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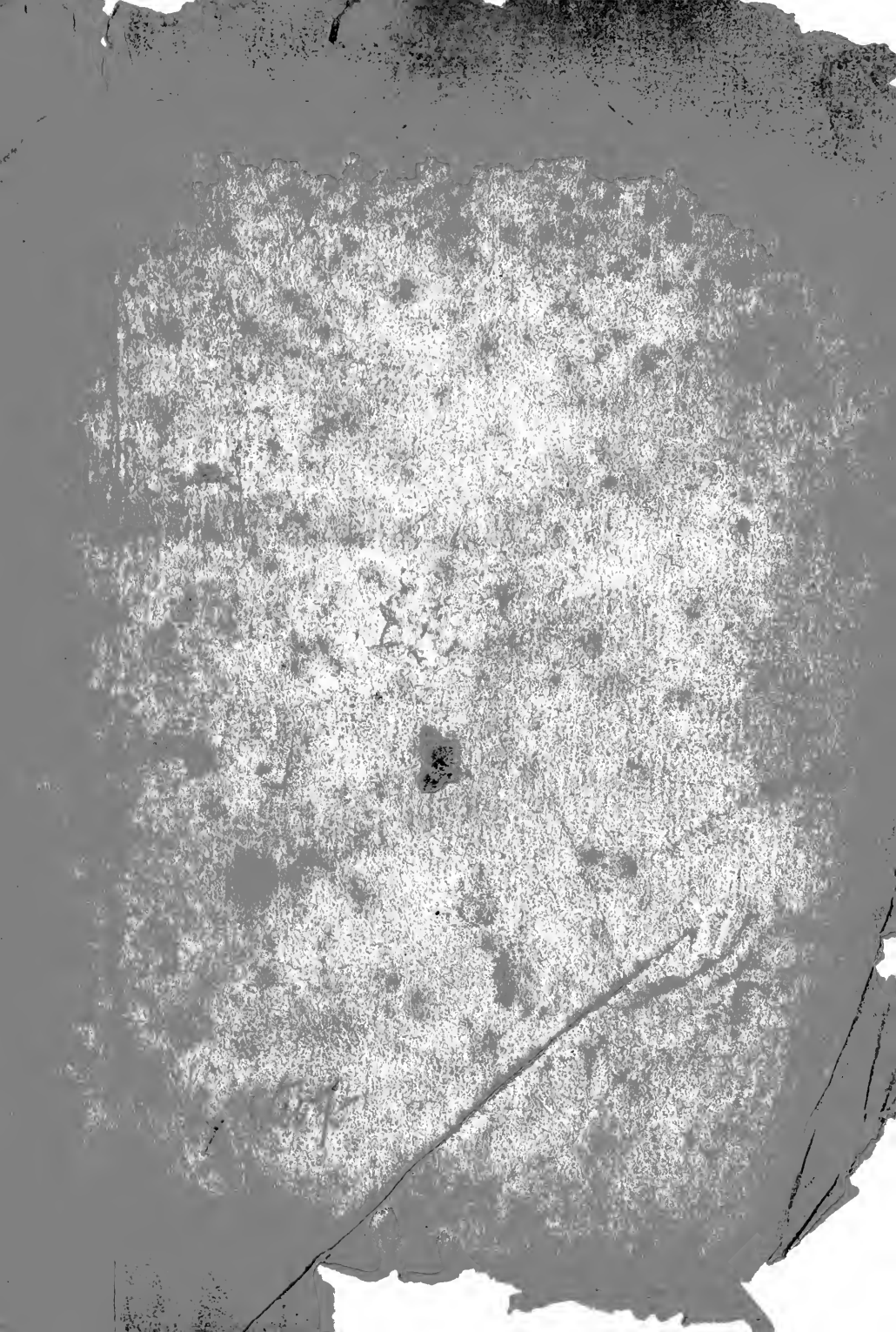
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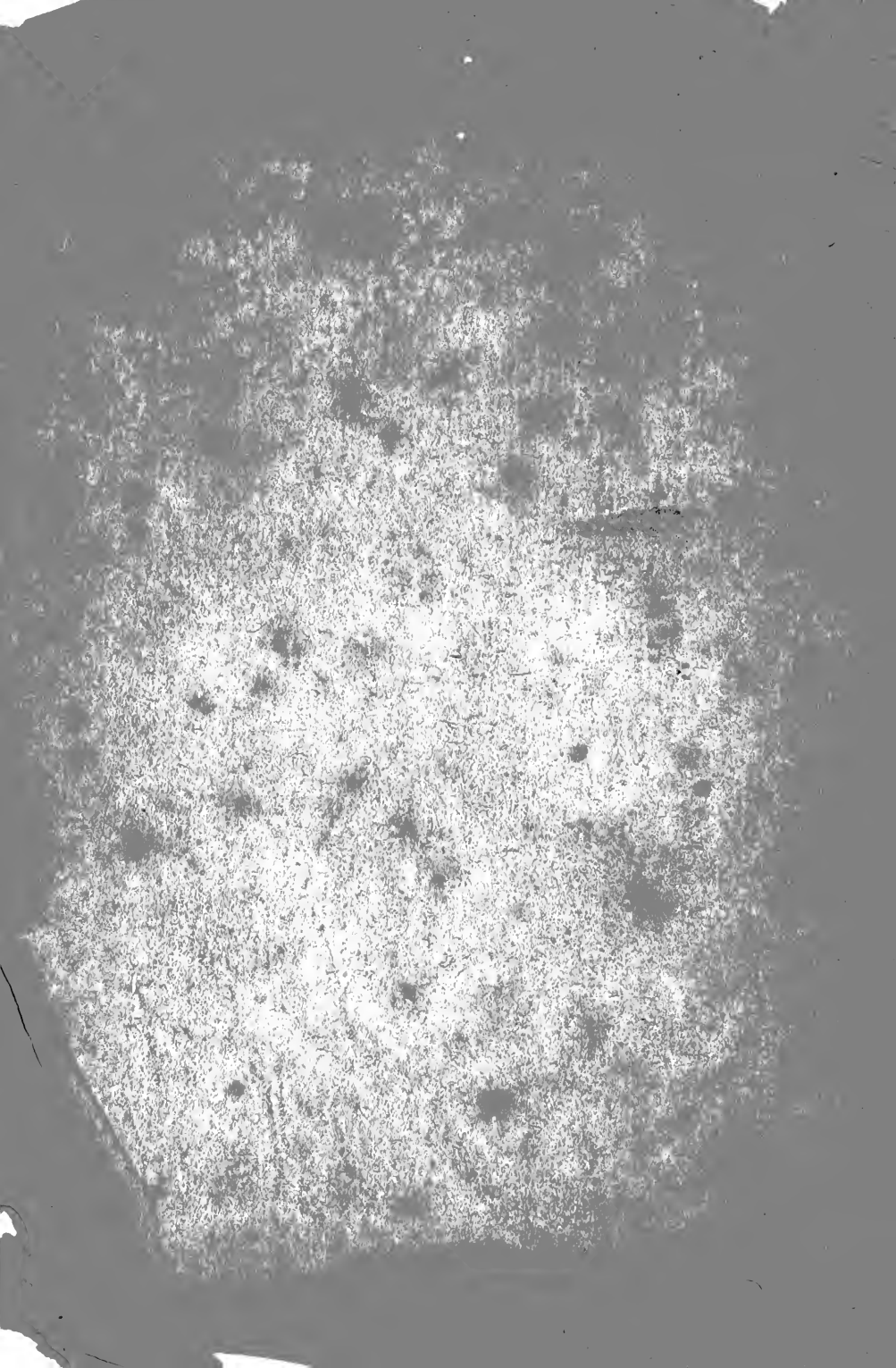
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Number









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P S E V D O.
M A R T Y R.

Wherein

O V T O F C E R T A I N E
Propositions and Gradations, This
Conclusion is euicted.

T H A T T H O S E W H I C H A R E
of the Romane Religion in this Kingdome,
may and ought to take the Oath of
Allegcance.

by John Donne

D E V T. 32. 15.

But he that should haue bene vpright, when he waxed fatte, spurned with his heels: Thou art fat, thou art grosse, thou art laden with fatnesse.

I O B. II. 5.

But oh that God would speake and open his lips against thee, that he might shew thee the secrets of wisdom, how thou hast deserued double according to right.

2. C H R O. 28. 22.

In the time of his tribulation, did he yett trespassse more against the Lord, for he sacrificed vnto the gods of Damascus, which plagued him.

L O N D O N

Printed by W. Stansby for Walter Burre.

I 6 1 0.

P S E V D O

M A R T Y R

W O R D S

O V E R T O F C E R T A I N

Propositions and Principles

of the Christian Religion

W H I C H W A S

of the Roman Religion in the Kingdom

of Great Britain

By

John Locke

London Printed by W. Baskin, 1689.

Printed by W. Baskin, 1689.

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L O N D O N

Printed by W. Baskin, 1689.

1 6 8 9



TO THE HIGH AND
Mightie Prince I A M E S, by the Grace
of God, King of Great Britaine, France
and Ireland, defender of the
F A I T H.

Most mightie and sacred Soueraigne.



S Temporall armies
consist of Pres'd
men, and volunta-
ries, so doe they also
in this warfare, in
which your Maie-
stie hath appear'd by
your Bookes. And not only your strong
and full Garisons, which are your Clear-
gie, and your Vniuersities, but also ob-
scure Villages can minister Souldiours.
For, the equall interest, which all your

The Epistle Dedicatorie.

Subjects haue in the cause (all being equally endanger'd in your dangers) giues euery one of vs a Title to the Dignitie of this warfare; And so makes those, whom the Ciuill Lawes made opposite, all one, Paganos, Milites. Besides, since in this Battaile, your Maiestie, by your Bookes, is gone in Person out of the Kingdome, who can bee exempt from waiting vpon you in such an expedition? For this Oath must worke vpon vs all; and as it must draw from the Papists a profession, so it must from vs, a Confirmation of our Obedience; They must testifie an Alleageance by the Oath, we, an Alleageance to it. For, since in prouiding for your Maiesties securitie, the Oath defends vs, it is reason, that wee defend it. The strongest Castle that is, cannot defend the Inhabitants, if they sleepe, or neglect the defence of that, which defends them; No more can this Oath, though framed with all aduantageous Christianly wisdom,

The Epistle Dedicatorie.

dome, secure your Maiestie, and vs in you, if by our negligence wee should open it, either to the aduersaries Batteries, or to his vnderminings.

The influence of those your Maiesties Bookes, as the Sunne, which penetrates all corners, hath wrought vpon me, and drawen vp, and exhaled from my poore Meditations, these discourses: Which, with all reuerence and deuotion, I present to your Maiestie, who in this also haue the power and office of the Sunne, that those things which you exhale, you may at your pleasure dissipate, and annull; or suffer them to fall downe againe, as a wholesome and fruitfull dew, vpon your Church & Commonwealth. Of my boldnesse in this addresse, I most humbly beseech your Maiestie, to admit this excuse, that hauing obserued, how much your Maiestie had vouchsafed to descend to a conuersation with your Subjects, by way of your Bookes, I also con-

..HNOIHOI A 3 ceiu'd

The Epistle Dedicatorie.

ceiu'd an ambition, of ascending to your
presence, by the same way, and of parti-
cipating, by this meanes, their happinesse,
of whome, that saying of the *Queene of
Sheba*, may bee vsurp'd: Happie are thy
men, and happie are those thy Seruants,
which stand before thee alwayes, and
heare thy wisdome, For, in this, I make
account, that I haue performed a duetie,
by expressing in an exterior, and (by
your Maiesties permission) a publicke
Act, the same desire, which God heares
in my daily prayers, That your Maie-
stie may very long gouerne vs in
your Person, and euer, in
your Race and
Progenie.

Your Maiesties most

humble and loyall

Subiect:

A *JOHN DONNE.*

A TABLE OF THE CHAPTERS handled in this Booke.

CHAP. I.

OF Martyrdome and the dignity thereof.

CHAP. II.

That there may be an inordinate and corrupt affectation of Martyrdome.

CHAP. III.

That the Roman Religion doth by many erroneous doctrines mis-encourage and excite men to this vitious affectation of danger: first by inciting secular Magistracy: Secondly by extolling the value of Merites, and of this worke in special, by which the treasure of the Church is so much advanced: And lastly, by the doctrine of Purgatory, which by this act is said certainly to be escaped.

CHAP. IIII.

That in the Romane Church the Iesuits exceed all others, in their Constitutions and practise, in all those points, which beget or cherish this corrupt desire of false-Martyrdome.

CHAP. V.

That the Missions of the Pope, under Obedience whereof they pretend that they come into this Kingdome, can be no warrant, since there are laws established to the contrary, to give them, or those which harbor them, the comfort of Martyredome.

CHAP. VI.

A Comparison of the Obedience due to Princes, with the severall Obediences required and exhibited in the Romane Church: First, of that blinde Obedience and stupiditie, which Regular men vow to their Supcriours: Secondly, of that usurped Obedience to which they pretend by reason of our Baptisme, wherein we are said to have made an implicate surrender of our selues, and all that we have, to the church: and thirdly, of that obedience, which the Iesuits by a fourth Supernumerary vow make to be disposed at the Popes absolute will.

CHAP. VII.

That if the meere execution of the function of Priests in this Kingdome, and of giving to the Catholiques in this land, spiritual sustentation, did assure their consciences, that to dye for that were martyrdom: yet the refusall of the Oath of Allegiance doth corrupt and vitiate the integrity of the whole act, and dispoile them of their former interest and Title to Martyrdome.

CHAP. VIII.

That there hath beene as yet no fundamentall and safe ground given, upon which those

A T A B L E.

those which have the faculties to heare Confessions, should informe their owne Consciences, or instruct their Penitents: that they are bound to adventure the heavy and capitall penalties, of this law, for refusall of this Oath. And that if any man have received a scruple against this Oath, which he cannot depose and cast off, the Rules of their own Casuists, as this case stands, incline, and warrant them, to the taking therof. CHAP. IX.

That the authority which is imagined to be in the Pope, as he is spiritual Prince of the monarchy of the Church, cannot lay this Obligation upon their Consciences: First because the Doctrine it selfe is not certaine, nor presented as matter of faith: Secondly because the way by which it is conveyed to them, is suspicious and dangerous, being but by Cardinall Bellarmine, who is various in himselfe, and reprov'd by other Catholiques, of equall dignity, and estimation.

CHAP. X.

That the Canons can give them no warrant, so adventure these dangers, for this refusall: And that the Reuerend name of Canons, is falsely and cautelously insinuated, and stolne upon the whole body of the Canon law, with a breefe Consideration upon all the bookes thereof: and a particular suruay, of all those Canons, which are ordinarily cyted by those Authours, which maintaine this temporall Iurisdiction in the Pope.

CHAP. XI.

That the two Breues of Paulus the fift, cannot give this assurance to this Conscience; First, for the generall infirmities, to which all Rescripts of Popes are obnoxious: And then for certaine insufficiencies in these.

CHAP. XII.

That nothing requir'd in this Oath, violates the Popes spirituall Iurisdiction; And that the clauses of swearing that Doctrine to bee Hereticall, is no vsurping upon his spirituall right, either by preiudicating his future definition, or offending any former Decree.

CHAP. XIII.

That all which his Maiesly requires by this Oath, is exhibited to the Kings of Fraunce, And not by vertue of any Indult, or Concordate, but by the inherent right of the Crowne.

CHAP. XIII.

Lastly, That no pretence, eyther of Conuersion at first, Assistance in the Conquest, or Acceptation of any Surrender from any of our Kings, can give the Pope any more right ouer the Kingdome of England, then ouer any other free State whatsoeuer.



AN ADVERTISEMENT TO

the Reader.

THough I purposed not to speake any thing to the Reader, otherwise then by way of Epilogue in the end of the Booke, both because I esteemed that to be the fittest place, to giue my Reasons, why I respited the handling of the two last Chapters, till another time, and also, because I thought not that any man might well and properly be called a Reader, till he were come to the end of the Booke: yet, because both he, and I, may suffer some disadvantages, if he should not be fore-possessed, and warned in some things, I haue changed my purpose in that point.

For his owne good therefore (in which I am also interess'd) I must first intreat him, that he will be pleased, before hee reade, to amend with his pen, some of the most important errors, which are hereafter noted to haue passed in the printing. Because in the Reading, he will not perchance suspect nor spy them, and so he may runne a danger, of being either deceiued, or scandalized.

And for my selfe, (because I haue already receiued some light, that some of the Romane profession, hauing onely seene the Heads and Grounds handled in this Booke, haue traduced me, as an impious and profane vnder-valewer of Martyrdome,) I most humbly beseech him, (till the reading of the Booke, may guide his Reason) to beleue, that I haue a iust and Christianly estimation, and reuerence, of that deuout and acceptable Sacrifice of our lifes, for the glory of our blessed Sauiour. For, as my fortune hath neuer beene so flattering nor abundant, as should make this present life sweet and precious to me, as I am a Moral man: so, as I am a Christian, I haue beene euer kept awake in a meditation of Martyrdome, by being deriued from such a stocke and race, as, I beleue, no family, (which is not of farre larger extent, and greater branches,) hath endured and suffered more in their persons and fortunes, for obeying the Teachers of Romane Doctrine, then it hath done. I did not therefore enter into this, as a carnall or ouer-indulgent fauourer of this life, but out

TO THE READER.

of such reasons, as may arise to his knowledge, who shall be pleased to read the whole worke.

In which, I haue abstained from handling the two last Chapters vpon diuers reasons; whereof one is, that these Heads hauing bene caried about, many moneths, and thereby quarrelled by some, and desired by others, I was willing to giue the Booke a hasty dispatch, that it might cost no man much time, either in expecting before it came, or in reading, when it was come.

But a more principall reason was, that since the two last Chapters depend vpon one another, and haue a mutuall Relation, I was not willing to vndertake one, till I might perseuere through both. And from the last chapter it became me to abstaine, till I might vnderstand their purposes, who were formerly engaged in the same businesse. For the first Discouerie giues some title to the place, and secludes others, without the Discouerers permission; And in men tender and iealous of their Honour, it is sometimes accounted as much iniurie to assist, as to assault.

When therefore I considered, that the most Reuerend and learned Sir *Edward Coke*, Lord chiefe Iustice of the comon Pleas (whom, they which are too narrow to comprehend him, may finde arguments enow to loue, and admire, out of the measure and proportion of his malice who hath written against him, (since wee ought to loue him so much, as such men hate him) had in this point of Iurisdiction, laid so solid foundations, raised so strong walls, & persited his house vpon so sure a Rocke, as the lawes of this Kingdome are. And when I saw, that as the diuell himselfe is busiest to attempt them, who abound in strength of Grace, (not forbearing our Sauour himselfe) so an ordinary Instrument of his, (whose continuall libels, and Incitatorie bookes, haue occasioned more afflictions, and drawne more of that bloud, which they call Catholique; in this Kingdome, then all our Acts of Parliament haue done,) had oppugned his Lordships Booke, and iterated and inconculcated those his oppositions, I could not know whether his Lordship reserued any farther consideration of that matter to his owne leasures, or had honoured any other man, with his commandement, or allowance to pursue it. Till therefore I might know, whether any such were embarqued therein, as would either accept my Notes, and dignifie them with their stile, or submit their Notes to my method, and the poore apparell of my language, or vndertake it entirely, or quit it absolutely, as a body perfit already, by that forme which his Lordship hath giuen it, I chose to forbear the handling thereof at this time.

One thing more I was willing the Reader should be forewarned

TO THE READER.

of; which is, that when he findes in the printing of this Booke oftentimes a change of the Character, hee must not thinke that all those words or sentences so distinguished, are cited from other Authors; for I haue done it sometimes, onely to draw his eye, and vnderstanding more intently vpon that place, and so make deeper impressions thereof.

