said this? Or how knowes he, that Charles euer vsed such a

g Sigon. lib. 4.
de reg. Ital. in
principio.

h Eutrop. longobar. tract. de
Iuris & priu.
Imper.

i Deus Romam
Ecclesie donauit, & hunc
corpori suo velut
cibum hanc
gregi suo, causam
daturum se
promisit Sciop.
Eccles. ca. 51.

k cuiusmodi
Asini sumus nos
Catholici.
Sciop. l. b. cit.
ca. 147. pa. 534
in marg.
l. ca. eod. pa.
537.

m Bar. an. 801
nu. 10.
n Dist. 19. ca.
In memoriam.

e Poss. in
Gratiane.

p Burchardus
citat. ex concil.
Triburienfi.
Nota Gregor.
ad ca. citat.
q Conc. Tri-
bur. ca. 30. to-
tidem omnino
verbis decretū
illum habet, vt
apud Gratia-
num citatur.
r Conc. Trib.
habitu est an.
895. Carolus
obijt an. 814.

true *Issachars* saying? If he rely, as *Baronius* m doth herein, on *Gratians* authority, where n this is cited vnder the name of *Charles*, their owne Possessuine o will tell him, and that most truly, that *Gratian* very often erres inciting sayings vnder the names of such Authors, as neuer writ them. And this to be certainly one of those errors of *Gratian*, that which I haue already said of *Charles*, doth make euident. For *Charles* would neither himselfe endure, nor suffer others to beare that yoke of adoration of Images, though imposed by the Pope: neither would he beare or indure to heare of that other insupportable yoke of the *Popes Temporall Monarchie*, but himself imposed his owne yoke of Soueraignty vpon the Pope, permitting him no otherwise to haue Rome, and other Cities in *Italy*, but so that the Soueraignty and highest dominion should still remaine in himselfe. So both the Doctrine and Actions of *Charles* demonstrate that *Issachars* saying to bee none of his. *Scioppius* may learne of *Burchardus* p the whole Chapter; In memoriam, which *Gratian* falsely ascribed to *Charles*, was indeed a Decree of the counsell q at *Triburia*, held in the time of Pope *Formosus*, 80. yeares r after the death of *Charles* the great. But whether soeuer of them was Author of that Decree, certaine it is, that neither the one nor the other, can thence bee prooued to bee such a very Assé or right *Issachar* as *Scioppius* fancieth. For in that Decree, there is neither mention nor intention of bearing the yoke of the *Popes temporall Monarchie*, wherein consisteth the very essence of

of Afinity. This yoke *Charles* as hath bin vndeniably demonstrated, could not endure, but he as I haue shewed imposed vpon the Pope, the yoke of his owne Soueraignty. The counsell of *Tribunaria* also, was so farre from once dreaming of that Papall yoke, that they directly subiect the Pope to the yoke of the Emperours authority & Soueraignty, laying ^t of *Arnulphus* the Emperour, that *God had preferred him, omnibus ecclesiasticæ sublimitatis ordinibus*, aboue all orders of Ecclesiasticall sublimity, then certainly aboue the Popes. The Decree (which was indeede made by the Counsell ^t, and not by *Charles*) speakes only of Ecclesiasticall Orders, Rites or Ceremonies as their own words declare, *Let vs say they, honour the Roman See, that she who is the mother of priestly dignity vnto vs, esse debeat Ecclesiasticæ magistra rationis*, may also bee the Mistres of Ecclesiasticall reason; that is order & discipline. So the true meaning of the Decree is, that such Ecclesiasticall Orders, Rites or Ceremonies, as that our mother Church imposeth on vs, let vs with patience and humility obserue, though otherwise the yoke of them be scarce tolerable. From whence to conclude any acknowledgement, that all, euen Kings and Emperours must beare the yoke of the Popes temporall Monarchie, it beseemed none but only such as *Sciopius* is, one who is eminent in that his fould of *Asses*.

Otha the great, besides many other wayes demonstrated his Imperiall Soueraignty aboue the Pope, and that also with the approbation of the whole

^f Conc. Trib.
in proœmio.

^t Ab Episcopis
decretum illū
factum iudi-
cant, illa verba
quæ nobis est
mater Ecclesi-
asticæ dignita-
tis.

l Litpr. lib. 6.
ca. 6. 7. & seq.

whole Church, when he *deposed* ^l *John* the twelfth (though for age but a boy Pope, yet for wickednesse a Monster) and placed *Leo* the 8. in his See, as before we haue declared.

m Epist. Hadr.
extat. apud Ra-
deu lib. 1. cap. 9.
& apud Nauc.
an. 1155.

c Radeu. loc.
cit. & ca. 15.

o Epist. Frider.
extat. apud Ra-
deu lib. 1. ca.
10. & Nauc.
an. citato.

p Apud, Nauc.
loc. cit.