And in those places which are cited from other Authors (which hee shall know by the Margine) I doe not alwayes precisely and superstitiously binde my selfe to the words of the Authors; which was impossible to me, both because sometimes I collect their sense, and expresse their Arguments or their opinions, and the Resultance of a whole lease, in two or three lines, and some few times, I cite some of their Catholique Authors, out of their owne fellowes, who had vsed the same fashion of collecting their sense, without precise binding themselves to All, or onely their words. This is the comfort which my conscience hath, and the assurance which I can giue the Reader, that I haue no where made any Author, speake more or lesse, in sense, then hee intended, to that purpose, for which I cite him. If any of their owne fellowes from whom I cite them, haue dealt otherwise, I cannot be wounded but through their sides. So that I hope either mine Innocence, or their own fellowes guiltinesse, shall defend me, from the curious malice of those men, who in this sickly decay, and declining of their cause, can spy out falsifyings in euery citation: as in a ieaious, and obnoxious state, a Decipherer can pick out Plots, and Treason, in any familiar letter which is intercepted.

And thus much it seemed necessary to mee, to let the Reader know, to whose charitable and fauourable opinion I commit the booke, and my selfe to his Christianly and deuout Prayers.

Those literall and punctuall Errors, which doe not much endanger the sense, I haue left to the discretion and fauour of the Reader, as he shall meete with them. The rest he may be pleased to mend thus.

In the Preface, §. 24. For Sacerdotes nonentes. Reade Sacerdotientes.

Pa. Li. Faults.	Correct.	Pa. Li. Faults.	Correct.
3 1 Daring.	Daring.	169 26 After As	put out At
14 14 Inciting.	Auiling.	170 18 Thereof for	Therefore
15 vlt. Princesse.	Prince	172 5 Conducd	Conducted
18 14. To proceede.	So proceedes	175 20 VVords	VVord
29 vlt. Churches	church.	179 8 Chappels.	Chappell
30 11 Stabling.	Establisling.	193 1 After Arc	adde Not
38 28 Genuit	Gemunt.	195 9 Your	The
41 8 Vestram	Noftram	212 26 VVaine	VVaine
45 21 In.	To	218 7 Extend the Sect.	37. one line into the §. 38
Ibid. 26 Princes.	Prince	225 19 Your	The
47 14 calles	call	228 21 After Oath	adde Bec
57 2 Emperours.	Emberour.	229 21 Belong	Belongd.
58 22 Profession	possession	233 8 Gaue	Giue.
66 10 Non here.	No where.	240 11 To bey	To obey
Ibid. 16 VVrit.	VVrits.	244 14 The	This
68 7 VVent.	Meant	265 25 After And	adde Not
Ibid. 18 Ingenious	Ingenuous.	274 8 Re-enuersing	renuersing.
70 20 The	Then	275 8 That	It
71 vlt. After And,	adde As.	Ibid. 14 After But	adde the paneyricke
72 9 Priuatur.	priuatur	276 5 Heads	Beards
73 1 End	Ends	277 6 Hyol	Holy
74 15 Other	Others	278 17 Fall	Fallen
75 3 Intituled.	Instituted	280 13 Certainie	(Certainly)
80 vlt. Exemply	Exemplifie.	297 21 After Alledadge	adde This
100 26 Ariseib.	Arise	304 27 Name	Nature
102 4 After Arc, put out	So.	305 5 Receiue	Relieue
107 26 After which,	adde That	313 20 God	The good.
Ibid. vlt. Heaued.	Heard.	322 2 There	This
113 25 Not.	Now.	324 25 Sinne	Sinne
152 7 Enlaine.	Eulalias	378 21 As	Us
157 28 Your.	The.	379 11 Dominium.	Domicilium

Those Faults which are in the Margin by placing the Citations higher or lower, I must leaue to the Readers discretion, the rest he may mend thus.

Preface §. 8. Pile reade Poli. Fol. 7. lin. 28. adde Homil. de Dauid & Saul. ibid. 24. adde Mar. 10. 29. fol. 9. lin. 7. for Raucha reade Raccolta. fol. 17. lin. 27. for Possore. reade Possessor. fol. 31. lin. 11. for Hu. reade Offi. fol. 40. lin. 5. adde 1. Sam. 24. 15. fol. 309. lin. 3. adde De potest. Eccles. §. 6. N. 2.



A PREFACE TO
The PRIESTES, and IESVITS,
and to their Disciples in this
KINGDOME.



Am so well acquainted with the phrases of Diminution and Disparagement, and other personall aspersions, which your writers cast, and imprint vpon such of your owne side, as depart from their opinions in the least dramme or scruple; as I cannot hope that any of them will spare me, who am further remoued from them: For since Cassander, whom the two Emperours Ferdinand and Maximilian consulted, and called to them; not in any schisme betweene the Emperours and Popes, about temporall Iurisdiction. in which quarrell, whensoever it happened, the Emperours cause was euer sustained by as learned, and as Religious, and as many men, as the Popes, but in matters of
B *Doctrine,*

THE PREFACE.

diuision amongst you, in this point of the Popes pretence to temporall iurisdiction: I haue no other shelter against these imputations, but an appeal to our blessed Saniour, and a protestation before his face, that my principall and direct scope and purpose herein, is the vnyty and peace of his Church. For as when the rooffe of the Temple rent asunder, not long after followed the ruine of the foundation it selfe: So if these two principall beames and Toppe-rafters, the Prince and the Priest, rent asunder, the whole frame and Foundation of Christian Religion will be shaken. And if we distinguish not between Articles of faith & iurisdiction, but account all those super-edifications and furnitures, and ornaments which God hath affoorded to his Church, for exterior ouer government, to be equally the Foundation it selfe, there can be no Church; as there could be no body of a man, if it were alleye.

4 They who haue descended so lowe, as to take knowledge of me, and to admit me into their consideration, know well that I vsed no inordinate hast, nor precipitation in binding my conscience to any locall Religion. I had a longer worke to doe then many other men; for I was first to blot out, certaine impressions of the Roman religion, and to wrastle both against the examples and against the reasons, by which some hold was taken; and some anticipations early layde vpon my conscience, both by Persons who by nature had a power and superiority ouer my will, and others who by their learning and good life, seem'd to me iustly to claime an interest for the guiding, and rectifying of mine vnderstanding in these matters.

THE PREFACE.

matters. And although I apprehended well enough, that this irresolution not onely retarded my fortune, but also bred some scandall, and endangered my spirituall reputation, by laying me open to many mis-interpretations; yet all these respects did not transport me to any violent and sudden determination, till I had, to the measure of my poore wit and iudgement, suruayed and digested the whole body of Diuinity, controuerted betweene ours and the Romane Church. In which search and disquisition, that God, which awakened me then, and hath neuer forsaken me in that industry, as he is the Authour of that purpose, so is he a witnes of this protestation; that I behaued my selfe, and proceeded therein with humility, and diffidence in my selfe; and by that, which by his grace, I tooke to be the ordinary meanes, which is frequent prayer, and equall and indifferent affections.

5. And this course held in rectifying and reducing mine vnderstanding and iudgment, might iustifie & excuse my forwardnes; if I should seeme to any to haue intruded and vsurped the office of others, in writing of Diuinity and spirituall points, hauing no ordinary calling to that function. For, to haue alwaies abstained from this declaration of my selfe, had beene to betray, and to abandon, and prostitute my good name to their misconceivings and imputations; who thinke presently, that hee hath no Religion, which dares not call his Religion by some newer name then Christian. And then, for my writing in Diuinity, though no professed Diuine; all Ages, all Nations, all Religions, euen yours, which is the most couetous and lothest to diuide, or communicate with

THE PREFACE

the Layety, any of the honours reserved to the Clergie, afford me abundantly examples, and authorities for such an vndertaking.

6 *But for this poore worke of mine, I need no such Aduocates, nor Apologizers, for it is not of Diuinity, but meerely of temporall matters, that I write. And you may as iustly accuse Vitruuius, who writ of the fashion of building Churches, or those Authors which haue written of the nature of Bees and vse of Waxe, or of Painting, or of Musique, to haue vsurped vpon the office of Diuines, and to haue written of Diuinity, because all these are ingredients into your propitiatory medicine, the Masse, and conduce to spirituall and diuine worship: as you may impute to any, which writes of ciuil obedience to the Prince, that he meddles with Diuinity: not that this obedience is not safely grounded in Diuinity, or that it is not an act of Religion, but that it is so well engrau'd in our hearts, and naturally obuius to euery vnderstanding, that men of all conditions haue a sense and apprehension, and assurednes of that obligation.*

7 *The cause therefore is reduced to a narrow issue, and contracted to a strict point, when the differences betweene vs are brought to this, Whether a Subiect may not obey his Prince, if the Turk or any other man forbid it? And as his Maiestie in his Kingdome, is Religiously and prudently watchfull, to preserue that Crowne, which his Predecessors had redeemed from the rust, and drosse, wherewith forraine vsurpation had infected it; so is it easie to be obserued, that all the other Princes of Christendome, beginne to shake off those fetters, which insensibly*

insensibly and drowsily they had admitted; and labour by all waies, which are as yet possible to them, to returne to their naturall Supremacy and Iurisdiction: which besides many other pregnant evidences, appears by Baronius his often complayning thereof; both in his Annals, when he sayes, That the Princes of this age do exercise so much Iurisdiction ouer the Clergie, that the Church suffers some scandall thereby: And in his Apologie of his owne writings, against the Cardinall Columna, where he notes, That the Cardinals deputed for the hearing of those causes at Rome, are tired and oppressed in these later times, with the Messengers and Appeales of Bishoppes, which in euery Countrey complaine, how much the secular Princes iniure them. And this must of necessity be vnderstood of Countries, which professe the Romane Religion, because such as are Apostoliquely reformed, or are in that way, haue shut vp all waies of Appellations to Rome, or remedies from thence.

8 *And not to speake of the Kingdome of France at this time, because I haue sepos'd and destin'd a particular Chapter for that consideration, nor of the fresh Historie of the Venetians, maintaining their iust Lawes for this temporall Iurisdiction: which lawes Parsons, without any colour of truth, or escape from malicious and grosse deceiuing, saies they haue recalled, when as (not to affright you with any of those Authours which write on the Venetian part,) you may see an excellent relation of that negotiation, and vpon what conditions the Pope withdrew his censures, in that letter of Cardinal Peron*

To. II.

Resp. Apolog.
cont. Car. Col.
Nu. 31.P. R.
Treat. of Mitig
c. 5. n. 41.In monit. pili.
in fine.

THE PREFACE.

Machiauel.
Hist. Flor. l. 1. f.
34. Edit. Piccn.
An. 1587.

Card. Colum.
paris. fo. 158.

to his Master the French King, about Cardinal Ioyeuse his instructions, when the Pope sent him to Venice for that purpose; nor to looke so farre backe, as to consider what the other States of Italy and of Rome it selfe haue done herein, which, as an Author which liued in profession of that Religion, informes vs; durst alwaies brauely and boldly defend it selfe against the Popes vsurpations, though he protested, that if they would but admit him to enter againe into the towne, hee would deale no more with temporall matters; and this, at that time when England vnder Henry the second, and the remoter parts trembled at him, who trembled at his owne neighbours and Subiects, as he pretended: To omit all these, the Kingdome of Spaine, which they call so super-eminently Catholicke; and of whose King, the Cardinall which writes against Baronius saies, that he is the only Prince, who bends all the sinewes of his power, and all the thoughts of his minde, not onely to oppresse barbarous enemies of Christianity, but to containe christian Kings in their duetie: This Kingdome (I say) hath by all meanes, which it can, expressed how weary it is of that iurisdiction which the Pope exerciseth there, in these points which we complaine of: though the Popes haue euer beene most readie to recompence these temporall detriments to those kings; as the Donations of the Indyes, and of the Kingdome of Nauarre, and of England, testifie at full.

9 And yet if we consider, what all sorts of persons in that Nation haue done against this temporall power, wee cannot doubt, but that they trauaile of the same childe

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childe, which our Kingdome and diuers others haue brought forth, which is their libertie from this weakening and imponerishing thraldome. For first, for Book-men and Writers, a great Idolatrer of this temporall Iurisdiction in the Pope, Confesses, That many of the principall Authours of the Spanish nation, concurre in this opinion, that these exemptions and immunities of the Clergie, so much debated, are not Iuris diuini. And it is easie to obserue, what the Collection and resultanse vpon this conclusion will be; Since, if they bee enioyd by the fauour of Princes, though a conueniencie, and a kind of right grounded in the law of nature, haue moued Princes to graunt them: yet all graunts of Princes are mortall, and haue a naturall frailtie in them, and vpon iust cause are subiect to Reuocation.

Rispost. d' An-
to. Bouio a P.
Paulonella
Rauolta. 1596.

10 And for the Sword-men, by that hostile Act vpon Rome it-selfe, by Charles Bourbon, which was done at least by the conuiniencie of Charles the fift; and by that preparation made against the same place, by the expresse commaundement of Philip the second, vnder the Duke of Aluaes conduct, and by many other associations and Leagues against the Pope: It appeares how iealous and watchfull, they are vpon this Temporall iurisdiction, and how they oppose themselues against any farther groweth thereof. For when in the differences about the Kingdome of Portugall, the Pope made offers to Philip the second, to interpose himselfe for the setting of all pretences to that Crowne, the King, though with sweete and dilatorie answers, refusd that offer, be-
C cause

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Conestaggio.
l.3.fol.82.

cause (says the Author of that Storie) he would not by this example, acknowledge him to be the Judge of Kingdomes. And after this, when the King had proceeded farther therein, and Antonie was proclaimed, and that a Legate came into Spaine, and offered there, in the name of the Pope, to be a Judge betweene all pretenders, though Philip did not doubt the Legates inclination to his part, because he came into his Countrey to make the offer, and though he had more use of such a service then, then before, yet he abstaind from vsing him therein, because hee thought that the Pope, vnder colour of doing the Office of a common father, went about to make himselfe absolute Iudge of Kingdomes; and besides the extraordinarie Authority, which he endeoured to draw to his Sea, would oblige the Kings of Spaine to his house, as y^e same Author expresses that Kings-yealousies.

Idem.l.6.f.155

11 And for the politique gouernement of that State euen in that Kingdome, which they pretend to hold of the Church, which is Sicily, they exercise a stronger Iurisdiction, and more derogatorie to the Pope, then this which our King claimes. And though Parsons, who is no longer a subiect, and Sonne of the Church of Rome, then as that Church is an enemy to England (for in the differences betweene her and Spaine, he abandons her) auerre in one place, that this iurisdiction is by Indult, & Dispensation from the Pope, yet a more credible man then he, and a native Subiect to the King of Spaine, bath vtterly annuld and destroyed that opinion, that any graunt or permission of the Popes, bath enabled the Kings of Spaine to that Authoritie, which they exercise

Answer to the
Reports.c.5.

Baron. Annal.
To.11.

THE PREFACE.

cise there. And he hath not onely told his brother Cardinall Columna, that the matter it-selfe, Is a point of the Catholicke faith, but in his Epistle to King Philip the third, hee extols and magnifies that Booke, in which he had deliuered that Doctrin, so authentically, as if he meant to draw it into the Canon of the Scriptures: for do these words import any lesse? The Booke issued frō the very Chaire of S. Peter, by the commandement of S. Peter, and is confirmed by S. Peter, and shal without doubt endure for euer. And he addes this Commination, speaking to the King, Let them which resist these writings take heede, least they stumble, *In banc Petram*; and least they bee vtterly trode in pieces, *Ab ipsa, ab alto ruente Petra*. But of Baronius his detestation of Monarchie, and ill behauiour towards all Kings, as well as his owne Soueraigne, I haue another occasion to speake. All which I purpose to euict here, was, that if Parsons haue spoken so heretically, in saying, that this is done by vertue of the Popes Indult; that remains true, which I said before, that that Kingdome of Spaine, endeuours by all wayes it can, to redeeme it-selfe from these vsurpations, and re-inuest it-selfe in her originall Supremacie.

12 For as in one of the Greeke States when Nycippus sheepe brought forth a Lyon, it was iustly concluded that, that portended a Tyrannie, and change of the State, from a peaceable to a bloody Governement: so since the Spirituall principalitie hath produced a Temporall, since this mild and Apostolique sheepe hath brought forth this Lyon, which seekes whom hee may

Epist. Apolog.
nu. 21.

Epist. ad Philip. 3.

Ælian. l. 1. c. 29.

THE PREFACE.

secret malignity, and out of the whole substance. For as no Artist can finde out, how this malignant strength growes in that poyson, nor how it workes, So can none of your Writers tell, how this temporall Iurisdiction got into the Pope, or how he executes it, but are anguished and tortured, when they come to talke of it, as Physitians and Naturalists are, when they speake of these specifiqu poysons, or of the cause and origen thereof, which is, Antipathie.

16 And yet we finde it reported of one woman, that she had so long accustomed her body to these poysons, by making them her ordinary fode, that shee had brought her selfe, and her whole complexion and constitution, to be of the same power as the poyson was, and yet retaind so much beaury, as shee allurd Kings to her embracement, and kild and poisond them by that meanes: So bath the Romane faith beene for many yeares, so fedde and pampered with this venemous doctrine of temporall iurisdiction, that it is growne to some few of them to bee matter of faith it selfe; and shee is able to draxe and hold some Princes to her loue, because for all this infection, she retaines some colour and probability of being the same shee was. And as that Fish which Alianus speakes of, lies neere to the rocke, and because it is of the colour of the rocke, surpriseth many fishes which come to refresh themselves at the rocke: so doth the Romane doctrine, because it can pretend by a locall and personall succession (though both interrupted) that it is so much of the colour of the rocke, and so enare it, as Petrus and Petra, enuegle and entrappe

Forestus de
venenis. Ob-
servu. i. Schol.

Lib. i. c. i.

THE PREFACE.

entrappe many credulous persons, who haue a zealous desire to build vpon the rocke it selfe.

17 It is an Aphorisme of an auncient Physitian, that we must not purge raw humours, but such as are matur'd and concocted, except they be stirred and moued with their owne violence. Such a patience and moderation this State vsed towards professors of your Religion; and onely prouiding some better lawes, to haue them in a readinesse in occasions of much necessity; the rest of the Statutes were onely medicinall and preparatory; to lead them to Church sometimes, and so to mollifie their obduratenes, by making diuine seruice their physicke, since they would not admit it for their ordinary dyet; and so in time to draine them, and deliuer them from those inundations of errors, which the Sea of Rome had degorged vpon them. And though it might seeme vnseasonable; by any sharper meanes to haue wrestled or contended with them at beginning, because euerie sudden remoue, euen into a better ayre, is vnwholsome, and the worse, the purer the aire is; yet now it is time to worke vpon you, being of better experience, since you may haue obserued the birth and prosperous growth of this Reformation; and seene, that though diseases affect and corrupt suddenly and violently, and the cures thereof are orderly and long in accomplishing; yet this Reformation spent lesse time then the corruption, and the Church hath recovered more health in one age, then she had lost in anie two: In so firme and constant a state of health, did the Apostles and their followers, especially the first Bishoppes

of

Hippocrates. l.
1. Apho. 22.

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is, who vpon two and fortie vaine and imaginary reasons, hath grownded a prophecy of the imminent ruine of this Religion; and how hasty that abortion, and precipitation was in the French-man, who hath written the history of the actuall ruine of this profession, whilst it is yet in her growing estate, and by the mercy of our Sauour, euery day more and more aduanced.

19 And if you will suffer these things to enter your vnderstanding and iudgement, I cannot doubt of your will to conforme your selues: For it is truely said, Nothing is so contrarie to the will and consent, as Error: And whatsoeuer appears true to the Iudgement, seemes good to our will, and begets a desire to doe it. But if you shut vp that dore, and so expose your selues, that men may possesse your Will, without entring by your Iudgement, they enter like Theeues at the window, and in the night. For, though the will bee as a window, somewhat capable of light, yet your selues benight your whole house, by drawing these Curtaines vpon your iudgement. And in all afflictions drawne vpon your selues by this will or wilfulnes, when you shal say to God, as his people did by Esay, Wherefore haue we fasted, and thou seest it not? we haue punished our selues, and thou regard'st it not: God will answere, as he did then; Beholde, in the day of your fasts you seeke your will: That is, you pursue your owne stubborne determinations, and haue humane and corrupt respects in all your tribulations.

20 There was a law amongst some Gracians, that if a sicke man drinke wine without aduise of his Physician,

Florimond. Re-
mond Histoire
del. Heresie.

Dig. l. 2. Tit. 1.
l. Si per errorc.

Esay 58. 3.

Ælian. l. 2. c. 37.

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tian; though that saved his life, he should be put to death, for doing it before he was commaunded. O what bitter punishment must then attend your presumption, who in stead of their wine, take Gall and poyson, and instead of their recouery, endanger your selues to a double perishing; and are so farre from hauing any direct commande- ment for it, that you haue expresse and iust inhibitions a- gainst it? O what spirituall Calenture posseses you, to make this hard shift to destroy your selues? If you be fi- shers of men, why dooth hee which sends you, first raise stormes and tempests of Treason, and scandall; and expose you to a certaine shipwracke? It is a note which one of your famous Preachers hath giuen; That fish will not betaken with a bloody Nette; and yet your Fisher- men are sent with no other nets, then such as must be stai- ned with our blood, if they can get it, or if they misse it, with yours and their owne.

21 They are content to teach in other places, That the Pope cannot binde a man to impossible things; and to extend the worde Impossible to any thing, which cannot iustly, honestly, or conueniently bee done; they are content to teach, That the Pope cannot command somethings, though they be naturally good and meritorious, as to iterate a Confession after it is once made: Onely to you they are so rigid and sowre, that a Breue which you are not sure was sent, and you are sure that it ought not to haue beene sent, must binde you to an obedience in these Capitall dangers; and like Pythagoras schollers, you must suffer your selues to

Bosquier. conc.
Quadrag.

Dist. 61.
Catinensis.

Nauar. Manual
c. 23 n 38

Diog. Laertius
1.8.

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be slaine, rather then stirre your foote, and tread downe a Beane.

Martyrolog.c.8

Ælian. l.14.c.4

22 And what is your recompence? You shall bee Martyrs; and yet Baronius himselfe, who is liberall enough of Martyrdome, speakes of your case somewhat inconstantly and irresolutely, when he sayes of English and French Martyrs, Scimus eos esse in Cælo, vt par est credere, We know they are in heauen, as it is fit for vs to beleue. But as he which died of the bite of a Weasell, lamented because it was not a Lyon: So consider, it is not the Catholicke faith, which you smart for, but an vniust vsurpation, and that it is not the Lyon of Iuda, for whose seruice and honour your liues were well giuen, but it is for a Weasell, which crept in at a litle hole, and since is growne so full and pamperd, that men will rather die, then beleue that he got in at so litle an entrance.

Gellius l.9.c.4.

23 How hungerie of poyson, how Ambitious of ruine, how peruious and penetrable to all meanes of destruction are you, vpon whom your Iesuits and other Confessors, haue not onely the force of those men, who are said to haue bene able to kill men by looking vpon them in anger, but of those also, which can bewitch by faire words, and can prayse a man to death? For as the angrie eye of the first sort slew some: So doe the comminations and terrors of these Breues, thrust some of you into these dangers. And as, if the men of the second sort (whereof there were whole families in Afrique) did but commend Trees, Corne, Cattell, or Children, they prosperd no farther, but perish'd presently: So, af-
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ter these men, with whose families Europe abounds, doe but tell you, that you are borne of Catholicke parents, That onely you are in the Arke, That you are in possession of good estates, fit sacrifices for the Catholicke Church, That you are remarkeable and exemplar men, by whom your Tenants, and Seruants, and Children are led and guided; That you are chosen by God for pillars to sustaine his materiall Church, as Priests are for the spirituall: That you are Martyrs apparant, and attended and staid for in the triumphant Church: you prosper no more, but witer in a Consumption, and hauing headlongly dissipated and scattered your estates, you runne desperately into the danger of the Law, or sustaine a wretched life by the poore Crummes of others pensions.

24 And that vicious affectation of Priesthood, or of Regular Religion, which one of your Preachers notes out of Calsianus. to possesse many men, whome therupon he cals Sacerdotes nonentes, hath bewitched you with a stronger charme. And as that drawes them from their Office of societie, by a ciuill and Allegoricall Death, in departing from the world into a Cloyster, so this throwes you into a naturall, or vnnaturall and violent Death, by denying due Obedience, and by entring into Rebellious actions. Many men, sayes that Preacher, are caried to this desire by humane respects, and by the spirit, either of their blood and Parents when they doe it to please them, or by the spirit of giddinesse and leuitie, or by the spirit of libertie, to be deliuered from the bondage and encom-

Bosquier. Monom. Conc. 4.

Ibid.

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branches of wife and children, or else violently, by aduersitie and want. *And these diseases, which bee obserued in them, I know you cannot chuse but find in your selues, and in a more dangerous, and deadly measure and proportion.*

25 *And if there bee not too much shame and horror in such a Meditation, but that you dare to looke backe vpon all the passages betweene your Church and ours, in the time of the late Queene, and his Maiestie who now gouernes, you shall see, that the Rocke was here, and all the stormes and tempests proceeded from you, when from you came the thunders and lightnings of Excommunications. But as in those times, when diuinations and coniectures were made vpon the fall of lightnings, those lightnings which fel in the Sea, or tops of Mountaines, were neuer brought into obseruation, but were cald Bruta fulmina: so how vaine his Excommunications against Islanders, and dwellers in the Sea, haue proued, we and Venice haue giuen good testimonie, as many other great Princes haue done, by despising his Bruta fulmina, when they haue bene cast vpon so great and eminent Mountaines, as their Supremacie is.*

26 *From you also haue come the subtill whisperings of Rebellious doctrines, the frequent and personall Trayterous practises, the intestine Commotions, and the publique and foraine Hostile attempts, in which, as we can attribute our deliuerance to none but God, so we can impute the malignitie thereof originally, to none but the denill. Whose instruments the Iesuites (as we in our*
iust

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just warres haue giuen ouer long bowes for Artillerie) being men of rounder dispatch, then the Church had before, impatient of the long Circuit and Litigiousnes of excommunications, haue attempted a readier waie : and as the inuention of Gun-powder is attributed to a contemplatiue Monke ; so these practique Monkes thought it belonged to them, to put it into vse and execution, to the destruction of a State and a Church ; through which nimblenesse and dangerous actiuitie , they haue corrupted the two noble Inuentions of these later ages, Printing and Artillery by filling the world with their Libels , and Massacres.

27 It becomes not me to say, that the Romane Religion begets Treason ; but I may say, that within one generation it degenerates into it : for if the temporall iurisdiction (which is the immediate parent of Treason) be the childe of the Romane faith, and begot by it , treason is the Grand-childe. But as Erasmus said of that Church in his time, Syllogismi nunc sustinent Ecclesiam , wee may iustlie say, that this Doctrine of temporall Iurisdiction, is sustained but by Syllogismes , and those weake, and impotent, and deceiueable. And as it cannot appeare out of all the Authors, which speake of Saint Peters remaining at Rome, whether his body be there, or onely his ashes: So can it not be cleare to you , that the body of Christian Religion is there, since it is oppressed with such heapes of ashes, and dead Doctrines, as this of temporall Iurisdiction ; so that diuers other Churches, which perchance were kindled at that, may burne more clearely and feruently, then

Annotat. in
Hilarium.

then that from which they were deriued,

28 But my purpose is not to exasperate, and aggrieue you, by traducing or drawing into suspition the bodie of your Religion, otherwise then as it conduces to this vicious and inordinate affectation of danger: Yet your charitie may giue me leaue to note, that as Physicians, when to iudge of a disease, they must obserue Decubitus, that is, the time of the Patients lying downe, and yeelding himselfe to his bedde; because that is not alike in all sicke men, but that some walke longer before they yeelde, then others doe; therefore they remooue that marke, and reckon ab Actionibus læsis: that is when their appetite, and digestion, and other faculties fail'd in doing their functions and offices: so, if we will iudge of the diseases of the Romane Church, though because they crept in insensible, and the good state of health, which her prouident Nources indued her withall, made her hold out long; we cannot well pitch a certaine time of her lying downe and sickning, yet we may wel discern Actiones læsas, by her practise, and by her disusing her stomach from spirituall foode, and surfetting vpon this ten porall Iurisdiction: For then she appeared to be lame and impotent, when she tooke this staffe and crotch to sustaine her selfe, hauing lost the abilitie of those two legges, whereon shee should stand, The Word and Censures.

29 And if the suspicious and quarrelsome title and claime to this temporall Iurisdiction; If Gods often and strange protection of this Kingdome against it, by which he hath almost made Miracles ordinarie and familiar;

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liar, If your owne iust and due preservation, worke nothing vpon you, yet haue some pitie and compassion towards your Countrey, whose reputation is defaced and scandalized by this occasion, when one of your owne Authors, being anguished and perplexed, how to answer these often Rebellions and Treasons, to put it off from that Religion, layes it vpon the nature of an Englishman, whom, in all professions he accuses to be naturally disloyall and trecherous to his Prince.

30 And haue some pitie and compassion (though you neglect your particulars) vpon that cause, which you call the Catholicke cause: Since, as we say of Agues, that no man dies by an Ague, nor without an Ague: So at Executions for Treasons, we may iustly say, No man dies for the Romane Religion, nor without it. Such a naturall consequence, or at least vnluckie concomitance they haue together, that so many examples will at last build vp a Rule, which a few exceptions, and instances to the contrarie will not destroy.

31 I call to witnesse against you, those whose testimonie God himselfe hath accepted. Speake then and testifie, O you glorious and triumphant Army of Martyrs, who enioy now a permanent triumph in heauen, which knew the voice of your Shepheard, and staid till he cald, and went then with all alacritie: Is there any man receiued into your blessed Legion, by title of such a Death, as sedition, scandall, or any humane respect occasioned? O no, for they which are in possession of that Laurell, are such as haue washed their garments, not in their owne blood onely (for so they might still remaine

E

redde

Examen. E-
dicti. Anglica.
Stanislaus
Christianoni-
cus. Paris. 1607

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Ruel.7.15.

Homil.2.ia
Pfal.50.

redde and staine) but in the blood of the Lambe which changes them to white. Saint Chrysostome writes well, that the Sinner in the Gospel bath'd and wash'd her selfe in her teares, not in her blood: And of Saint Peter, hee asks this question, When he had denied Christ, Numquid sanguinem fudit? No, sayes he, but hee powrd fourth teares, and washed away his transgression.

32 That which Christian Religion hath added to old Philosophie, which was, To doe no wrong, is in this point, no more but this, To keepe our mind in an habituall preparation of suffering wrong: but not to vrge and prouoke, and importune affliction so much, as to make those punishments iust, which otherwise had beene wrongfully inflicted vpon vs. Wee are not sent into this world, to Suffer, but to Doe, and to performe the Offices of Societie, required by our seuerall callings. The way to triumph in secular Armies, was not to be slaine in the Battell, but to haue kept the station, and done all Militarie dueties. And as it was in the Romane Armies; so it ought to be taught in the Romane Church, Ius legionis facile: Non sequi, non fugere. For we must neither pursue persecution so forwardly, that our naturall preservation be neglected, nor runne away from it so farre, that Gods cause be scandaliz'd, and his Honour diminished.

Vegetius.1.2.
c.17.

33 Thus much I was willing to premit, to awaken you, if it please you to heare it, to a iust loue of your owne safetie, of the peace of your Countrey, of the honour and reputation of your Countreymen, and of the integritie

of

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of that, which you call the Catholicke cause; and to acquaint you so farre, with my disposition and temper, as that you neede not be afraid to reade my poore writings, who ioyne you with mine owne Soule in my Prayers, that your Obedience here, may prepare your admission into the beauenly Hierusalem, and that by the same Obedience, Your dayes may bee long in the land, which the Lord your God hath giuen you.
Amen.

Exod.29.



with himselfe; till he who deliuered this Iewell, resume it againe: So, till it please the Lord, and owner of our life to take home into his treasure, this rich *Carbuncle* our soule, which giues vs light in our night of ignorance, and our darke body of earth, we are still anguished and trauelled, as well with a continuall defensiu warre; to preserue our life from sickenneses, and other offensiu violences; as with a diuers and contrary couetousnes, sometimes to enlarge our State and terme therein, sometimes to make it so much our owne, that we may vnchristily spend it vpon sursets, or licentiousnes, or reputation.

2 From thence proceeded that corrupt prodigality of their liues, with examples whereof all Histories abound; honour, ease, deuotion, shame, want, paine, any thing serued for a reason, not only to forsake themselues, or to expose themselues to vn-cuitable dangers, but also to be their owne executioners: yea we read of the women of a certaine town, that in a wantonnes had brought it vp for a fashion, to kill themselues.

3 Which corruption, and Ambition of being Lord of our selues, euery sort of men, which contributed their helpes to the preseruation and tranquility of States, laboured against: as first the Philosopher, who obseruing that honour and ease did principally draw men into this inclination, because they were desirous to get a name of
during,

during, and of greatnes, and to escape the miseries which every day in this life presents, and heapes vpon vs; did therefore teach, *That nothing was more base and cowardly, then to kill ones selfe, so to correct that opinion of getting honour by that Act: and to overthrow the other opinion of ease, they taught Death to be the most miserable thing which could fall vpon vs:*

4 And when the Spaniard in the Indies found a generall inclination, and practise in the inhabitants to kill themselves, to auoide slauerie; they had no way to reduce them, but by some dissemblings and outward counterfeittings, to make them beleue, that they also killed themselves, and so went with them into the next world; and afflicted them more then, then they did in this.

5 The Emperors also by their lawes and ciuil Constitutions, haue opposed remedies against this ordinary disease; by inflicting forfeitures and infamous mulctes vpon them which should do it. And the Church hath resisted it by her Canons, which denie them Christian buriall; and refuse their oblations at the Altars. And with what seuerer lawes, other particular States haue laboured against it, appears by the law of our nation, which esteemes it not only Man-slaughter but Murder. And by that law in the Ealedome of Elanders, which reckons it amongst the heinous names of Treason, Heresie, and Sedition.

Aristot. Eth. l. 3. c. 6. p. 7

Idem l. 3. c. 6. Matalius Metellus, presat. in Histor. Ofswij.

Dig. l. 48. Tit. 19. l. 38. & Dig. l. 49. tit. 10. l. 6

Concil. Antis. ca. 17. Conc. Bracar. 23. q. 5. placenti.

Tholos. Synl. l. 36. c. 22. nu. 17.

*Deleg. 9.**Vtop. l. 2. ca. de
Seriis.*

6 And yet it was obserued, that this corruption was so inherent and rooted; and had so ouergrowne our nature, or that corruption which depraues it, that neither those imperiall lawes; nor that forme of a State which *Plato* Ideated; nor that which *Sir Tho. Moore* did imagine and delineate, thought it possible vterly to extirpate and roote out this disposition, but onely to stoppe and retard the generall precipitation therein: And therefore in their lawes they haue flattered our corruption so much, as to appoint certaine cases and reasons, and circumstances, in which it might be lawfull to kill ones selfe.

7 And Almighty God himselfe, who disposes all things sweetely, hath beene so indulgent to our nature, and the frailty thereof; that he hath afforded vs a meanes, how wee may giue away our life, and make him, in a pious interpretation, beholden to vs for it; which is by deliuering our selues to Martyredome; for the testimony of his name; and aduancing his glorie: for in this we restore him his Talent with profite; our owne soule, with as many more, as our example workes vpon, and winnes to him. To denie him this, is not onely to steale from him, that which is his, by many deare titles; as Creating, Redeeming, and Preseruing; but at such a time, as his honour hath vse of such a service at our handes, then to withdraw our testimony from him, is as much a betray-

betraying and crucifying of him againe, as it was in them, who by their false witnessse, occasioned his death before.

8 Saint *John* saith, that the Baptist was not that light, but (as though that were the next dignity) hee came to beare witnessse of that light. And when our blessed Saviour refused to beare witnessse of himselfe, those, whom he reckons as his witnessses, are all of so high dignity, as no ambition can be higher, then to be admitted amongst those witnessses of Christ; for they are thus laide downe: First the Baptist, then his *Miracles*, then his *Father*, and then the *Scriptures*.

Io. I. 7

Jo. 5. 31.

9 How soone God beganne to call vpon man for this seruice, by sealing his acceptation of *Abels* sacrifice, in accepting *Abel* for a Sacrifice: for so saith *Chrysostome*, *Abel*, in the beginning, before any example, first of all Dedicated Martyredome. And as soone as Christ came into the world, after he receiued the oblations of the kings, presenting part of their temporall fortunes; the next thing wherein he would be glorified, was that *Holocaust* and *Hecatombe* of the innocent children, martyrd for his name.

De Martyri
Scrm. 7.

10 And though wee cannot by infinite degrees, attaine to our patterne Christ, the generall Sacrifice; yet we must exceed those *Typique* times, and Sacrifices of the old law; and be no more couetous of our selues, then they were of their beasts,

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when

when that Sacrifice is required at our hands: for when we sacrifice our concupiscences, by rooting them out, we equall them, who sacrificed their beasts; but we exceede them, when we immolate our soule and body to God.

II The blood of the Martyres was the milke which nourished the Primitive Church, in her infancy, and shall it be too hard for our digestion now? It was the seede of the Church, out of which we sprung; and shall wee grudge to Tithe our selues to God, in any proportion that hee will accept? As *Zipporah* said to *Moses*, *vere sponsus sanguinum es mihi*; the Church may well say to Christ, who lookes for this Circumcision at her hands, and this tribute of blood, which he hath so well deserued; both by begetting the Church by his blood vpon the Crosse, and feeding her still with the same blood in the Sacrament.

IZ But those whom hee hath pre-ordained to this supream Dignity of Martyrdome, God doth ordinarily bring vp in a nouitiate, and Apprenti- sage of worldly Crosse and Tribulations. And as *Iustinians* great Officer *Tiberius*, when out of a reuerence to the signe of the Crosse, he remoued a Marble stone from the Pauement, and vnder it found a second stone, with the same Sculpture, and vnder that a third, and vnder all, great plenty of treasure, had not this treasure in his hope, nor purpose, nor desire before hand, but satisfied him-
selfe

Exod. 4, 25.

Paul. Diaco.
ad Entrop. Ad-
da. 18.

felse in doing that honour to that signe, which those first times needed: So is the treasure and crowne of Martyredome seposd for them; who take vp deuourly the crosses of this life, whether of pouerty, or anguish'd consciences, or obedience of lawes which seeme burdenous; and distastefull to them; for all that time a man serues for his freedom, and God keeps his reckoning; from the inchoation of his Martyredome; which was from his first submission to these tribulations: which *Chrysostome* testifies thus; *That when one is executed, he is then made a Martyr* (that is, declared and accepted for a Martyre by the Church) *but from that time, when he begunne to shewe, that he would professe that Religion, he was a Martyre; though he endured not that which Martyres doe.*

Homil in psal.
95.

13 *Saint Paul* faith of himselfe, *I die daily; and Chrysostome of David; He merited the Crowne of Martyrdome a thousand times in his purpose and disposition, and was staine for God a thousand times: And these persecutions are not onely part of the Martyredome, but they are part of the reward: for so S: Marke* seemes to intimate, when hee expresth *Christ* thus; *No man shall forsake any thing for my sake; but he shall receiue a hundred folde now at this present; houses Brothers, Sisters, Mothers and Children, and land, with Persecutions: So that Christ promises a reward, but not to take away the persecution; but so to mingle and compound them, and make them*

1. Cor. 15.

both of one taste, and indifferency, that wee shall not distinguish, which is the meate and which is the sawce, but nourish our spirituall growth as well with the persecution, as with the reward.

14 For this high degree of a consummate Martyre, is not ordinarily attained to *per Saltum*, but we must be content to serue God first in a lower ranke and Order: for as such Kings, as come to the possession of a Kingdome, by a new, or a violent, or a litigious Title, doe vse at the beginning to signe their Graunts, and Edicts, and other publique Acts, not onely them selues, but admit the Subscription and testimony of their Counsellors, and Nobility, and Bishoppes; but being established by a long succession, and entring by an indubitate Title, are confident in their rights, and come to signe *Teste me ipso*: So doth our Sauour Christ ordinarily in these times, when hee is in possession of the world, seale his graces to vs by himselfe in his word and Sacraments, and doth not so frequently call witnesses and Martyrs, as he did in the Primitiue Church, when he induced a new Religion, and saw that, that maner of confirmation was expedient for the credite and conuenance thereof.