Pope *Hadrian* the fourth, had writ a letter ^m to the Emperour *Frederick* the first, wherein hee reproues the Emperour of *insolencie and arrogancy*, for setting in his letters, his owne name before the Popes, telling him, that he conferred the imperiall dignities vnto him: *Coronaⁿ beneficium tibi contulimus*, wee haue giuen vnto you the benefit of the Imperiall Crowne. Heere was a fit occasion for the Emperour to haue acknowledged the Popes right, if he had knowne it. But see how the Emperour answered ^o the Pope: *Ad illam vocem nefandam*, at the hearing of that speech, detestable and void of all truth, (that the Empire is conferred by the Pope) not onely our Imperiall Maiesty conceived in *indignation*, but all the Princes who were present, were so filled with wrath & anger, that they had condemned to death those 2. wicked Priests who brought that message, vnlesse wee had slayed them. Againe, seeing by the election of the Princes, *à solo deo regnum & Imperium nostrum sit*, our Kingdome and Empire is from God onely, whosoever shall say, that wee receiue the Imperiall Crowne, *pro beneficio à domino Papa*, as a gift from the Pope is guilty of a lye and of gainesaying, the diuine Institution and Doctrine of *S. Peter*. Againe ^p, Seeing *Christ* both for himselfe and *Peter*, payed tribute to *Cæsar*, he giueth you an example that you also should doe so. Had *Siluester* any regality in the time
of

of Constantine? By Constantines concession, liberty was given to the Church, & *quicquid regalis, Papatus vester habere dignoscitur, largitione principum obtinet*, & whatsoeuer regalitie the Papacie hath, it obtained it by the bounty of Princes. This was the Emperours, and most true iudgement of the Popes Soueraignty.

Frederick the second though he was often excommunicated and deposed by the Pope, *not onely* ^q *contemned all the Popes censures, and sentence, quam iniustam & frivolum esse dicebat*, which he called vniust & friuolous, but held his Empire with great honour, the Princes, Nobles, and Imperiall cities adhering to him, *vsq; ad mortē*, euen to his dying day, so that neither the Pope nor any other could preuaile against him: yea he so vexed and punished the Pope *vt vitæ tederet*, that he was weary of his life, and wished he had neuer deposed him. The same Emperour sayd ^r, that it was a ridiculous thing to subiect the Emperour, of whom to take punishment belongs to God, and not to man, *cum temporalem hominem superiore non habeat*, seeing the Emperour hath no mortall man aboue him.

Trit. in Chro.
Hirsang. an.
1244.

r Epist. Frid. a.
pud Pet. de
vinci. Epist. 3.
lib. 1.

When there was great contention about the right and dignities of the Empire, in the time of Lewes of Bauare, *omni ambiguitate mature solerterque discussa*, all doubts being maturely and exactly discussed by the holy Bishops, the Emperour made and promulged this law, which being set downe by Alberic. de Rosate ^r and Hier. Balbus ^t is most worthy to bee writ in golden letters, as expressing the true dignitie and authoritie of imperiall

r Alber. l. Bene
à Zeon tit.
Quadrien.
præf.

t Hier. Balb. lib.
de Coronat.
pa. 65.

Nn

riall

riall maiestie : some parcels of which I will here recite. He decrees, that the Emperour is truly made by the election onely of those who haue right to elect without either confirmation or approbation of any other, *quoniam in terris quoad temporalia non habet superiorem*, because the Emperour hath none vpon earth his superiour. Againe, Their doctrines are pestiferous and seditious, and their assertions detestable who say, that Imperiall dignity and power is from the Pope, and that the party elected is not truly Emperour nor king vnesse he be confirmed, approued and crowned by the Pope. We by the consent of the Electors, and other Princes of the Empire do declare, *quod imperialis dignitas & potestas est immediate à solo Deo*, that Imperiall dignitie and power is immediately from God alone, and that vpon the consent in election, he is forthwith truly Emperour, and hath plenary imperiall power; nor doth he need either approbation, confirmation, or consent of the Pope or any other, and this we decree by a law for euer to be obserued: and whosoever shall presume either to speake or to consent to those who speake against those things thus declared, decreed, and defined by vs, wee decree them to be *ipso iure et facto* both by law and actually deprived of all lands, iurisdictions, priuiledges and immunities which they hold of the Empire; and further to haue incurred, and to be subject to all the punishments which are due vnto Traytors.

u Cuspin. in
Carolo. 4.
x Gunthari
decretum ex-
tat inter Im-
periales. Con-
stit. tom. 3. p.
414.