And if a man should in an immature and vndigested zeale, expose his life for testimony of a matter, which were already beleued, or to which he were not called by God, he did no more honor
God

God in that acte, then a Subject should honour the King by subscribing his name, and giuing his Testimony to any of the Kings Graunts.

CHAP. II.

That there may be an inordinate and corrupt affectation of Martyrdome.

THe externall honours, by which the memories of the Orthodox Martyres in the Primitiue Church were celebrated and enobled, (as styling their deaths *Natalitia*, obseruing their *Anniuersaries*, commemorating them at their *Altars*, and instituting *Notaries*, to register their actions and passions) inflamed the Heretiques also to an ambition of getting the like glory. And thereupon they did not onely expose and precipitate themselves into all dangers, but also inuented new wayes of Martyredome; with hunger whereof they were so much enraged and transported, that some of them taught, That vpon conscience of sinne to kill ones selfe, was by this acte of lustice, a Martyrdome: vpon which ground *Petilian*, against whom *Saint Augustine* writes, canonized *Iudas* for a^x Martyre. The rage and fury of the *Circumcelliones*, in extorting this imagined Martyrdome; brought them first to sollicite and importune others to kill

F 3

them

I.

*Alfon. Castr.
ver. Martyrium*

*x Prateolus l. 3
cap. 19.*

them; and if they fail'd in that suite, they did it themselves. And another Sect prospered so farre in heaping vp numbers of Martyres, that their whole sect was called *Martyriani*.

2 And a zealous scorne to be ouertaken, and equal'd in this honor, prouoked sometimes those who write the Actes of the Orthodoxe Martyrs, to insert into their Histories some particulars which were not true, and some which were not iustificable: for of the first sort of these insertions, which proceeded (as he saith) out of too much loue to the Martyrs, *Baronius* in his *Martyrologe* complains; and by the Canon which forbids these Histories to be reade publicly in the Romane Church, it seems they were careful that the people should not thereby be taught and encouraged, to bring such actions into consequence and imitation, as, (if the immediate instinct of Gods spirit, did not iustifie them) would seeme indiscrete and intemperate. Nor were they onely, which corrupted the stories in fault, but out of *Binius*, the last compiler of the Councils, we may perceiue, that euen they which were Orthodoxe professors, had some tincture of this ouer-vehement affectation of Martyredome: for he saies, that the sixteth Canon of the *Eliberitane* councell (by which it is enacted, That those Christians which attempted to breake the Idols of the Gentiles, and were slaine by them, should not be numbred amongst the Martyrs) was made

to

*Epiphz. Hæres. 80**Cap. 2**Dist. 15.**Sancta Romana**To. 1. fo. 248*

to deterre men from following such examples, as *Eulalia*, who being a maide of twelue years, came from her fathers house, declared her selfe to be a Christian, spit in the Iudges face, and prouoked him to execute her. To which they were then so inclinable, that as a Catholique Author hath obserued, that state which inflicted those persecutions; sometimes made Edicts, that no more Christians should be executed, because they perceiued how much contentment and satisfaction, and complacency some of them had in such dying.

3 And although these irregular and exorbitant actes be capable of a good interpretation; that is, that the spirit of God did by secret insinuations excite and inflame them, and such as they were, to put feruor into others at that time; yet certainly God hath already made his vse of them, and their examples belong no more to vs, in this part and circumstance of such excesses.

4 And though this secret and inward instinct and mouing of the holy Ghost, which the Church presumes, to haue guided not onely these martyres, in whose forwardnesse these authors haue obserued some incongruity with the rules of Diuinity, but also *Sampson*, and those Virgines which drowned themselues for preservation of their chastity, which are also accounted by that Church as martyres; although (I say) this instinct lie not
in

Prudentius

*Bodin Demonom
l. 4. c. 3. ex Ter-
tull.*

*Euseb. l. 8 Hist.
Eccles. ca. 24*

in prooffe, nor can be made euident; yet there are many other reasons, which authorize and iustifie those zealous transgressions of theirs (if any such were): or make them much more excuseable, then any man can be in these times, and in these places wherein we liue.

5. For the persecutions in the Primitiue Church were raised either by the *Gentiles* or the *Arrians*; either the vnity of the God-head, or the Trinity of the persons was euer in question: which were the *Elements* of the Christian Religion, of which it was fram'd and complexioned; and so to shake that, was to ruine and demolish all. And they were also the *Alphabet* of our Religion; of which no infant or *Neophyte* might be ignorant. But now the integrity of the beliefe of the Roman Church, is the onely forme of Martyrdome; for it is not allowed for a Martyrdome to witnes by our blood, the vnity of God against the *Gentiles*, nor the Trinity of persons against the *Turke* or *Iew*, except we be ready to seale with our blood contradictorie things, and incompatible for the time past: (since evidently the Popes haue taught contradictorie things) and for the time present, obscure and irreuealed things, and entangling perplexities of Schoolemen; for in these, yea in future contingencies, we must seale with our blood, that part which that Church shall hereafter declare to be true.

Euuardentius
Theom. Calvin
l. 8. c. 13. n. 13

6 This constant defence of the foundation, and this vndisputable euidence of the truth, was their warrant : And they had another double reason, of making them extremely tender, and fearefull of slipping from their profelsion ; which was first the subtilties and Artifices of their aduersaries, to get them to doe some acte, which might imply a transgressing and dereliction of their Religion, though it were not directly so ; and so draw a scandall vpon their cause, and make their simplicity seeme infirmity, and impiety : and secondly, the seuerity which the Church vsed towards them, who had done any such acte, and her bitternesse and auerfenes, from re-assuming them, euen after long penances, into her bosome. For by the third Canon of the *Eliberitane* Councel, which I mentioned before, it appeares, that euen they whom they called *Libellaticos*, because they had for money bargained and contracted with the State, to spare them from sacrificing to Idolles (though this were done but to redeeme their vexation and trouble) were seperated from the holy Communion. But none of these reasons can aduantage or relieue those of the Romane perswasion in these times, because no point of Catholique faith, either primary and radicall, or issuing from thence by necessary deduction and consequence, is impugned by vs ; nor their faith in those points, wherein it abounds aboue ours,

explicated to them by any euidence, which is not subiect to iust quarrell and exception; nor are our Magistrates laborious or actiue to withdrawe them by any snares from their profession, but on-ly by the open and direct way of the word of God, if they would heare it: nor is the Church so sowre and tetricall, but that she admits with ease and ioy, those, which after long straying, not on-ly into that Religion, but into such treasons and disobedien ces, as that Religion produces, returne to her againe.

CHAP. III.

That the Romane Religion doth by many erroneous doctrines mis-encourage and excite men to this vicious affectation: of danger: first by inciting secular Magistracy: secondly by extolling the value of merites, and of this worke in special, by which the treasure of the Church is so much aduanced: and lastly, by the doctrine of Purgatory, which by this acte is said certainly to be escaped.

The first part of Principallity and Priest-hood.

I.



Aving laide this foundation, that the greatest Dignitie, wherewith God hath enriched mans nature, (next to his owne assuming thereof) may suffer some infirmitie: yea, putrefaction, by admix-
ture

ture of humane and passionate respects, if when we are admitted to be witnesses of Gods honour, we loue our owne glory too much, or the Authoritie by which this benefit is deriu'd vpon vs, too little, which is the function of secular Magistracie: We are next to consider, by what inducements, and prouocations, the Doctrine and practise of the *Romane* Church doth put forward, and precipitate our slipperie disposition into this vicious and inordinate affection, and dangerous selfe-flatterie.

2 In three things especially they seeme to me, to aduance and foment this corrupt inclination. *First*, by abasing, and auiling the Dignitie and persons of secular Magistrates, by extolling Ecclesiasticke immunities and priuiledges: *Secondly*, by dignifying and ouer-valewing our merits and satisfactions, and teaching that the treasure of the Church, is by this expence of our blood increased. And thirdly, by the Doctrine of *Purgatorie*, the torments whereof are by this suffering said to be escaped and auoided.

3 And in the first point, which is a dis-estimation of Magistracie, they offend two wayes: *Comparatiuely*, when they compare together that and Priest-hood, and *Positiuely*, when not bringing the Priestly function into the ballance, or disputation, they giue the Pope authority as *Supream* *spirituall* *Princesse*, ouer all Princes.

4 When the first is in question of Priesthood and Magistracy, then enters the Sea, yea Deluge of *Canonists*, and ouerflows all, and carries vp their *Arke* (that is the Romane Church, that is the Pope) fifteene cubites aboue the highest hills, whether Kings or Emperours. And this makes the Glosser vpon that *Canon*, where Priesthood is said to exceede the Layetic, as much as the Sunne, the Moone, so diligent to calculate those proportions, and to repent his first account as too low, and reforme it by later calculations, and after much perplexity to say, That since he cannot attaine to it, he will leaue it to the *Astronomers*; so that they must tell vs, how much the Pope exceedes a Prince: which were a fit work for their *Iesuite Clavius*, who hath expressed in one summe, how many granes of Sand would fill all the place within the concave of the firmament, if that number will seeme to them enough for this comparison. But to all these *Rhapsoders*, and fragmentary compilers of *Canons*, which haue onely amass'd and shoueld together, whatsoeuer the Popes themselves or their creatures haue testified in their owne cause; *Amandus Polanus* applies a round, and pregnant, and proportionall answer, by presenting against them the Edicts and Rescripts of Emperours to the contrary, as an equiualent proote at least.

5 And for the matter it selfe, wherein the Ecclesiastique and Ciuill estate are vnder and aboue

Extra. de maior. & Obed. Solite. Quinquagesies septies & Centies quadragesies septies & medium, & septies mesies & septingies, quadragesies, quater & medium.

Comment. in Sacro. Bosc. fol. 219.

Symphon. c. 24. Thef. 9.

boue one another, with vs it is euident and li-
quid enough, since no Prince was euer more in-
dulgent to the Clergie, by encouragements and
reall aduancing, nor more frequent in accepting
the foode of the worde and Sacrament at their
hands, in which he acknowledges their superiori-
ty, nor the Clergy of any Church more inclinable
to preferue their iust limits; which are, to attribute
to the king so much, as the good kings of *Israel*,
and the Emperours in the Primitiue Church
had.

6 It is intire man that God hath care of,
and not the soule alone; therefore his first worke
was the body, and the last worke shall bee the
glorification thereof. He hath not deliuered vs
ouer to a Prince onely, as to a Physitian, and to a
Lawyer, to looke to our bodies and estates; and
to the Priest onely, as to a Confessor, to looke to,
and examine our soules, but the Priest must aswel
endeuour, that we liue vertuously and innocent-
ly in this life for society here, as the Prince, by his
lawes keepes vs in the way to heauen: for thus
they accomplish a *Regale Sacerdotium*, when both
doe both; for we are sheepe to them both, and
they in diuers relations sheepe to one another.

7 Accordingly they say, that the subiect of
the Canon law is *Homo dirigibilis in Deum, & Bo-
nū Commune*, so that that Court which is, *forum spi-
rituale*, considers the publique tranquility. And

Reg. in Possore,
in 6. G. of.

^a *Constantin.*

Ann. 754.

^b *Nicenum 2.*

Anno 787.

^c *Francofurt.*

Anno 794.

^d *Donat. Constant*
l. 2. nu. 60.

^e *Haimius Fel-*
dus Decretu.

Imp. de Imagi-
nibus. fo. 91.

on the other side *Charles* the great, to establish a meane course between those two extreame *Councils*, of which ^a one had vtterly destroyed the vie of Images in ^b Churches: the other had induced their adoration, takes it to belong to his care and function, not onely to call a ^c *Synode* to determine herein, but to write the booke of that important and intricate point, to *Adrian* then Pope; which ^d *Steuchius* saith, remaines yet to be seene in *Bibliotheca Palatina*, and yrges and presses that booke for the Popes aduantage. And in the preface of that booke, the Emperour hath these wordes: ^e *In sinu Regni Ecclesie gubernacula suscepimus*; and to procede, that not only he, to whom the Church is committed, *ad regendum*, in those stormy times, but they also which are *Enutriti ab vberibus* must ioine with him in that care: and therefore he addes, That he vnderooke this worke, *Cum Conbibentia Sacerdotum in regno suo*; neither would this Emperour (of so pious affections towards that Sea, expressed in profuse liberalities) haue vsurped any part of Iurisdiction, which had not orderly deuolued to him, and which he had not knowne to haue beene duely executed by his predecessors.

8 Whose authoritie, in disposing of Church matters, and direction in matters of Doctrine, together with the Bishops, appears abundantly and euidently out of their owne Lawes, and out
of

of their Rescripts to Popes, and the Epistles of the Popes to them. For we see, by the Imperial Law, the Authoritie of the Prince and the Priest made equall, when it is decreed, ^a *That no man may remove a body out of a Monument in the Church, without a Decree of the Priest, or Commandement of the Prince.* And yet there appears much difference, in degrees of absoluteness of power, betweene these limitations of a Decree and a Commandement. And Leo the first, writing to the Emperour *Martianus*, reioyses, that he found ^b *In Christianisimo Principe Sacerdotalem affectum.* And in his ^c Epistle to Leo the Emperour, vsing this preface for feare lest hee should seeme to diminish him in that comparison (*Christiana ut libertate*) he saith, *I exhort you to a fellowship with the Prophets and Apostles, because you are to be numbred, inter Christi predicatores: Hee addes, that kings are instituted, not onely ad mundi regimen, but chiefly ad Ecclesie presidium: and therefore he praises God to keepe in him still, Animum eius Apostolicum & Sacerdotalem.*

9. So for his diligence in the Church-governement, *Simplicius*, the Pope salutes the Emperour *Zeno*. *Exultamus vobis in esse animum Sacerdotis & principis: For which respect his successor* ^a *Felix* the third, writing to the same Emperour, salutes him with this stile: *Dilectissimo fratri Zenoni*, which is a stile so peculiar to those, which are constituted in the highest Ecclesiastique dignities

^a Dig. l. i. Tit. 7. l. 8. 0. 5. l.

^b Leo I. Martia. Epist. 70. Epist. 75.

Simplicius Papa An. 471. Epist.

14.

^a Ann 486. Epist

14.

^b Extra. de Re-
script. Ad audi-
entiam. 2. of verb
manifestum.

as Bishoppes and Patriarches, ^b that if the Pope should write to any of them by the name of Sons, which is his ordinary stile to secular princes, it vitiates the whole Diplome, and makes it false.

^c Conc. Aurelian.
1. Clodu. regi. c. 2

IO And a ^c Synodicall letter from a whole Councell to a King of France, acknowledges this Priestly care in the king, thus, *Quia Sacerdotali mentis affectu*, you haue commaunded your Priests to gather together, &c. which right of general superintendencie ouer the whole Church, ^d Anastasius the Emperour dissembled not, when writing to the Senate of Rome to compose dissentions there, hee called *Hormisdas* the pope, *Papam Alme vrbis Romæ*, but in the Inscription of the Letter, amongst his owne Titles, he writes *Pontifex inclitus*.

^d Habetur in
Einio To. 2. f. 320
Anno. 516.

^e Li. 4. Epist. 32.

H ^e Gregory himselfe (though his times to some tastes, seeme a little brackish, and deflected from vpright obedience to princes) saith of the Emperours *That no man can rightly gouerne earthly matters, except he know also how to handle Diuine*. And in the weakest estate, and most dangerous fitt that euer secular Magistrate suffered and endured, Gregory the seuenth denied not, that these two dignities were *as the two eyes of the body, which governd the bodie of the Church in spirituall light*; which is more, then the Comparisons of Soule and Body, and of Golde and Leade, as they are now vsurped and detorted, can afford. And the euidence of this truth hath extorted from *Binius* (a seuer and hea-
uie

Greg. 7. Ducis Sue-
vie l. 1. Epist. 19.

Binius To. 1. fol.
831. A.

uie depresser of kings,) thus much (though but in a marginall note) *Imperatores Sacra & secularia ex a quo curant.* And so much did pope *Iohn* the eight willingly acknowledge to *Lodonic* the sonne of *Charles*, That he was *Cooperator sui certaminis*. And as *Balsamo* saith upon the fourth generall Council of *Chalcedon*, that it belongs to the Emperour to designe the limits of *Diocesses*, and to erect a *Bishopricke* into a *Metropolitane seate*, and to appoint who shall possessethem, So to that Canon in the Council of *Trullo* which forbidding all Lay persons to come within a certaine distance of the Altar, doth not extend to the Emperours, *Si quidem voluerit Creatori dona offerre ex antiquissima consuetudine*: And to *Balsamo*s Notes thereupon, that *Orthodoxe Emperours*, because they are *Christi Domini*, haue also *Pontificall Graces from God*, and by *Inuocation of the holy Trinity*, they create *Patriarchs*, they come vnto the Altar, *Et iustifunt sicut & Antistites*: *Binius* opposeth no more, but that the Canon was made in flatterie of the Emperour, which is not enough to defeateth the Canon, nor enervate the credite thereof, since that Canon was not *introductory* then, but *Declaratorie* of an auncient custome, as the words thereof doefully euict and proue.

12 And not onely Councils submitted their Decrees to the Emperours for Authoritie, and supplement of defects, but the Popes themselues consulted the Emperours before hand, by their

H

Letters,

Ioan. 8. Papa Ann 873. Epist. 87.

Balsamo in Conc Chalced. can. 17

Concil. Quinosen in Trullo. ca. 69. Anno 692.

Note in hunc can. To. 3. par. I. fo. 156. A.

Leo, Martiano
Epist. 64.

Leo 8. Epist. 57.

Leo 1. ad Mar-
tiano. Epist. 70.

Grego. 1. li. 3.
Epist. 20.

Letters, in matters of greatest difficultie and importance: So *Leo* the first writes to *Martianus* the Emperour, about the establishing of *Easter*, in which point the Church suffered more stormes & schismes, then almost in any other, that did not concerne the *Trinitie*; and at this time nothing was certainly determined and decreed therein. Thus then he writes to him, *Cupio vestrae Clementiae studijs adiuvari, That so no error may be committed in the obseruation thereof.* And *Leo* the eight, exhorts the Sonnes of *Charles*, as partners in his Pastorall care to imploy *Baculos redargutionis*. And concerning some spiritual matters, then to be determined, he ends his Epistle thus, *The penne must first be dipped in the fountaine of your heart, and then my Hand shall frame the Characters.* And so when a Bishop of *Constantinople* stood out in some things against the Emperour, the Bishop of *Rome*, who at that time had iustly acquir'd a great reputation in the Catholicke Church, writes to the Emperour, *That if that Bishop perseuer in such courses, as displease God, and the Emperour, Salua Mansuetudinis vestrae Reuerentia, vtar in eam liberiori Constantia.* So that hauing first asked the Emperour leaue, he offers him his assistance.

13 And though *Gregorie* the first (whom wee may iustly call a border-pope, because though hee made no deepe roades into the iurisdiction of Princes, yet he extended his owne to the vttermost inch,

inch, and sometimes transgressed a little beyond) though he, I say, suspended one, to whome Orders were giuen by the Emperours commandement, yet hee doeth not this absolutely, but because he knew (as he said) the Emperours minde therein, and that particular parties vnworthinesse; he suspended him, vntill he might vnderstand from his *Responsall* with the Emperor, whether that pretended Commandement from the Emperour were not subreptitious.

14 And when this correspondence was intermitted, as it appeares often to haue bene, to the preiudice of the whole Church, the Emperours were euer forwardest to labour a re-union and concurrence of their powers, to the benefit and peace thereof; as *Anastatius* testifies thoroughly in a Letter to *Hormisdæ*, in these words; *Before this time, the hardnesse of them, to whom the care of this Bishopricke, which you now gouerne, was committed, made vs abstaine from sending any Letters; but now, since their runnes a sweete opinion of you, it hath brought backe to our memorie, the goodnesse of a fatherly affection, that we should require those things, and so forth.* By which, all these circumstances appeare, That the Emperours did vse to write, and that the fault which induced a discontinuance thereof, proceeded from the Pope; and that the Emperour pretermitted no opportunitie of resuming that custome; and that when he writ, he did it

*Anastat. Imp.
Hormisdæ Papæ.
Binus. To. 2. fo.
315. A.*

Hormisdæ Epist.
2.

Binius To. 2. fo.
335. B.

Pelagius 1. Epist.
16. & 25. q. 1,
Sat. ageadum.

out of a fatherly care, and by the way of requiring. And how much joy *Hormisdæ* conceived by this Letter, appears by his phrase of expressing it, *Sacros affatus congrua veneratione accipimus.*

15 With like care *Iustinus* the Emperour exhorts the same Pope, to a Peace and Union with the Easterne Church, by his Letters which hee calls *Diuinos Apices*. And scarce by any one thing doth this care of Princes, and obsequiousnesse of Popes appeare more, then by the Letter of *Pelagius* the first (who was little aboue 550. yeares from Christ) to *Childebert* King of *France*, in these words. *We must endeouour, for the taking away of all scandall of suspition, to present the obsequiousnesse of our Confession, vnto Kings, to whom the holy Scriptures command euen vs to bee subiect. For Ruffinus, your Excellencies Ambassadour, asked from vs confidently, as became him, that either we should signifie to you, that we did obserue in all points the Faith, which Leo had described, or send a Confession of our Faith in our owne words. And so accordingly he performes both, as well binding himselfe to the Faith of his predecessours, as exhibiting to the King another forme of the same Faith, compos'd and digested by himselfe; which, if the Bishops of that Sea would accept now, I doe not perceiue wherein there could be any Schisme.*

16 And as the Emperours were carefull assistants of the Popes, that that mother Church at
whose

whole breast most of the Westerne Churches sucked their spirituall nourishment, should be infected with no poison, because it might easily be deriued from thence to the other members; so did they not attend the leisure of that Churches resolution, nor the incommodity of Generall Councils, but vsed their owne power to gouerne their Churches, by constitutions of their owne; for so ^a *Iustinian* the Emperour sayes of his owne lawe, by which he priuiledges certain religious houses; *We offer vpt his Diuine law as a faire and conuenient sacrifice to Christ.* So that eyther that attribute *Diuinum* was then affoorded to ciuill Constitutions, or the Emperour made Ecclesiastique lawes, if that word belong onely to such. ^b The Emperours tooke it into their care, to dispose of their estates which entred into Monasteries; ^c And of theirs also which dyed in Monasteries; so that neither the purpose of entring, nor the acte, nor the habite, and perseuerance deuested the Emperour of his right, or hindred the working of the Law. ^a The Emperours also by their lawes appointed which of their subiects might not take Orders, ^b and at what age Orders might be confer'd; and that no woman after a second marriage might be *Diaconissa*; which was, to make a law of Bigamy.

17 Yea they commanded and instructed in matter of Faith; for so ^a *Iustinian* saies of himselfe,

^a *Cod. l. i. Tit. 3. l. Ultim. in fine.*

^b *Cod. l. i. Tit. 2. le. 13.*

^c *Cod. l. i. Tit. 3. l. 20.*

^a *Cod. l. i. Tit. 3. l. 4. & 27.*

^b *Ibid. le. 9.*

^c *Ibid. S. Diaconissa.*

^a *Cod. l. i. Tit. 1. l. 6.*

^e Cod. lib. 1. Tit. 6. l. 2.

^f Cod. l. 1. Tit. 9. lib. 6.

^g Cod. l. 1. Tit. 2. l. ult.

Cod. l. 1. Tit. 1. l. 2

^a Cod. l. 1. Tit. 3. l. 7. § Presbiteri.

^b Ibid. l. 17. § Interdicimus.

we are forward to teach, what is the right faith of Christians, and we *Anathematize Apollinaris*^e. So also *Honorius* and *Theodosius* inflict the punishment of death vpon any Catholique Minister (for then neither that name was abhorred by Priests, nor they exempt from criminall lawes) which shold re-baptize any man; and yet this was a meere spirituall offence. And so ^f *Valentinian*, and his Co-emperours pronounce marriage betweene *Iewes* and *Christians* to be adultery. And ^g *Iustinian* interprets how a Testator shall bee vnderstood, when he appoints Christ, or an Angell, or a Saint to be his heyre.

18 Nor deale they onely with temporall punishments vpon Ecclesiastique persons, which is farder then is affoorded them now, but they inflict also spirituall censures: for *Gratian* and his Co-emperours pronounce against Heretiques, (that is, Impugners of the Nicene councill) *That they shall be vtterly seclued from the threshold of the Church*: And in the next law, which is against *Nestorians*, they say, *If the offenders be Laymen, Anathematizentur, if Clergie men, Ejciantur ab Ecclesijs.*^a And another of their lawes doth not only inflict temporal & ignominious punishmēt vpon Clergy men, but Ecclesiastique censures also in these words: *If a Clergy man be guilty of fals witnes in a pecuniary cause, let him be suspended three yeares, and in a criminall, let him be deprived.*^b And another spends

spends for three yeares, euen *Sanctissimos & venerabiles Episcopos*; if they doe but looke vpon players at Tables: and that law authorizes him, vnder whose power that offender is, if he appeare penitent, to abbreuiate his punishment; and of Bishoppes which will not forsake women, it pronounces thus; *Abiciantur Episcopatibus*. And in the matter of establishing and ordering *Sanctuaries*,^d one of the writers of the Romane parte hath presented ciuill constitutions enow, to teach vs, that that was within the care and Iurisdiction of secular Princes.

19^e And when an Emperour had created a Bishop of *Antioch*, contrary to the forme prescrib'd in the Nicene Councell, of an intire obseruation, whereof the christian Church was extremly zealous, the Pope proceedes not by annullings and vociferations, but writes thus to the Emperour: *We may not disallow that which you haue done holily and religiously out of a loue to peace and quietnes*; by which we see that Canons of Councils, though they were *Directions*, yet they were not *Obligations* vpon Princes for their gouernement. By all which it appeares, that those Christian and Orthodoxe Emperors, justifying their inherent right, by these frequent and vn-interrupted matters of fact, apprehended not this vast and incomprehensible distance betweene secular and ecclesiastique power, but that they were compatible enough, and condu-

^c *Ibid.* l. 19.

^d *Simancha. de Reipub.* l. 8. c. 40.

^e *Simplicius Zenoni.* Ep. 14.

conduced, and concurred to one perfection, and harmony of the whole state.

20 And it is related by^a an Author of great estimation in the Romane profession, that *Gregory* the seventh was author of a new scisme, diuiding and tearing priesthood and principality. ^b And it is euident that *Bertram* a priest vnder *Carolus Caluus*, almost eight hundred yeares since, writing of that Diuine and abstruse mysterie, *De corpore Domini*, submits his opinion to the iudgement of the King and his Counsaile, as competent Iudges of that question: and ^c *Cochlaus* saith, that *Luthers* doctrine was condemned for hereticall by an edict of the Emperours, with the common assent of the Princes and the States. And the holy Ghost had well intimated the concurrence of their two powers in ^d *Deuter.* if those wordes which are in the Text, *Nolens obedire sacerdotis Imperio, & Decreto Iudicis, moriatur*; were not chaunged by the vulgate edition, into *Ex Decreto*; and thereby onely the priest made Iudge of the controuersies, and the Magistrate onely executioner of his Sentences.

21 For certainly these two functions are not in their nature so distinct, and Diametrically opposed, but that they may meeete in one matter, yea sometimes in one man, and one man may doe both: for amongst the Gentiles, it was so for the most part: and sometimes amongst the Israclites.

And

^a *Esperencius.*
Com. in Tim. l. 2.
p. 13. 275.

^b *Index Expur.*
Belg. fo. 15.

^c *Prefatio in Histor. de act. & Script. Lutheri.*

^d *Deut. 17. 11.*

And in late times ^a *Maximilian* the first, a Catholique Emperour, thought it belonged to the *Empire*, to haue also the *Papacy* vnited to it: and therefore when *Julius* the second lay desperately sicke, he endeououred to bring to execution, that which he had often meditated, and consulted, and receiued as approued from some great persons of dignity in that Church, which was to bee elected Pope in the next Conclauē, and to restore the *Papacy* (as he thought or pretended) to the Emperiall Crowne.

22 ^b And if a Lay-man be elected Pope, he need not presently be made Priest, but he may, if hee will, stay in *Subdiaconatu*. And to that degree they seeme to admit the Emperour, when he comes to be crowned at *Rome*; ^c for at the Communion he administers to the Pope in the place of Subdeacon. And this in the Primitiue Church was not (as ^d themselues confesse) *Ordo Sacer*: though of late it be growne to be such a perplexed case, whether it were or no that of those commissioners, which two Popes made to surauay the *Decretals*, one company expunged, the other re-assumed ^e one place in that book, which denies this to haue beene amongst holy Orders.

23 The Emperour also puts on a Surplis, and is admitted as a Canonick not only of Saint *Peters* Church, but of Saint *Iohn Laterane*; to which particular Churches (of which the Pope is Parson,

^a *Epist. Maximil. ad Baro. Leichtensterni Habetur. in Monit. polit edit. Franct. Ann. 1609. fo. 33.*

^b *Ceremonie Sacre. Cap. de Ordinatione.*

^c *Idem. ca. de Coronat.*

^d *Alfon. A'uares specul. vtriusque Dig. c. 10. m. 3.*

^e *Extra de bigam. non Ordin. Super eis. glos. verbo Sacros.*

son, as he is Bishoppe of *Rome*, Metropolitane of *Italy*, patriarch of the *West*, and pope of the world, all those blessings and priuiledges which are ordinarily spoken of the Catholique Church are said by ^a some to bee irremoueably annexed and appropriate: hereupon some of their owne lawyers say, ^b That all kings are clergie men; and that therefore it is sacriledge to dispute of the authority of a King.

24 But howsoever these two functions, since the establing of Christianity, haue for the most part bene preserued distinct, and ought so to be; yet they are at most, but so distinct as our *Body* and *Soule*: and though our *Soule* can contemplate God of herself, yet she can produce no exterior act without the body. Nothing in the world is more spirituall and delicate, and tender then the conscience of a man; yet by good consent of Diuines, otherwise diuersly perswaded in Religion, the ciuill lawes of Princes doe binde our consciences: and shall the persons of any men, or their temporal goods, be thought to be of so sublimed, and spirituall a nature, that the ciuill constitutions of Princes cannot worke vpon them? Nor doe we therefore decline the comparison, so much vrged by the Romanes, that the Clergie exceede the Laity as much as the *body* the *soule*, when it is so conditioned and qualified, as the authors thereof intended it; That is, that the scales
and

^a *Aluarez specu. vtri. Digni. ca. 1. nu. 40.*
^b *Cassaneus. par. 5. confid. 24. art. 59. & 181.*

Bellar. de Pont. Ro 1. 5. c. 6. §. Est igitur. Ex Nazj. aaz.

instruments of Gods grace, the Sacraments, are in the dispensing of the Clergy, as temporall blessings are in the Prince and his lawes, strictly and properly, though concurrently both in both, (for the execution of the most spirituall function of the priest, as it is circumstanced with time and place; and such, is ordinarily from the Prince): But we are a litle affraid, that by a literall and punctuall acceptation of this comparison, we may giue way to that Supremacy, which they affect ouer Princes; because their *Sepulueda* saith, *That the soule doth exercise ouer the body; Herile Imperium, vt Dominus in seruum*: and so by this insinuation should the pope doe ouer the prince.

25 Howsoeuer in their first institution Popes were meere Soules, and purely spirituall, yet as the purest Soule becomes stain'd and corrupt with sinne, assoone as it touches the body: so haue they by entring into secular businesse, contracted all the corruptions and deformities thereof, and now transerre this originall disease into their successours. And as in the second *Nicene* Councell, when the Bishop of *Thessalonica* auerred it to be the opinion of *Basil*, *Athanasius*, and *Methodius*, and the Vniuersall Church, that *Angels*, and *Soules* were not meerey incorporeall, but had bodies: The Councell in a prudent conuiniencie, forbore to oppose any thing against that asseueration, becaute it facilitated their pur-

Sepulueda de regn. & reg. Hu. l. i.

Concil. Nice. 2. Actio 5.

To. 3. Par. 1.
fol. 399.

1. Cor. 2. 15.

Maynardus de
Privileg. Eccles.
Art. 9. 3. 1.

pose then, of making Pictures and representations of Spirits (though *Binius* now vpon that place, say, his Assertion was false and iniurious to the Church:) So though in true Diuinitie the Pope is meerey spiritual, yet to enable him to depose Princes, they will inuest and organize him with bodily and secular Iurisdiction, and auerre that all the Fathers, and all the Catholicke Church were euer of that opinion. For the Pope will not now be a meere Soule and Spirit, but *Spiritualis homo, qui iudicat omnia, & a nemine iudicatur*. For so a late writer styles him, and by that place of Scripture enables him to depose Princes. Not will this serue, but he must be also *spiritualis Princeps*; of which we shall hereafter haue occasion to speake.

26 And as a cunning Artificer can produce greater effects, vpon matter conueniently dispos'd thereunto, then nature could haue done; (as a Statuarie can make an Image, which the Timber and the Axe could neuer haue effected without him: And as the *Magicians* in *Egypt* could make liuing Creatures, by applying and suggesting Passiue things to Actiue, which would neuer haue met, but by their mediation:) So, after this Soule is entred into this *Body*, this spirituall Iurisdiction into this temporall, it produces such effects, as neither power alone could worke; nor they naturally would vnite and combine themselves

selues to that end, if they were not thus compressed, and throng'd together like wind in a Caue. Such are the thunders of vniust Excommunications, and the great Earthquakes of transferring Kingdomes:

27 And these usurpations of your Priests haue deseru'd; that that stygmaticall note should still lie vpon them, which your Canons retaine,
^a *That all euill proceedes from Priests.* For though
^b *Manrique* whom *Sixtus* the fift employ'd, had remoued that glosse, yet *Faber* to whom *Gregorie* the thirteenth committed the suruey of the Canons, retaines it still. And (if the Text be of better credit then the glosse) the Text hath auerred *Saint Hieromes* words; *That searching ancient Histories, he cannot find, that any did rent the Church, and seduce the people from the house of God, but those which were placed by God, as Priests, and Prophets, that is, Ouerseers; for these are turnd into winding Snares, and lay scandals in euery place.*

28 Euen the Name of King, presents vs an argument of pure, and absolute, and independant Authoritie; for it expresses immediatly, and radically his Office of gouerning, whereas the name of *Bishop* hath a metaphoricall, and similiaudinarie deriuation, and being before Christianitie applied to Officers, which had the ouerseeing of others, but yet with relation to Superiours, to whom they were to giue an account, deuolu'd

^a Dist. 50. Et
Purgabit. glos.
verb. Domo.

^b Index. Expur.
Belg. fol. 306.

24. 13. Trans.
ferunt.

conueniently vpon such Prelates, as had the ouer-seeing of the inferiour Clergie, but yet gaue them no acquittance and discharge of their duties to the Prince.

29 And God hath dignified many races of Kings, with many markes and impressions of his power. For by such an influence, and infusion, our kings cure a disease by touch, and so doe the French Kings worke vpon the same infirmitie. And it is said that the kings of *Spaine* cure all *Dæmoniaque* and possessed persons. And if it bee thought greater, that the Pope cures spirituall Leprosies, and lamenesses of sinne, his Office therein is but accessorie and subsequent; and after an Angel hath troubled our waters, and put vs into the Poole, that is, after we are troubled and anguished for our sinnes, and after we haue washed our selues often in the riuer Iordan, in our teares, and in our Sauiours blood vpon the Crosse, and in the Sacrament, then is his Office to distinguish betweene Leaper and Leaper, and pronounce who is censed: which all his Priests could doe as well as he, if he did not Monopolize our sinnes by reseruations.

30 And this is as much as seemes to me needfull to bee said of their ailing Magistracy, in respect of Priesthood: for, for vs priuate men it must content vs, to be set one staire higher then dogges; for so they say in their *Missall* cases, that

if

*Valdesius de
Dignitate re-
gum Hispan. c. 16.*

*Ioan. de Lapide
Casus missali. cap.
6. Ar. 5. S. Quo-
cunq.*

if any of the consecrated wine fall downe, the Priest or his assistant ought to licke it vp; but if they be not prepar'd, any Lay-man may be admitted to licke it, least the dogge should. And of the comparison of these two great functions, Principality and Priesthood, I will say no more, least the malignity of any mis-interpreter might throw these aspersions, which I lay vpon persons, vpon the Order. And therefore since we haue sufficiently obserued, how neare approaches to Priest hood the Christian Emperours haue iustly made, and thereby seene the iniustice of the Romane Church, in deiecting Princes so farre vnder it: we will now descend to the second way, by which they debase Princes, and derogate from their authority.

31 For it is not onely in comparisons with Priesthood, that the Romane writers diminish secular dignity, but simply and absolutely, when they make the Title and Iurisdiction of a king so smooakie a thing, that it must euaporate and vanish away by any lightning of the popes Breues or censures, except they will all yeeld to build vp his Monarchy, and make him heyre to euery kingdome, as he pretends to be to the Empire: for ^a of that (saith a Iesuite) now there is no more controuersie. ^b And if the electors disagree in their election, then the election belongs to him. And whether they agree or no, ^c this forme of Election is to continue but so long, as the Church shall thinke it expedient. And if he

^a Azor. par. 2 l. 10. c. 9. S. Cate-
rum.

^b Aluarez Spec-
utr. Dign. ca. 56. m. 12.

^c Idem. ca. 16. m. 15.

he had such title to all the rest, that Monarchie might in a vaster proportion extend it selfe, as farre as one limme thereof, the *Iacobins*, do in *Paris*:^d to whom *Philip le long*, gaue a Charter for their dwelling in that Citie, in these wordes: *A porta eorum, ad portam Inferni, inclusive.*

*4 Rem. Choppinus
de Iure Monast.
li. Tit. 1. nu. 15.*

32 And how easily and slipperily Princes incur these censures, may be collected by *Nauarrus*, who saies, *It is the Catholique faith, without firme beleefe whereof, no man can be saued; that no Prince can erect or extinguish a benefice without the Pope; and to thinke the contrary (saith he) doth taste of the English Heresie.*

*Nauarr. Manual.
c. 27 nu. 3.*

33 Scarce any amongst themselves can escape that excommunication Dormant, which they call *Bullam Cæne*; in which *Nauarrus* reckons vp so many hooks, with which it takes hold, that euery honest man, and good subiect with vs now, ought to be affraide, least he haue not incurred it, since all they are within the danger thereof, that adhere to any, who hath but offended a Cardinall: of whose safety the popes are growne so carefull, that in the later *Decretals* it is made treason, euen in a stranger and no subiect; *If he haue any kind of knowledge, or coniecture of any harme, intended to any of them. And the Emperour himselfe if he abett, or receiue, or fauour, or countenance any that doth, or intends personall harme to a Cardinall, becomes a traytor. For they are the eldest sonnes of the Church, and par-*
take

*In septimo. Tit. 4.
c. 3.*

*Hiero. Gigas de
lesa mal. 1.
Rubr. 4. q. 5. nu.
10.
Ibid. nu. 2.*

take of the Maiesty of their father. Nor are they brethren to any of lesse ranke, but to such, their stile is but *vester vii frater*, as *Baronius* writes to *Schultingius* his abbreviator. And though *Bishops* and the *Emperour* swear fidelity to the pope; yet, saies *Gigas*, the *Cardinals* doe not take that oath, because they are parts of his body, and his owne Bowels.

34 And not onely all princes are bound to a reuerend respect of them, but^a in solemne processions, the *Image of Christ* must looke backward, if a *Cardinall* follow; and *God* himselve in the *Host*, must giue them place: for at the *Coronation* of the pope,^b when they prouide twelue horses for the *Pope*, and one gentle one for the *Host*, the dignity of the place being measured by the nearnesse to the *Popes* person; the *Cardinals* place is, to ride betweene the *Host* and the *Pope*. And in their mysterious passages vpon *Ash-wednesday*,^c when the *Pope* laies the ashes vpon a *Cardinall*, he saies not to him, as to all others, *Memento homo, quia Cinis es*, but *quia puluis es*: Intimating perchance, that they are neuer so burnt to ashes, but that the fires of lust or ambition are still aliue in them. To which, I thinke there was some regard had, when it was so wisely prouided,^d that when a *Cardinall* did celebrate masse, there might enter no woman, nor man without a beard.