Hereunto may bee ioyned that of Guntharus the next elected u Emperour to this Lewes, who renewed and ratified his Edict of Lewes, decreeing x by the like consent of the Imperiall states, that

that the Pope, *secundum omnia iura diuina ac humana subesse debet imperio*, ought to be subiect to the Emperours according to the lawes both of God and man, and that the Emperour *nec illi nec ulli personæ in temporalibus subiectus est*, is subiect neither to the Pope nor to any other person in temporall matters. He decreed also, that whosouer would presume either to speake or doe ought, or to consent to any who did speake or doe against this their decree, such should bee accounted rebels to the Emperor and Empire, and bee deprived *ipso iure et facto* of all benefite and dignity which they hold of the Empire, and should also bee subiect to all the punishments due unto Traytors.

Many like examples and decrees of other most worthy and renowned Emperours might be added, but these few which I haue mentioned are so pregnant that I will now end this whole treatise with these so ample and euident demonstrations both of the Popes subiection to Emperours, and of the Emperours Soueraignty aboue the Pope, by either of which their Babylo-
nisch Monarchy doth of it selfe
fall to the ground.

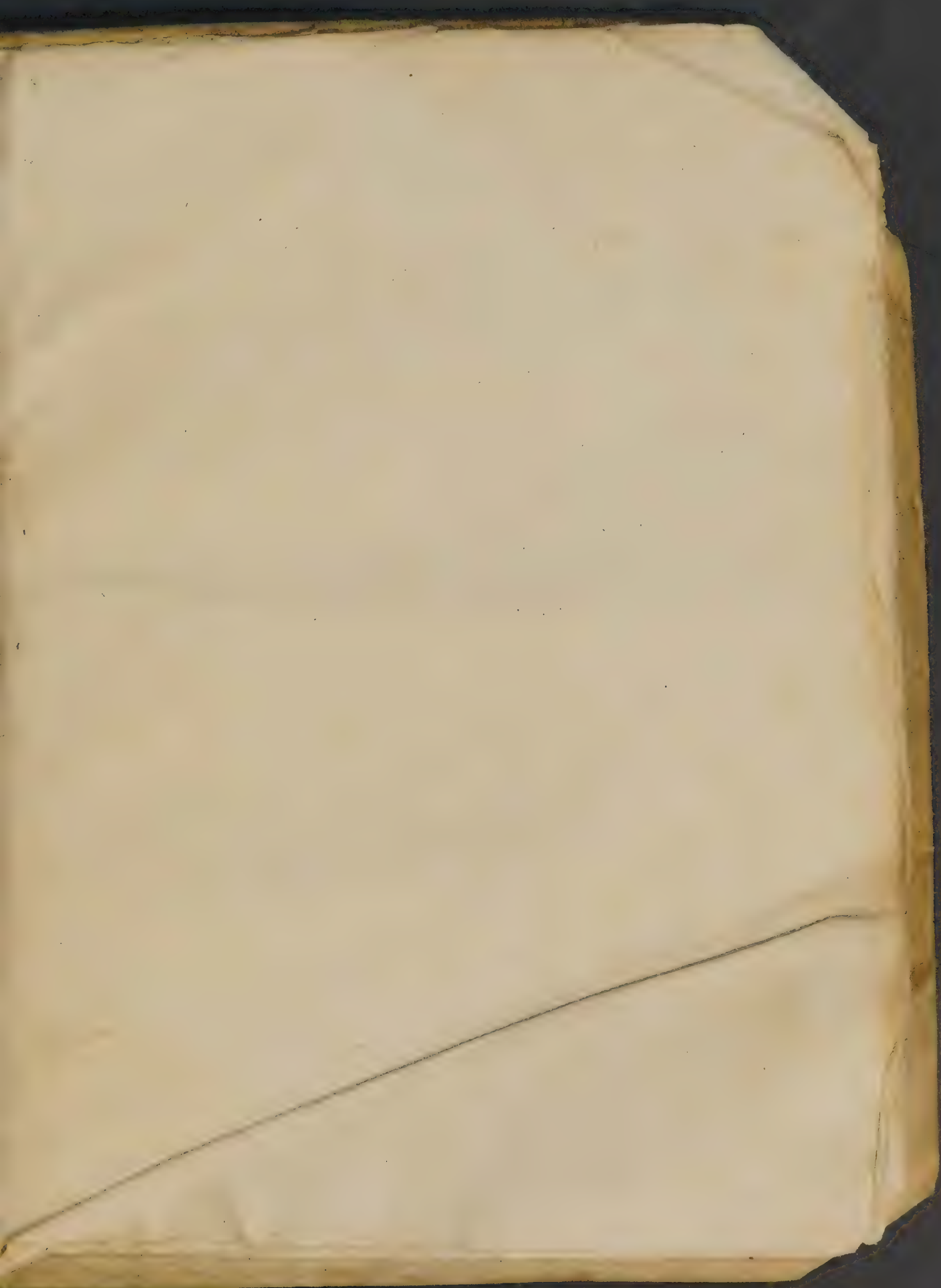
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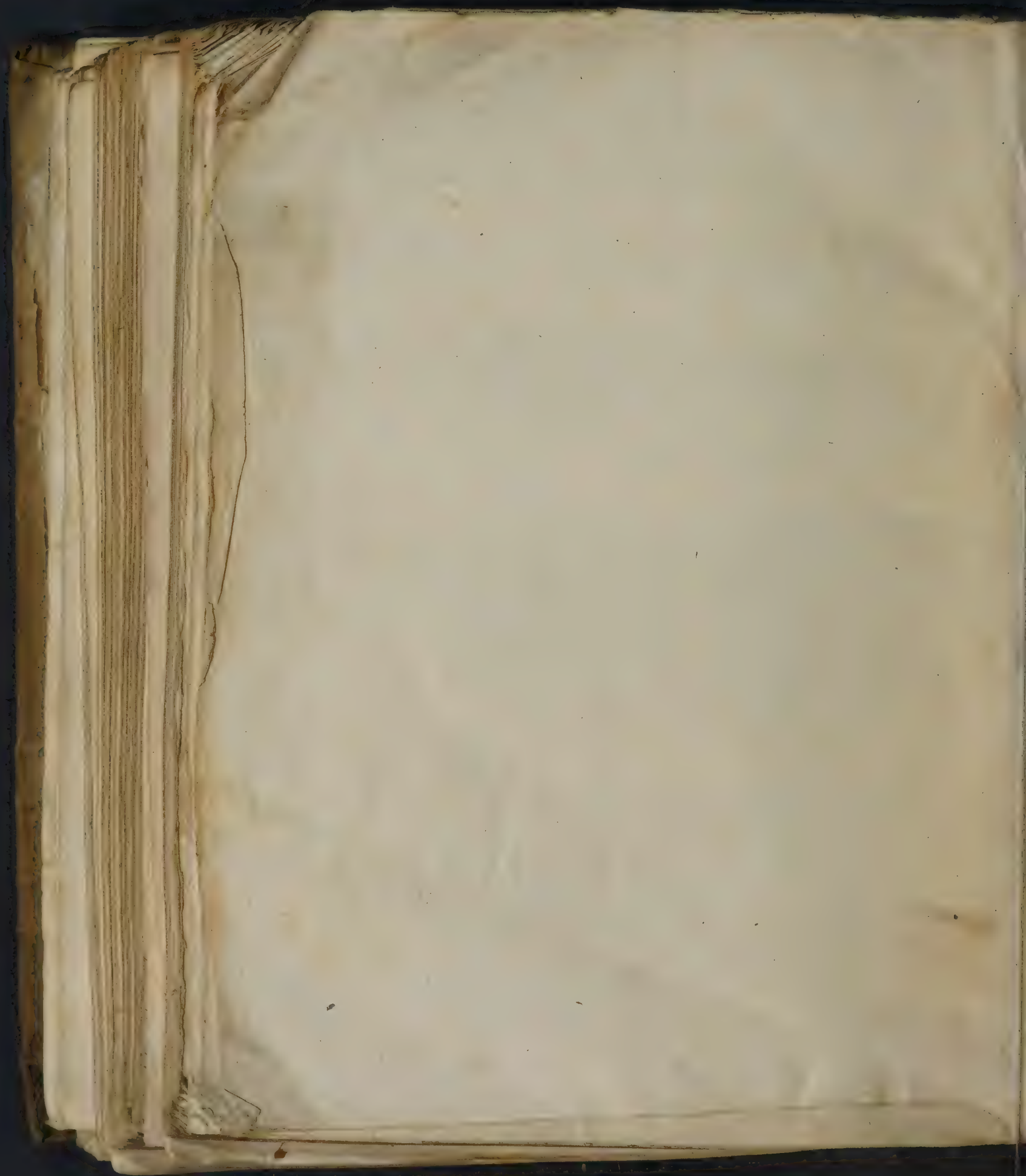
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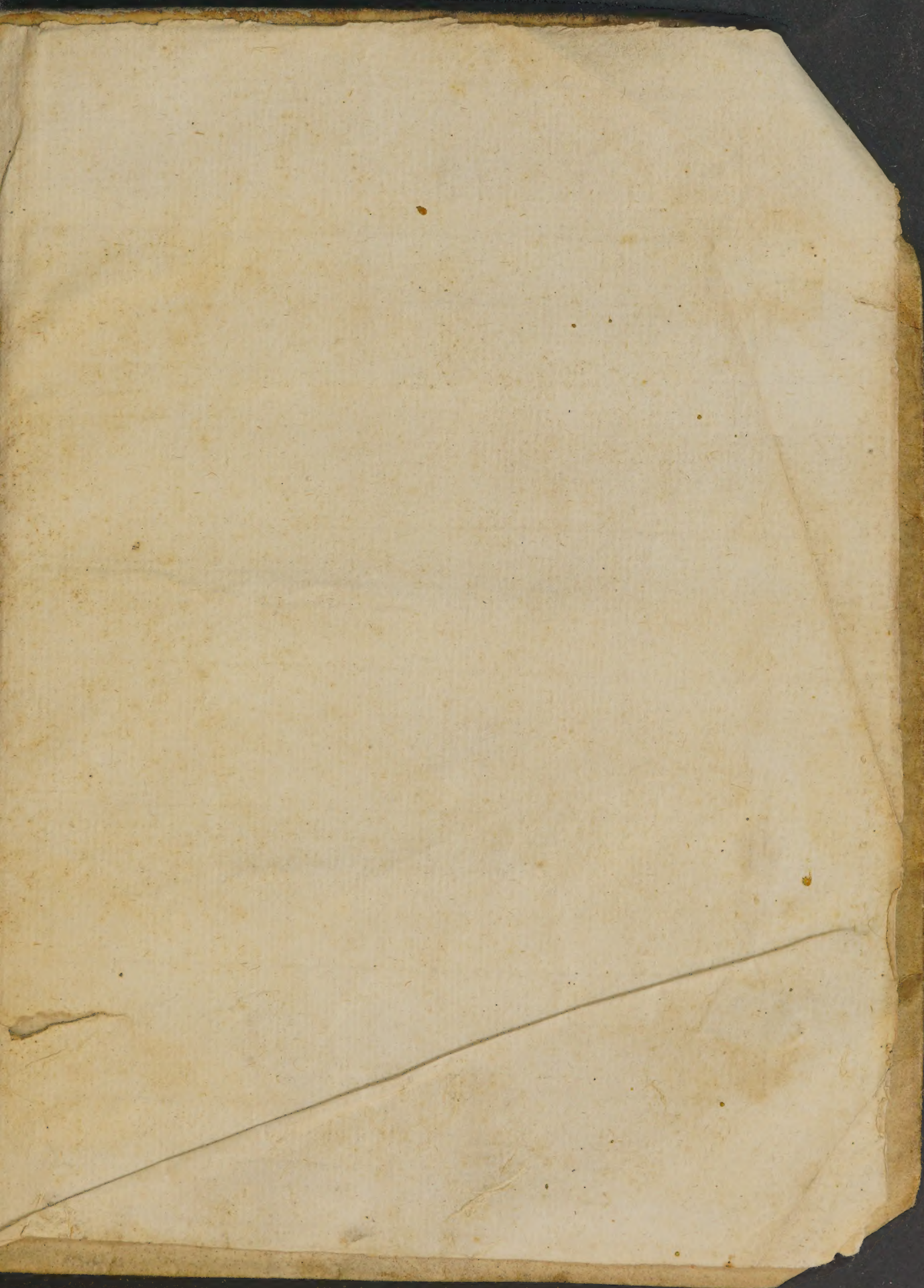
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the. r. that he. p. 45. l. 11. such such. r. such sort. p. 137. l. 4. twentieth
r. twenty eight. p. 171. l. 5. powers r. power. p. 184. l. vlt. Iohn. r. Ed-
ward. p. 203. l. 18. who being dele who. p. 219. l. 27. Edw. 2. r. Edw. 3.

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Circa hos. reade S. per idem.







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