35 Nor doth the *Pope* improuidently, in aduancing them with these dignities and priuileges,

*Ante. librum
Schultingii. To. 1*

Vbi supra. 6.

^a *Paris crassus
De ceremo. E-
piscop. li. 2. ca. 42*

^b *Cerem. Sacrae.
cap. de conse-
crat. fo 36.*

^c *Par. crassus. 2.
c. 43.*

^d *Idem. lib. 2. fo 27*

e Conc. Basil.
Sess. 23. cap. de
num. et qualit.
Card.

f Aluarez speculr
Dy. ca. 24. n. 15

Theod. a Niem.
de scism. l. 1. cap
12. § 57.

Conestaggio del-
la unione di
port. Et custig.
l. 3. in princip.

Resp. ad Card.
Colum. m. 31.

Iob. 26. 5.

ledges, nor in multiplying their number, so directly against the Councell of *Basil*,^e which limits them to twentie foure (except, vpon vniting the Greek Church, it might be thought fit to add two more) and forbids expressly any Nephues of the Popes to be admitted. For no excesse in number, ^f (though they were returned to two hundred and thirty at once, as they are said to haue beene in *Pontianus* his time; and though he should pile them vp, and throw them downe, as fast as those Popes which created sixe and twenty in one day, and executed sixe in another) could disaduantage that Sea of Rome, if they might be prouided out of the states of other Princes (as in a great measure they are) since the Church is their heyre, and they are all but stewards for her. Of which the Pope gaue a dangerous instance, when he put in his claime for the kingdome of *Portugall*, because the last king was a Cardinall. These princes, no secular prince may dare to offend, nor subiect adhere to him, if he doe, vpon danger of that Bull: and yet they are made Iudges of the actions of all Princes, as *Baronius* saies; and so oppressed with infinit suits against Princes, that it may be fitly said of them, which *Iob* saies, *Ece genuit gigantes sub aquis, & qui habitant cum eis*: which wordes the Cardinals will not thanke *Baronius* for applying to them, if they consider that *Lyra* interprets this place of Gyants drowned in the flood, and

now damn'd and lamenting in hell. But now, a Cardinall cannot chuse but bee a person of great holinesse and integritie, since there is a Decretall in a generall Councell, and a Bull of Leo the tenth, which doe not only *Hortari*, and *Mouere*, but *Statuere*, and *Ordinare*, that euery Cardinal shall be of good life.

36 And as these censures and Excommunications of the Pope, inuolue all causes; so doe they all persons, except the Pope himselte, and such companie, as the Canons haue appointed him in this exemption, which are, *Locusts*, *Infidels*, and *the Diuell*. For these, and the Pope, sayes *Nauarrus*, cannot be Excommunicated: Yet as in their exorcismes of persons possessed, it is familiar to them, when the Diuell is stubborne, to call him ^a *Heretique*, and ^b *Excommuhicate*, so some Popes haue kept him companie in both those titles. And as they cal their *Hermits Locusts* (because as it is in *Salomon*, *They haue no Kings, yet they goe forth by bands*) and accordingly the *Hermits* are subiect to no *Superiour*, and in that sense *Locusts*, as their owne *Glosser* stiles them: so may they prodigally extend the name and priuiledge of Inexcommunicable *Locusts*, to many in the other Orders, since as the *Hermits* haue no kings, so many of the others wish, that none else had any King, and doe their best end uour by auiling them, to bring them into contempt, and to annihilate their dignitie and them.

*In septimo. Tit. 4
ca. 4.*

*Nauar. Manu.
ca. 27. n. 13.*

^a *Menghi. Fla-
gel. Demo. fo. 42.
b. fo. 79.*

Prov. 30. 27.

*16. q. 1. qui uere.
glos. uerbo. uere.*

In Epist. eius m. 5

37 He that should compare the stile of *Thomas Becket* to his King (*Olim seruus, nunc in Christo Dominus*) with that of *Dauid*, after he knew *Saule* to be reprov'd by God, and himselfe anoynted, (*After whom is the King of Israel come out? After a dead Dogge, and after a Flea?*) Would suspect that this difference of stile, was not from one Author. *Saint Chrysostome* notes, that even to *Nabuchonozor*, who persecuted them for their faith, they which were condemned, said: *Notum sit tibi Rex;* and would not offer to the Tyrant, that contumelious name. And to prophane and irreligious Princes, God himselfe in his Bookes, affords one of his owne names, *Christ*.

38 What high stiles did many Christian and Orthodoxe Emperours assume to themselves? The Law stiles the Emperour, *Sanctissimum Imperatorem*. And his priuiledges, *Diuinas Indulgentias*. So *Gratian* and his Colleagues in the Empire, in the first Law of the Code, call their *Motus animi*, *Celeste arbitrium*. And *Theodosius* and *Valentinian* making a Law with a *non obstante*, preclude all dispensations, which the Emperours themselves might graunt, in these words, *Si Celeste proferatur Oraculum, aut Diuina pragmatica Sanctio*. So also *Theodosius* and *Arcadius*, when they make a Law for dispatch of Suites, begin thus, *Nemo deinceps tardiores affatus nostræ Perennitatis expectet*. And *Iustinian* in the inscription of one of his
owne

Chrysost. ad Pop.
Antioch. Ho. 23.

^a Dig. li. 31. Tit. 1.
87. §. Imperator.
^b Dig. li. 1. Tit. 4.
Le. 3.

^c Cod. li. 1. Tit. 1.
L. 1.

^d Cod. li. 1. Tit. 2.
Le. 10.

^e Cod. li. 1. Tit. 4.
Le. 3.

owne Lawes, inserts amongst his owne Titles, ^f *Semper Adorandus Augustus*. And in a Lawe of *Monasteriall*, and *Matrimoniall* caules, (which are now onely of spirituall Iurisdiction) he threatens, that if any *Bishop* infringe that Law, ^g *Quam nostra sanxit Aeternitas Capitis supplicio ferietur*. In which stile also *Theodosius* and *Arcadius* ioyne, ^h *Adoraturus aeternitatem vestram dirigatur*. And another proceedes somewhat further, ⁱ *Beneficio numinis nostri*. And *Theodosius*, and *Valentinian* deliuer it more plainly, ^k *Vt sciant omnes, quantum nostra Diuinitas auersatur Nestorium*; and so in fauour of the puritie and integritie of Christian Religion, in contemplation whereof, it seemes they were Religiously exercised, euen at that time, when hee assum'd these high stiles, they proceede in the same Law, *We anathematize all Nestorius followers, according to those things which are already constituted A Diuinitate nostra*. And *Constantius*, and *Irene* write themselves *Dinos*, and their owne Acts, *Dialia*. And this, *Pope Adrian*, to whom they writ, reprehended not; but the Emperour *Charles* did, and another phrase of as much exorbitance, which was, *Deus qui nobis conregnat*.

39 The highest that I haue obserued any of our Kings to haue vsed, is in *Edward* the fourth, who in his creation of *Marques Dorset*, speakes thus of himselfe; *Cum nostra Maiestas, ad Regium Culmen sublimata existat*; and after, *Tantum splendo-*

^f *Cod. l. 1. Tit. 15*
L. 3.

^g *Cod. l. 1. Tit. 3.*
L. 55 S. His ita.

^h *Cod. l. 11. Tit. 9.*
L. 2.

ⁱ *Cod. l. 1. Tit. 2.*
L. 3.

^k *Cod. l. 2. Tit. 1.*
L. 3.

Carol. Mag. l. 1. c.
1. & 3.

Glover de Nobilit. fol. 75.

*Cassianus catal.
Glor. par. 5.
consid. 30.*

*Alvares specul.
utri Dign. E-
pist. ad Mariam*

*Oratione Casary a
Branbedoro in
subscriptione.*

*Bell. Recogni.
fo. 2.*

*Serarius lit-
neuticus. l. 2. q. 6*

ris nostrinomen. But a little before his time *Baldus* gaue as much to the king of France, as euer any had; for he said he was in his kingdome, *Quidam Corporalis Deus.* And in our present age, a Roman Author in a Dedication of his booke, thus salutes our Queene *Mary*: because your Highnesse is the strongest bul-warke of the Faith, *Tua Numina supplico*; which is also attributed to the Emperour in a late Oration to him, and to other Princes. And in some Funerall Monuments of Queene *Maries* time, I haue read this inscription; *Diuis Philippo & Maria Regibus*, which word *Diuis*, *Bellarminè* values at so high a rate, that he repents to haue bestowed it vpon any of the Saints; and therefore in his late Recognition blots it out: which tendernesse in him; another *Iesuite* since disallowes, and iustifies the vse of the worde against *Bellarmines* squeamish abstinence; because the worde, saies *Serarius*, may be vsed alwel as *temple* or as *fortune*, which are also Ethnique wordes. But by his leaue he is too hasty with the Cardinall, who doth not refuse the word, because the Ethniques vsed it, but because they appointed it onely to their Gods; *Bellarminè* insimulates al them, which allow that worde to Saints, of making Saints Gods.

40 And though in some of these Titles of great excesse, which these Emperours assum'd to themselues, we may easily discern some impressions

sions of Gentilisme, which they retain'd sometimes, after Christian Religion had receiv'd roote amongst them; as they did also their Gladiatorie spectacles; and other wastefull prodigalities of mens lives; and Bondage and servility, and some other such: yet neither in them, nor in other Princes, is the danger so great, if they should continue in them, as it is in the Bishoppes of Rome. For Princes, by assuming these Titles, do but draw men to a iust reuerence, and estimation of that power, which subiects naturally know to be in them: but the other, by these Titles seeke to build vp, and establish a power, which was euer litigious and controuerted, either by other Patriarchs, or by the Emperours: for *Bellarmino* hauing vnderaken to proue the Pope, to be *Peters* successor in the Ecclesiastique Monarchy (which Monarchy it selfe is denyed, and not onely the popes right to it) labors to proue this assumption, by the fiftene great names, which are attributed to the Popes.

*De Pont. Ro. li.
2. c. 12.*

Ibid. ca. 37.

41 And the farthest mischiefe, which by this excesse Princes could stray into, or subiects suffer, is a deniation into Tyranny, and an ordinary vse of an extraordinary power and prerogatiue, and so making subiects slaues, and (as the *Lawyers* say) *Personas Res*. But by the magnifying of the Bishoppe of Rome with these Titles, our religion degenerates into superstition; which is a worse danger:

danger : and besides our temporall fortunes suffer as much danger and detriment, as in the other; for Princes by their lawes worke onely vpon the faculties and powers of the soule, and by reward and punishment, they encline or auert our dispositions to a loue or feare. But those Bishopps pretend a power vpon the substance of our soules, which must be in their disposition, for her condition and state in the next life. And therefore to such as claime such a power, it is more dangerous to allow and countenance any such Titles, as participate in any signification of Diuinity.

42 For since they make their Tribunall and Consistory the same with Christ, since they say ^a *It is Heresie and Treason to decline the Popes iudgement, per ludibria friuolarum Appellationum, ad futurum Concilium,* as one Pope saies; since they teach, ^b *that one may not appeale from the Pope to God himselfe;* ^c *since they direct vs to bow at the name of Iesus, and at the name of the Pope, but not at the name of Christ;* for that being the name of Anointed, it might induce a reuerence to Princes (who partake that name) if they should bow to that name; since they esteeme their lawes Diuine, not as Princes doe, by reason of the power of God inherent in all iust lawes, and by reason of the common matter and subiect of all such lawes (which is publique vtility and generall good) but because their lawes are in particular dictated by the holy Ghost,

and

^a *Epist. Fij 2. ad Norimb ergenses*

^b *Maynardus De privileg. Eccles. art. 27. n. 15*
^c *Par. Crassus de Ceremo. Episcop. & Card. l. 1. c. 5 & cap. 22.*

and therefore it is *Blasphemy and sinne against the holy Ghost to violate any of them*; since themselves make this difference betweene the name of God, as it is giuen to Princes, and as it is giuen to them: that *Princes are called *Dij laicorum*, and they *Dij principum**; since to proue this, they assume a power aboue God, to put a new sense into his word, which they doe, when they proue this assertion out of these words in Exodus; *Dij non detrahes, & principi populi non maledices*, for by the first, they say, the popes are vnderstood, and by the second princes; when as *Saint Paul* himselfe applies the latter part to the high priest, and their expositor *Lyra*, and the *Iesuite Sa*, interpret the first part of this Scripture of *Iudges*: Since, I say, they entend worse ends then Princes doe, in accepting or assuming like Titles; and since they worke vpon a more dangerous and corruptible subiect, which is the Conscience and Religion; since they require a stronger assurance in vs by faith; since they threaten greater penalties in any which doubt thereof, which is damnation; the popes cannot be so excuseable in this excesse as princes may be. And yet princes neuer went so farre as the popes haue done, as we shall see, when we come to consider the title and power of spirituall princes.

All this I say, not to encourage princes to returne to those stiles, which Christian humilitie hath made them dis-accustome, and leaue off,

L

and

25. q. 1. Violatores.

Maynard' de priuileg. Eccles. ar. 14. m. 1

Exo. 22

Act. 23. 5.
Lyra in hunc locum & Eman. Sa.

and which could not be reassum'd without much scandall, but to shew the iniquitie and peruerse-
nesse of those men, who thinke great Titles be-
long to Kings, not as Kings, but as Papisticall
Kings.

43 For so at a Consultation of *Iesuites* in the
Tower, in the late *Queenes* time, I saw it resolued,
that in a Petition to bee exhibited to her, shee
might not be stiled *Sacred*. Though one of their
owne Order haue obserued that attribute to bee
so cheape, that it was vsuall to say, *Sancti Patres*
conscripti, and *Sacratissimi Quirites*, and *Sanctissimi*
Milites. And our English *Iesuites* vse to aggrauate
her defection much, by that circumstance, that
shee had bene Consecrated, and pontifically An-
oynted, and inuested at her Coronation, and
therefore was *Sacred*.

44 How great a detestation they had of her
Honour, and of all Princes which professe the
same Religion that shee did, appears in no one
such thing more, then in *Quirogaes expurgatorie*
Index, where admitting all the reprochfull calum-
nies of *Eunapius* against Martyrs, whose reliques
he calls *Salita Capita*, with other opprobrious con-
rumelies, they haue onely expunged an Epistle of
Iunius to her, in which there was no words con-
cerning Religion, but onely a gratulation of her
Peace, and of her Learning; which also they
haue done in *Serranus* his Edition of *Plato*. And

Scrarius Lita-
neutic. l. 2. q. 4.
n. 4.

Index Expurg.
Hispaa. fo. 92.

Ibid. fol. 150.

as God hath continued his fauours shoven to her, vpon her successour, so haue they their mallice: For in the second Tome of that worke, they haue taken away an Epistle Dedicatorie to his Maiestie, that now is.

ibid. fol. 151.

45 And as in many of their Rules, for that Dissection and Anatomising of Authours, they haue prouided that all Religion, and all prophane knowledge shall depend vpon their will: So haue they made a good offer, that all cariage of State businesse shall bee open to them, by expunging all such sentences, as instruct or remember Princes, in that learning, which those Rules calls *Rationem status*, and which (because *Italians* haue bene most conuersant therein) is vulgarly called *Ragion di stato*. For this *Ragion di stato*, is, as the Lawyers call it, *Ius Dominationis*; And as others call it, *Arcana Imperij*. And it pretends no farther but to teach, by what meanes a Prince, or any Soueraigne state, may best exercise that power which is in them, and giue least offence to the Subjects; and yet preferue the right and dignitie of that power.

*Instruct. circa.
lib. corrig. §. 10.*

46 For it is impossible, that any Prince should proceede in all causes & occurrences, by a downright Execution of his Lawes: And he shall certainly be frustrated of many iust and lawfull ends, if he discouer the way by which he goes to them. And therefore these disguisings, and auer-

ting of others from discerning them, are so necessarie, that though, *In Genere rei*, they seeme to be within the compasse of deceite and falshood, yet the end, which is, maintenance of lawfull Authoritie, for the publike good, iustifies them so well, that the Lawyers abhorre not to giue them the same definition (with that Addition of publike good) which they doe to deceit it selfe. For they define *Ragion di stato* to be, *Cum aliud agitur, aliud simulatur, bono publico.*

47 And the Romane Authors doe not onely teach, that deceit is not *Intrinfecè malum*, but vpon that ground and foundation, they build Equiuocation, which is like a *Tower of Babel*, both because thereby they get aboute all earthly Magistracie, and because therein no men can vnderstand one another. Nor can there be a better example giuen of the vse of this *Ragion di stato*, then their forbidding it: Because nothing conduces more to the aduancing of their strength, then that Princes should not know, or not vse their owne, or proceede by any wayes remou'd from their discernings. Indeed those bookes of Expurgation, are nothing else but *Ragion di stato*: That is, a disguised and dissembled way, of preferring their double Monarchie. And they that forbid Princes the lawfull vse of these *Arcana Imperij*, practise for their owne ends, euen *Flagitia Imperij*, which are the same things, when they exceede their

Soto de reg. secret. memb. 3. 4. 3
Ad tertium.

their true endes (which are iust authority, and the publique good) or their lawfull waies to those ends, which should euer be within the compasse of vertue, and religion:

48 Of which sort are all those enormous dispensations from Rome, which no interpretation nor pretence can iustifie: as (to omit some sacrilegious and too immodest licenses) that of Gregory the third is one, who writ to Boniface his Legate in Germany, that they, whose wiues being ouertaken with any infirmity, would not reddere Debitum, might marry other wiues: which Binius hath wisely left out.

49 But they are in these expurgations iniurious also to the memorie of dead princes: for they will not admit our k. Edward the sixt, to be said to be *Admirandæ indolis*, nor the Duke of ^bWittenberg *præclarus*. They will not allow ^cVlrichus Huttenus to be called *A learned Knight*: no, ^dneither him, nor *Oebanus Hessus* to be so much as good poets. But with the same circumspection, that the ^eBelgique Index could add to *Borrbæus* writing vpon *Aristotles* politiques, in this sentence, *Religionis cura semper pertinuit ad principes*, this clause, & *Sacerdotem*; the ^fSpanish Index dooth mutilate *Velcurio* vpon *Liuy*, and from this sentence (*the first age was decrepite vnder the Popes and Emperours*) takes out the Popes, and leaues the Emperours obnoxious to the whole imputation. And as with ex-

Carranza Sum.
Concil. fo. 353.

^a Hispanic. Ind.
fo. 148.

^b Ibidem.

^c Idem. fo. 93.
^d Id. fo. 148.

^e Ind. Belg.
fo. 146.

^f Ind. Hisp. fo.
158.

E Fol. 93.

h Fol. 154.

treame curious malignity, they haue watched that none of our side be celebrated, so haue they spied some inuisible dangers, which the Popes honor might incur: and therefore as the⁸ Spanish Copie, hath before *Luthers* name expunged the letter *D*, least it might intimate *Doctōr*, or *Diuus*; so the^h Dutch Copie, hauing found nothing to quarrel at in *Schonerus* the Mathematician, expunges in many places a great *D*. at beginning of Diuisions, because in it (as ordinarily those great initials letters, haue some figure) there is imprinted the popes head, and by it the diuell, presenting him a Bull.

50. But this inhumanity of theirs hath not deterr'd *Thuanus* from his ingenuity, in giuing to all those learned men, whom he hath occasion to mention, the attributes and epithetes due to their vertues, though they be of a diuers perswasion in Religion from himselfe: But those other men, who in a proude humility will say *brother Thiese*, and *brother Wolfe*, and *brother Assse*, (as *Saint Francis* (perchance not vn-prophetically) is said to haue done) will admit no fraternity nor fellowship with Princes.

51. And though the *Iesuites* by the aduantage of their fourth Supernumerary vow, of sustaining the Papacy, by obeying the Popes will, seeme to haue gone further herein then the rest, yet the last Order erected by *Philip Nerius*, which was saide

to

Sedulius Apol.
pro lib. Conform
l. 1. c. 12. & l. 3.
 c. 28

Congregatio O-
ratory.

to haue beene purposed to enervate the Iesuites; and by a continual preaching the liues of Saints, and the Ecclesiastique story, to counterpoise with deuotion; the Iesuites secular and actiue learning, though they set out late, haue æmulously endeouored to ouertake the *Iesuites*. themselves in this doct. ine of auiling Princes: For *Bozius* hath made all Princes Tributary or Feudatary to the Pope, if not of worse condition. And *Gallonius* seemes to haue vnderaken the History of the persecutions in the Primitiue Church, onely to haue occasion by comparilon thereof, to defame and reproach the lawes, and Gouvernement of our late Queene.

*Bozius**Gallonius de
Cruciat. Mar-
tyrum.*

52 But *Baronius* more then any other exceeds in this point, for obeying his owne scope and first purpose to aduance the Sea of Rome, he spares not the most obedient childe of that mother, the Catholique King of Spaine: for, speaking of the Title which that King hath to the Kingdome of Sicily, he imputes thus much to *Charles*, the fift, that being possessed with employments of the fielde, hee gave way to an Edict, by which, *Grande piaculum perpetratur* against the Apostolique authority and al Ecclesiastique lawes were vterly dissipated: And that hee ioyned together temporall and spirituall iurisdiction, and pretended a power to excommunicate and to absolve euen Cardinals, and the Popes Nuncios, and so, saies he, bath raised another Head of the Church, *pro monstro*, & ostend-

*Baron. Annal.
To. 11. Ann.
1097. n. 18**Nu 28*

sten.

Stento. He addes with extreame intemperance, that this claime to that Kingdome was buried a while, but reuiued againe by Tyrannicall force, by violent grassation, and by the robbery of Princes, who commaunded that to be obeyed as reasonable, which they had extorted by Tyranny. And least hee should not seeme to extend his bitternes to the present time, he saies, those Princes which hold Sicily by the same reasons, doe imitate those tyrants. And so he imputes vpon all the later kings of Spaine, as much vsurpation of Ecclesiastique Iurisdiction, and as monstrous a Title of head of the Church, as euer their malice degorged vpon our king *Henrie the eight.*

53 And though in some passages of that history, he hath left some wayes to escape, by laying those imputations rather vpon the kings officers then vpon the king, yet that Cardinall who hath censured that part of his worke, espies his workmanship and arte of deceiuing, and therefore tels him, that he hath inuayd against Monarchy it selfe, and all defenders thereof, and that as many, and as great things might be spoken against him. Nor doth *Baronius* repent that, which hee hath spoken of those kings, but in his answer to this Cardinall, he saies, that if the King were impeccable, if he were an Angell, if he were God himselfe, yet he is subiect to iust reproofe. And in his Epistle to *Phil. 3.* in excuse of himselfe, though hee seeme to spare the present king,

N^o. 87.N^o. 88.Card. Colum. fo.
158. paris.N^o. 19.

king, yet it is (as he professes) because he hopes that he will relinquish that Jurisdiction in Sicily, els he is subject to all those reproofs & reproches, which *Baro.* hath laid vpon his father and Grandfather.

54 And though this were a great excess in *Baronius*, to lay such aspersions vpon those Princes, yet his malice appears to be more generall; for the reason why he makes this pretence so intolerable, is, because thereby (saies he) that King becomes a Monarch; and there can be no other Monarch in the world, then the Pope; and therefore that name must be cutte off, least by this example it should propagate, and a whole wood of monarchs should grow vp, to the perpetuall infamy of the Primacy of the Church. And so this care of his, that no Monarches be admitted, implies his confession, that they which are Monarches haue right in their Dominions, to all that which those kings claime in Sicily, which is as much as our kings exercise in England, (if *Baronius* do not exceede in his imputation.)

Nu. 28.

Nu. 31.

55 But because there is nothing more tender then honour, which as God will giue to none from himselfe, being a iealous God, so neither ought this *Viceregents* to doe; it shall not be an vnseasonable and impertinent, at most, an excusable and pardonable diersion, to obserue onely by such impressions, as remaine in the letters betweene the Emperours and Popes, at what times, and vpon what occasions the Clergie of that Sea

insulted vpon secular Magistacy; and by what either dilatory circumuentions, or violent irruptions, they are arriued to this enormous contempt of Principality, as of a subordinate instrument of theirs.

56 Before they had much to doe with Emperours, (for they were a long time religiously, and victoriously exercised with suffering) we may obserue in *Cyprians* time, that he durst speake brotherly and fellowly to that Sea, and intimate the resolutions of his Church to that, without asking approbation and strength from thence: for to Pope *Stephen*, he writes, *Stephano fratri*; and then *Nos qui gubernanda Ecclesie libram tenemus*: and after, *Hoc facere te oportet*: with many like impressions of equality: But in *Firnilianus* his Epistle to *Cyprian*, written in opposition to *Stephanus* his Epistle; who was growne into some bitterness against *Cyprian*, there appeares more liberty: for thus he saies; *T*hough by the inhumanity of *Stephen*, we haue the better tryall of *Cyprians* wiseadome, we are no more beholden to him for that, then we are to *Iudas* for our saluation. He addes after, *T*hat that Church doth in vaine pretend the authority of the Apostles: since in many sacraments *Diuinæ rei*, it differs from the beginning, and from the Church of *Hierusalem*, and defames *Peter* and *Paul* as Authors thereof. And therefore (saies he) *I*doe iustly disdain the open and manifest foolishnesse of *Stephen*, by whom the truth of the Christi-

an

Circa. 240.

Cypr. Epist. I. ad
Steph.Binius To. I.
fo. 191.

an *Roche* is abolished. So roundly and constantly were their first attempts and intrusions resisted, and this not onely by this Aduocate of *Cyprian*, but euen by himselfe also, in as sharpe words as these, in his Epistle to *Pompeius*.

57 And for their behaiour to the Emperors, as long as *Zeale* and *Pouertie* restrain'd them, it cannot be doubted, but that they were respectiue enough. The preambulatorie Letters before the Councell of *Chalcedon*, testifie it well: Where the Letters of the Emperours, yea, of their Wiues, are accepted by the name of *Diuales*, and *Sacra literæ*, and *Diuinæ syllabæ*. And about the same time, *Leo* the Pope writing to *Leo* the Emperour, he sayes; *Hanc Paginam necessariæ supplicationis adieci*; And in the next Epistle but one, *Litteras Clementiæ tuæ veneranter accepi, quibus cuperem obedire*. So also *Felix* the third; to *Zeno* the Emperour, calls himselfe *Famulum vestrum*, and such demissions as these; *Liceat, venerabilis Imperator, exponere*; And, *Per mei Ordinis paruitatem audias*, are frequent in him. And in *Iustinians* time, which was presently after, that Church sensible of the vse and neede, which it had of his fauour, so hee would be content to extend to their benefit, prescription, which before was limited in thirtie yeares, to a hundred, neuer grudged at the phrase and language of his Law, by which he affoorded the Church that priuiledge, though it were very

M 2

high;

Anno 451.

Binius To. 2. in Princip.

Epist. 73. Anno 457.

Epist. 2. Circa 527.

Anno 530.

Autent. Coll. 2. prefatio Iustiniani.

high; *Being willing to illustrate Rome, Lege specialj nostri Numinis; That that Church may eternally by this, remember the providence of our Gouvernement, we graunt, &c.*

L.2. Epist. 62.

To.2. fo.77o.B.

An.593.n.17.

58 And *Gregorie* the first was, out of his wisdom at least, if not *Deuotion*, as temperate as the rest, when he writ to the Emperour *Maurice*, to sweeten and modifie that Law, which forbad some persons to enter into Monasteries. For there he calls himselfe *Famulum*, and *Seruum*: And addes this, *Whiles I speake thus with my Lords, What am I, but dust and wormes?* And though *Binius* is loth to pardon him this duetifulnesse, and respect to his Princes, and therefore sayes, *That he protested in the beginning of that Letter, that hee spoke not as a Bishop, but Iure priuato*, And so out of *Baronius*, he sayes, *That he plaide another part, as vpon a stage*: Yet, if he wore this maske and disguise cleane through the Epistle, then he spoke personately, and dissemblingly, as well with *Christ*, as with the Emperour, when he sayes: *I, the mearest of Christs seruants and yours*. Nor do I thinke that *Binius* or *Baronius* would say, that he spoke personately of the Execution of the Emperours Law, but that hee had truely done as he said: *I haue done all which I ought to doe; for I haue both performed my obedience to the Emperour, and I haue vttered that which I thought fit concerning God*. And he was wisely careful that his Letter to the Emperour, concerning his opnion

of the iniquitie of that Law, should not come to the Emperours inopportunately, nor as from a person of equall ranke to him; and therefore he forbids his own *Responsall* (for the dignitie of a *Nuncio*; was not yet in vse) to deliuer it, but sends it to the Emperours *Phisitian*, because saith he, *Vestra Gloria*, may secretly, at some conueniet time, offer him this suggestion; And that this *Phisitian* might be confident in this employment, he assures him of his affection and Allegiance to his Prince; by this Confession, *God hath appointed the Emperour to rule; not onely Souldiours* (which were the persons forbid in that Law) *but also Priests* (whose priuileges seem'd to be impayr'd thereby.)

L. 2. Epist. 65.
Theodo. Medico.

59 With like respect doth one of his successors *Vitalian*, write to *Vaanus*, who was *Cubicularius*, et *Chartularius Imperialis*, to mediate & prouide, that a *Bishoppe* vniustly deposed, might be restored. And to him the Pope affoords this stile, *Celsitudo vestra*, and addresses the deposed *Bishop*, *Ad vestra ambulaturum vestigia*, and promises that they both shall all the daies of their liues, pray to God for the prosperity, and long-liuing *Sue excellentissime Charitatis*.

Epist. 2.
An. 0. 655.

60. And in all this course of time, the Popes, some out of a iust contemplation of their duety, some out of the neede, which they had of the Emperours, from whom they receiued daily some additions to their immunities and exemptions,

were agreeable and appliable enough to them. And when *Italy* suffered a dereliction, by the absence of the Emperours in the East, and thereby was prostituted and exposed to barbarous Inuaders, the Bishoppes of this Citie, which was the fairest marke to inuite the *Lumbards* and the rest, solicited those Easterne Emperours to their succour, with all sweetnesse and humility; but at last, desperate of such reliefe, casting their eyes vpon the mightiest kingdome of the West, they inuited the French to their succour.

Epist. 2.

61 And at this time came from them those lamentable supplications, which *Stephen* the third sent to *Pipin* and *Carloman*: In the first whereof, he vrges them with their promise of certaine lands, by them vowed to the Church: And hauing called them, *Dominos excellentissimos*, and *spiritualem Compatrem*, and prepared them with wordes of much sweetenesse, *Mellifluam bonitatem*, *Mellifluos obtutus*, and such, hee comes to the point: *That which you haue offered to Peter by promise, you ought to deliuer him in profession, least when the Porter of heauen, the Prince of the Apostles, at the daie of iudgement shall shew your hand-writing, you be put to make a more strict account with him.* So therefore he felt and lamented their slackenes in endowing the Church; yet at that time he would not vndertake to be the Iudge, nor make the *Camera Apostolica* the Court; but he referres it to *Saint Peter*, and to the last day,

day, and onely remembers them, That *Dominus per meam humilitatem, mediante B. Petro, vos vnxit in reges.*

62 The next letter written in the person of the Pope, and all the Romane people, and Romane armie, *et omnium in afflictione positorum*, is an earnest and violent coniuration; *per Deum viuum vos coniuuro, Saue vs, most Christian Princes before we perish; the soules of all the Romans hang vpon you, and so forth.* And when all this did not effectually stirre them to come, as the letter solicited, *Cum nimia festinatione*; then came a third letter in the name and person of Saint Peter himselfe, in this stile: *I Peter the Apostle, and by me all the Catholique Romane Church, Head of all the Churches of God, vobis viris excellentissimis. I Peter, exhort you, my adopted Sonnes, to defend that house, where I rest in my flesh: and with me Marie, with great Obligations, Aduises, and Protests, and so forth.* And whatsoeuer you shall aske of me, I will giue you. *If you doe not performe this, know ye, that by the authoritie of the Apostleshippe giuen me by Christ, you are alienated from the Kingdome of God, and from life euerlasting.*

Epist. 4.

63 And when Stephen the fourth came to that Sea, and that the sonnes of these Princes beganne to incline to ally themselues by marriage with the Lombards; the Pope seeing then his whole temporal fortune at the stake, neglects no way of withdrawing them, from that inclination: hee saies

Epist. Steph. 4.
ad Carol. et
Carlom. An. 831

saies therefore, Saint Peter, by our unhappines, beseecheth your Excellence: and then, vouchsafe to bend your eares, inspired by God, to our Petition, and to him whom we haue sent, ad Regale vestrum Culmen. And then, in an inconstant distemper, he threatens, and he promises in S^t. Peters name, as bitterly, and as liberally, as his predecessor had bid S. Peter himselfe to doe, in the former Epistle.

64 And when these Princes after much entreaty, had deliuered Italy from the infestation of the Lombards, and deuided the profite and spoile with the Church, and that that Sea had recouered some breath and heart, then their Bishoppes began to reprehend with some bitterness, the Easterne Emperours: And then came that notorious letter of Nicholas to Michael the Emperour; In which though he stile him, *Superatorem Gentium, piissimum filium, Dulcissimum, Tranquillissimum* (for as yet hee doubted that he might be necessary to him) yet he cald him also *Golias*, and himselfe *Hymniacum Dauidem*. And part of the quarrell was, because the Emperour had written *Insolentia quaedam*, certaine vnusuall phrases: which were, *Iussimus, vt quosdam ad nos mitteretis*: for, saies Nicholas, Honorius said to Boniface, *Petimus*; and other Emperours, *Inuitamus*, and *Rogamus*. and Constantine and Irene, *Rogamus, magis quidem Dominus Deus rogat*: which phrase, though Charles the great, at that time, when it was written, reprehended, and allowed

Nichol. Epist.
circa. 874.

Il. 1. 64.

allowed a whole Chapter in his booke for the reproofe thereof, yet not onely that Pope dissembled it, but this drawes it into example and precedent.

65 And in this letter the Pope giues the Emperour some light, that hee is not long to enioy the stile of Romane Emperour; for he hauing despised the Romane tongue as Barbarous, (as euery Prince loues to be saluted in his owne, or in an equall language) the Pope replies: *That if hee call the Romane tongue barbarous, because hee vnderstands it not, it is a ridiculous thing, to call himselfe Romane Emperour.*

66 And thus hauing at once receiued and recompensed a benefite; by concurring in the aduancement of the French to the Empire, they kept good hold vpon that Kingdome, by continuall correspondencies, and by interceding with those Kings, for pardons and fauours, when any delinquents fled ouer to them, and by aduising them in all emergent causes, and by doing them many seruices in *Italy*, and so establishing the Empire in that family, vpon good conditions to them both. For so *Iohn* the eight writes to *Charles*, as well to refresh his benefite in his memorie, as the reasons that moued him to conferre it. *Well knowes your Kingly Highbnesse, that I was desirous a long time, for the profit and exaltation of the Apostolicke See, to bring you Ad Culmen Imperij. And as*

Epist. 216.

We with all our endeuour, haue desired to gine perfecti-
on to your Honour and glorie, you also must performe
those things, which are profitable to the vtilitie and ex-
altation of that Seate. And there he addes, That
for Conference about that, he came to meete him at Ra-
uenna, leauing his owne Church in the cruell hands of
enemies. And in the next Epistle, he sends to the
same purpose his Nephew *Farulfus*, *Deliciosum*
consiliarium nostram; Because, sayes he in another
place, *We desire greedily to accomplish this*. And yet
at this very time, for his better indemnitie, hee
practis'd with the *Esterne* Emperour, and kept
faire quarter with him also, as appeares by his
Letter to him.

Epist. 217.

Epist. 230.

Epist. 251.

67 Hauing thus establish'd a stronger reputa-
tion, and laide earnest Obligations vpon *France*,
and by example and authoritie thereof, in other
places also, they beganne to feele their strength,
and to draw their swords as farre as they would
goe, which was to excommunication, euen in
France it selfe.

68. But because in the excommunications is-
suing in these times, and in the times betweene
this, and *Gregory* the seuenth, and perchance in
some before this time, there is found often men-
tion of panishment after excommunication
which hath occasioned some to erre in an opini-
on, that besides spirituall censures, temporall pe-
nalties were also inflicted vpon priuate persons,
and

and consequently eradication vpon Princes, we will arrest, and stay a little vpon the stile and phrase of some of those excommunications, by which it wil appeare, that they intended nothing but spirituall punishment.

69. The first which I haue obserued, is a letter of *Innocent* the first, to *Arcaadius* the Emperour, whom he thought guilty of the eiecting & of the death of *Chryostome*: His words are; *Ego minimus & peccator, segrego te a perceptione mysteriorum Christi.* This then went no farther then to deprive him of spirituall foode, and the Pope (if that Epistle be genuine) was very hasty in it; for the Emperour discharged himselfe presently, by pleading ignorance of the fact; which that Bishoppe ought to haue tried, before hee had proceeded to excommunication. *Chryostome* himselfe, whose quarrell it was, had taught sufficiently the limits of that iurisdiction; for he said, *When the Priest had reprehended Ozias, De spreto Sacerdotio, he could doe no more; for it is his part onely to reprove, and to perswade, not to stirre warre:* and he addes, that God himselfe (to whom onely it belongs to punish so) inflicted a leprosie vpon the King, in which (saies he) we see *Humanitatem Diuinae ultionis*, who sent not lightning, nor shaked the earth, nor moued the Heauens: So farre was *Chryostome* from counsayling any such punishment, as should be accompanied with tumult.

Epist. 39.

De verb. Esaiæ.
Hom. 4 To. I.
fo. 207.

Binius To. I.
fol. 803.

70. And to a iust estimation, and true vnderstanding of their liberties, in Ecclesiastique causes, were the Fathers in the Councell at *Ephesus* arriued, when in that *Synodicall* Letter to the Emperour, which they call, *Libellum supplicem*, they make this protestation, *The scope of our profession provides, that we be obedient to all Princes and Potentates, as long as that obedience brings no detriment to our Soules health; but if it come to that, we must dare to vse our libertie, Aduersus Regium fastigium.* And how farre, may this courage and libertie carie vs, if the Prince command any thing in detriment of our soule? As farre, as those Fathers durst aduenture vpon that ground, which they expressed thus to the Emperour, *If you approue the banishment of Cyrill and Memnon, which were banished by persons Excommunicate, then know you, that we are ready, with that alacritie which becomes Christians, to vndergoe any danger with them, that is, to suffer as they doe.*

Epist. 123.

71. But about this time of *Iohn 8.* it was very frequent, that Excommunications had a farther comminatorie clause. For so, against a *Bastard of Lotharius*, who had broke an Oath made to a French King, he sayes, *We deprive him of all Christian Comunion, and if he perseuer, let him know, that Anathematis vinculis innodabitur.* So to an Earle and his Lady, which had seduced a Nunne from her profession, he sayes, *We seperate them from the*
body

Epist. 165.
L. i. l. c. 11. do.

body and blood, and all fellowship with Christians, and if they neglect to restore her, *Anathemate innodamus*. So in the next Epistle he threatens a Bishop, that refus'd to come to him, *Know that you are to be Excommunicate, and if you perseuer, A Communione alienandus*. And against another Bishop, and his whole charge he pronounces *Priuation from the Communion, seperation from the Church, and except they conuert, Maioris damnationis sententiam*, and with such as these, his time abounds.

Epist. 66.
Voberto.

72 And his predeceffour *Adrian the second*, had gone thus farre towards the King of France, when hee attempted to inuade his Brothers Dominion, *We admonish you, by our Apostolique Authority, and by all spirituall meane s, which we may vse, we perswade you, and in a Fatherly affection command you to forbear; else, we will performe that which belongs to out Ministerie*. But in another letter to his Nobles, he threatens them, *That if they aide the Father to warre against the Sonne, who was then in his displeasure, They shall not onely be enrapp'd in the bands of Excommunication, but cast into hell, Vinculis Anathematis*. And this *Iohn the eight*, at the same time when he allowes him all due attributes, & desires him to incline his sacre deares to him, threatens *Charles himself*, that if he restore not certain things, taken from a Nunnerie, by a certaine day, *He should bee Excommunicate till restitution, and if, being thus lightly touch'd, he repented not, Durioribus verberibus erudiendus erat*.

Epist. 18.

Epist. 24.

Epist. 28.

Epist. 42.

73 So that whether this farther punishment were no other, then that which is now called *excommunicatio Maior*, or that which is called in the Canons *Anathema maranatha*, the denouncing of which, and the absolving from it, was acted with many formalities, and solemnities, and had many ingredients, of burning tapers, and diuers others, to which none could be subiected without the knowledge of the Arch-Bishoppe, it appears that it now here extends to temporall punishment, or forfeitures and confiscations.

21. q. 3. *cum aliquis.*

11. q. 3. *Nemo.*

Anno 1063.

74 Of which there appears to me no euidence, no discernable impression, no iust suspicion, till *Gregory* the seuenths time: And then, as it may well be said of *Phalaris* his letters, that they were all writ for execution, and of *Brutus* his letters, that they were all Priuy Seales for money: so may wee lay of *Gregories* iudging, by the frequency thereof, that they were all cholerique excommunications; and that with *Postscripts* worse then the body of the letter, which were Confiscations, neuer found in his predecessors, which should haue beene his precedents.

L. 2. Ep. 5.

75 And for this large and new addition of *Eradication*, hee first threatned it to the Fench King, and then practised it effectually vpon the *Emperour*. To the Bishoppes of France he writes, *That their King Philip is not to be called King, but a Tyrant, which by perswasion of the Diuel is become the*
cause

cause and the head of all mischief: Therefore (saies he) all you must endeavour to box him. (And thus farre his Pastorall care might binde him) And to shew him, that he cannot escape the sword of Apostolique animaduersion. (and thus farre his ieaousie of his spiritual Primacy might excuse him.) But when he adds; Depart from communion with him, and obedience to him, forbid Diuine Seruice throughout all France; and if he repent not, we will attempt to take the Kingdome from his possession: they are wordes of Babel, which no man at that time vnderstood: yet he writes in the same tenour to the Earle of Poictou, That if the king perseuere, both he and all which giue any obediencie to him, shall be sequestred from the communion of the Church, by a Councell to be held at Rome. So assuredly, and confidently could hee pronounce before hand of a future determination in a Councell there.

Li. 2. Ep. 18.

76 And of his owne seuerity, vsed towards the Emperour, whom vpon leuere penances hee had resumed into the Church, he blushes not to make an Historical Narration, to the Bishops and Princes of Germany, thus: He stood three daies before the gate, despoiled of all Kingly ornaments, miserable and barefoote; till all men wondred at the vnaaccustomed hardnesse of our minds. And some cryed out, that this was not the grauity of Apostolique seuerity, but almost the cruelty of Tyrannique sauagenesse.

77 And when Rodulphus whom he had set

Li. 4. Ep. 12.

Lib. 9. Ep. 3.

Li. 9. Ep. 28.

L. 9. Ep. 3.

vp against the Emperour, was dead, seeing now, as himselfe confesses, *almost all the Italians* enclin'd to admit the Emperour *Henry*, euen they whom he trusted most (for so he saies, *Pene omnes nostri fideles*) he protesteth that *Rodolphus* was made without his consent, *Abvltromontanis*, and that he went to depose him, and to call those Bishops to account which adhered to him: And then he writes to certaine Prelates, to *slacken the Election of a new Emperour*, and giues instruction what kind of person hee would haue to bee elected; *One which should be obedient, humbly deuout, and profitable to the Church: and that would take an oath to doe any thing which the Pope would commaund him, in these wordes: Per veram obedientiam; and that hee would be made a Knight of Saint Peter, and of the Pope.*

78 But although many watchfull and curious men of our Church, and many ingenious of the Romane, haue obserued many enormous vsurpations, and odious intemperances in this tempestuous Pope *Gregory* the seuenth, and amongst them, almost anatomiz'd euery limme of his Story; yet it may bee lawfull for mee, to draw into obseruation, and short discourse, two points thereof, perchance not altogether for their vnworthines, pretermitted by others: Of which the first shall be the forme of the excommunication against *Henry*, because by that it will appeare what authority hee claimed ouer Princes: And the

the other shall be his letter to a *Bishop*, who desired to draw from him, some reasons by which he might defend that which the Pope had done, because by that it will appeare, vpon what foundations he grounded this pretence and authority.

79 The excommunication is thus deliuered; *Contradico ei, I denie him the gouernment of al the kingdom of Germany, & of Italy: and I absolue all Christians, fro the band of the oth, which they haue made to him, or shall make: and I forbid any man to serue him as his king: for it is fit, that he which endeuors to diminish the honor of the Church should loose his owne honour. And because he hath contemned to obey as a Christian, participating with excommunicated persons, and despising my admonitions, and seperating himselfe from the Church, I tie him, in vinculo Anathematis.*

By which we see, that he beginnes with *Confiscation*: And because it had neuer beene heard, that the Popes authority extended beyond *Excommunication*, therefore hee makes *Deposition* a lesse punishment then that, and naturally to precede it: for he makes this to bee reason enough, why he should forfeit his dignity, because he attempted to diminish the *Dignity of the Church*: But for his *Disobedience* to the Church and him, he inflcts *Excommunication* as the greater, and greatest punishment which he could lay vpon him. And it is of dangerous consequence, if *Excommunication* be of so high a nature, and of so vast an extent,

○

that

*Binius. To. 3. fo.
1282. A.*

that wheresoever it is iustly inflicted, that presupposes *Confiscation* and *Deposition*.

80 And another dangerous prejudice to the safety of all Princes, ariseth out of this precedent, which is, that hee absolues the Subjects of all Oathes of Alleageance, which they *shall* make after that Denunciation: For if his successor that now gouernes, shall be pleased to doe the same in *England* at this time, and so giue his partie here such leaue to take the *Oath of Alleageance*; doth he not thereby vtterly frustrate and annihilate all that, which the indulgence of a mercifull Prince, and the watchfulnesse of a diligent Parliament, haue done for the Princes safety, and for distinction betweene trayterous and obedient subjects? Yet both this *Deposition*, and this *Absolution* of subjects and this *Interdiction* were all heaped, and amass'd vpon a Catholique Prince, before the excommunication it selfe, or any other fault intimated the *diminishing of the honour of that Church*, and *participating with excommunicated persons*.

81 And now we may descend to the survey of that letter, which he writes to a Bishoppe, who desired to haue something written by him, whereby he might be help'd and arm'd against such as denyed that by the authority of that Sea, he could excommunicate that Prince, or absolute his subjects. First therefore he saies, That there are manie, and most certaine Documents in the Scriptures,

Li. 8. Ep. 21.
Episco. Aletenti

tures,

tures to that purpose, of which hee cites, those which are ordinarily offered, as *Tues Petrus*, and *Tibi dabo Claves*, and *Quodcumque ligaueris*: and then he asks, *Whether Kings be excepted?* But, Kings are not excepted; but this proceeding against Kings is excepted: That is, it is not included in that Commission, as hath beene enough and enough proued by many.

82. Then followes that testimony of *Gelasius* a Pope, *That Priest-hood is aboue Principality; and that the Bishoppe of Rome is the chiefe Priest.* If wee allow both *Testem*, & *Testimonium*, yet the cause is safe; he may be aboue all, in some functions, yet not in *temporall*.

83. His next authority is *Iulius*, another Pope, who expounding the wordes, *Tibi dabo Claves*, to certaine Easterne Bishoppes, saies, *Shall not he that opens heauen, iudge of the earth?* But this dooth as much destroy all *Judicature* and all *Magistracy*, as iustifie the deposing of Kings.

84. After this, he cites (though not as *Gregorie*s words are) a priuiledge graunted by *Gregory* the first, to a Monasterie and *deprivation* from secular dignity, and *excommunications* to any that infringe that priuiledge. And this priuiledge *Bellarmino* also produces, to proue the Popes soueraignty in *temporall* matters. It is the priuiledge of the Monastery of *S. Medard*, which is in *Gregories* Epistle: and it is cyted by this other *Gregory*, it makes

De Pontifl. 7.
c. 7. s. Quartum

L. 2. post. Ep. 38.

deposition the lesser punishment, and to precede excommunication, for he sayes ; That Gregory though a milde Doct̃or. did not onely depose , but excommunicate the transgressors : But both this Pope that cytes it, deceiues vs, by putting in the word *Decreuit* , as though this had the solemnities of a Popes Decree, which presumes an infallibility, and Bellarmine deceiues vs , by mutilating the sentence, and ending at that word *Honore priuetur*: for he that reads the whole sentence, shall see, that all this Decree of *Deposition* and *Excommunication* , was no more then a *comminatory imprecation*, to testifie earnestly the Founders affection to haue those priuiledges obserued , and deterre men from violating thereof ; as the vehemence and insolent phrase of the *Instrument* do intimate, by a bitterness vniuersall in medicinall excommunications : For all the curses due to *Heretiques* ; and all the torments which *Iudas* endures are imprecated vpon him ; & it is subscribed not only by *Gregory*, with 30. *Bishops*, but by a *King* and a *Queene*, no competent Iudges (in this *Gregories* opiniõ) of faults punishable by excommunication.

L. II. Ep. 10.

85 And the same Pope in erecting of an Hospital, and endowing it with some immunities, vses the same language, that the infringers thereof, should loose all their power, and honour, and dignity, and after be excommunicate ; and yet this is neuer produced, nor vnderstood to confirme his temporall soueraignty.

Dist. 96. Constantinus.

86 The *Donation of Constantine*, which was not
much

much lesse then 300. yeare before this, end in like words: *If any man violate this Donation, let him be eternally condemned, let him finde Peter and Paul in this life, and in the next his enemies, and let him perish with the Diuell and al the reprobate, burning in Inferno inferiore.* And wil they from this argue in *Constantine* a power, to open and shut hel gates? And will they endanger al those Catholique authors to this eternall damnation, which haue violated this *Donation of Constantine* by publique bookes?

87 And such a *Commination* as this of *Gregory* appeares in a *Canon* of the first *Councell at Paris*, not long before his, where it is threatned, that who-soeuer shall receiue a person suspended from the *Communion*, himself shal be seperated *A concordia fratrum*, and (as we hope, or trust) shall sustaine the wrath of the eternall Iudge for euer. And (not to insist long vpon examples of such imprecations) about 160 yeare after *Gregory*, *Paulus I.* erecting a *Monastery* in his owne house, makes this *Constitution*; *If any of the Popes, our successors, or any mighty or Inferiour person, of what dignity soeuer, alien any of these things, let him know, that he is anathematiz'd by Christ and Peter, and estranged from the Kingdome of God: and that he shall giue an account thereof to the Saints, in the day of iudgement: For (sayeth hee) I desire the Iudge himselfe; that hee will cast vpon them the wrath of his power, that their life may bee laborious and mournefull, and they may die consuming, and may bee*

An. 553. ca. 5
Summa Carran-
re.

Baron. Annal.
To. 9. fo. 319.
Anno 761.

burnt eternally with Judas, in hell fire, in voragine chaos
And that they that obserue this Constitution, may enioy
all blessednes at the right hand of God.

88 And when in the behalfe of the Kings of
Spaine, the same argument is made for them,
that because there are many *Diplomes* extant in Si-
cily, by which the Kings Anathematise infringers
of their Constitutions, that therefore they exerci-
sed *Spirituall Iurisdiction*: *Baronius* saies, that this ar-
gument is ridiculous, because it is hard to finde any in-
strument of *Donations* from Princes, or from priuate
men, or from women; in which these bitter formes of
excommunication are not: Which (saies he) do not con-
taine any sentence of excommunication, but *Imprecations*
to deterre other, as euery man was at libertie to doe, when
he made any such graunts. So that *Baronius* hath
laughed out of countenance this argument vpon
Medardus priuiledge, which hath beene so often,
and so solemnly offered and iterated. And it ap-
peares hereby that the punishments mentioned in
these Constitutions, were not such as the makers
thereof could inflict, but onely such as they wish-
ed to fall vpon them that offended: and such I
doubt not, was *Gregories* Imprecation, in his suc-
cessors interpretations, that is, that hee wished all
Kings to be deprived.

89 His next reason why Princes may be depo-
sed by Priests, is the diuersity of their *Beginning* and
first Institution: for, as before he had said to ano-
ther

Vbi supra.

L. 4. Ep. 2.

ther Bishop of the same place, Regall Dignity was found out and inuented by humane pride, but Priests were intituled by the Diuine pietie, So here he repeats it with more contumely, Who knowes not that Kings had their beginnings from those men, who being ignorant of God, and prouoked by the prince of the world the Diuell, through Pride, Rapine, Perfidiousnesse, Murder, and all wickednesse, affected a government ouer their equalls, by a blind Ambition, and intolerable presumption.

90 Then he proceeds to the examples, of Innocent who excommunicated Arcadius, and of Zachary who deposed Childerique. The first of which is not to the purpose, Except Excommunication presume Deposing which Innocent intended not. And the second hath beene abundantly, and satisfactorily spoken to, by very many of ours, and of their owne authors, who determine it roundly, *Deposuit, id est, Deponentibus consensit.*

91 And therefore insisting little vpon these, hee makes hast to that wherein he excels, which is, to reproach and debase the State and Order of Kings. For he says, *That euen Exorcists* (which is no sacred order) *are superiour to Princes.* Nor is his intemperance therefore excessiue, because hee subiects men to such as are in the way going towards Priesthood, for that will bee still vpon the old ground, that priesthood is in an incomprehensible distance and proportion aboue principallitie,

15.9.b. *Alius. glo. ver. Deposuit.*

tie, but his reasons why *Exorcists* are about Princes, discouers more malignitie to Princes absolutely; which is, *That since they are about the Diuell himselfe, much more are they Superiour to those which are subiect to the deuill, and members of the deuill.* Nor could his argument haue any life or force here, except he presum'd Kings to be poysoned & corrupted by the very place, & by the order it selfe; for otherwise, if he meant it onely of vicious Kings, why should he institute this comparison of *Exorcists* and Kings, since it ought to be of *Exorcists* and vicious men? And therefore (as he sayes after in this Epistle,) *That he finds in his owne experience, that the Papacie either finds good men, or makes them good, and that if they want goodnesse of their owne, they are supplied by their predecessors, and so, Aut Clari eriguntur, aut Erecti illustrantur:* So he thinkes either, that onely members of the deuill come to be Kings, or that kings grow to be such, when they are kings. For so much he intimates euen in this place, when hee sayes, *In Regall dignitie very few are saued, and from the beginning of the world til now, we find not one King equal in sanctitie to innumerable Religious men. What King hath done any miracles? To what King haue Churches or Altars beene erected? How many Kings are Saints? Whereas, onely in our Sea there are almost a hundred.*

92 And thus I thought it fit to runne ouer this Letter, because here seemes the first fire to haue

haue beene giuen, and the first drop of poyson to haue beene instil'd of all those virulencies and combustions, with which the later Authours in that Church, are inflam'd and swollen vp, in this point of ailing Princes. Of which ranke, this Pope had respect to none, but those who were really profitable to him: Nor haue I obserued any words of sweetenesse in him towards any of them, but onely to our King the Conquerour, and to one King of Spaine. To ours he sayes, *We account you the onely man amongst Kings, that performes his duetie, and this he sayes, because he should graunt more to God, and Saint Peter, and Saint Stephen, and be vigilant vpon Saint Peters estate in England; that he might find him a propitious debter. And to the king of Spaine he sayes, The present which you sent me, is so ample, and so magnificent, as became a King to giue, and Saint Peter to receiue; and you show by your present, how much you esteeme him.*

L. 1. Epist. 70.

L. 9. Epist. 2.

93 And such Princes as these he was loath to loose: For he accounted that a losse, which now they call the onely perfection, that is, to enter into a Religious and regular Order. For this Gregorie chides an Abbot bitterly, for admitting a Prince, who might haue beene profitable to his state, into the Cloyster. For he sayes: *To doe so, is but to seeke their owne ease; and now, not onely the Shepherds depart from the care of the Church, but the Dogges also; which he speakes of Princes. He tels*

L. 6. Epist. 17.
Abbati Cluniac.

P

him

him, That he hath done against the Canons, in admitting him: and that he is therein an occasion, that a hundred thousand persons doe lacke their guide. And therefore sayes he, Since there are scarce any good Princes to bee found, I am grieu'd that so good a Prince, is taken away from his mother; That is from the Church, as it must necessarily be intended in this Epistle. So pliant and seruiceable to his vses, would *Gregorie* make Regall dignitie, or else breake it in peeces.

*Binius To. 3. pa. 2
fol. 1196.*

94 And where could our later men find better light in this mischeiuous and darke way, then in this *Gregories Dictates*, of which, these are some, That onely the Pope may vse Imperiall Ornaments; That all Princes must kisse his feete: That onely his Name must be rehearsed in the Church; That there is no other Name in the world, with many such transcendencies. And accordingly he is wel seconded by others, which say, that he is *Superillustris*; and may not be cald so neither, because he is so much aboue all Dignitie, that our thought cannot extend to his Maiestie: And to preuent all opposition against it, *Baldus* in a choler sayes, That he that sayes the contrarie, Lyes.

*Cassane. Catal.
Glor. pa. 4. Con-
s. d. 7.*

95 And vpon what place of Scripture may they not build this supremacy, and this obedience to it, after a Pope, who is heire to an *Actiue* and *Passiue infallibility*, and can neither deceiue nor be deceiued, hath extorted from *Samuel*, so long before the *Apostolique* Sea was established, a testimonie,

L. 4. Epist. 2.

ny, That not to obey the Apostolique Sea, was the sinne of Idolatrie, teste Samuele: which he iterates againe, and againe in diuers other Epistles.

96 From this example, and from this libertie procedes that malignity, wherewith the later writers wrest euery thing to the disgrace of Principality. By this authority Symancha drawes in to consequence, and vrges as a precedent to be imitated, the example of the Scythians, who killed their king for admitting some new rytes in diuine worshippe; Which (sayes Simancha) was iustly done; for the Subiects of hereticall Princes are deliuered from their Iurisdiction. And in like maner, Schultingius an Epitomizer of Baronius, finding in him out of Strabo, that in Egypt the Priests had so much authority ouer the Kings, that sometimes by a bare message they would put one King to death, and erect another: and repeating the same gloriously and triumphantly a second time; at last in a Marginall note hee claimes the same authority for the Pope, when he notes, and sayes thereupon, The supream authority of the Clergy, is proued against the Calvinists: So that we may easily discerne, by these examples which they propose for imitation, what authority they ayme at. But Schultingius might also haue obserued, as a prophecy of the ruine of their vsurpation, that as soone as a learned and vnderstanding king Ergamenes, came amongst them, he tooke away that custome.

i.Reg.15.

Exchird.Ind.
Tit.21.9Schultingius.
Thesaur. Antiq.
Eccles. To. 1. c.
8. & 243.Diad. Sicul. Bib-
liot. l. 4. ca. 1.

*Bell. de Pont. l. 2.
c. 2. §. Ncc ualct.*

*Idc. de Concil. et
Eccles. l. 1. c. 2. §
Esse autem.*

*Idc. de laicis. l. 3
c. 17. §. In quem*

*Sayr Theſaur.
Caſ. Conſe. par.
l. 1. c. 6. nu. 30*

*Stephan' De
Oſculat. pcd. pont
ca. 16. §. quare*

97 From this libertie, *Bellarmino* alſo, to the danger of any Prince, differing in any point from the integrity of the Romane profeſſion, hath pronounced, *That Heretiques are deprived of all Jurisdiction, euen before excommunication. And that therefore an Emperour cannot call a Councell, becauſe that muſt be done in Nomine Chriſti: and that Princes haue not their precedencies, as they are members of the Church, for ſo Eccleſiaſtique Miniſters are aboue them.*

98 And this hath made a Contry-man of ours deliuer as miſcheuous doctrine, *that the power of excommunication, is got by preſcription; And ſo ſaies another great Patron of that greatneſſe, the Prieſts obeyed the Kings of Iſrael, but contrarily our Prieſts doe preſcribe ouer the temporall power: And Sayr procedes further, and ſaies, that though Pannormitane be of opinion, That one can preſcribe in no more then that which he hath put in praſtiſe, yet if hee haue ſo exerciſed any one act of Jurisdiction (as excommunication is) as that he had a will to doe all, he preſcribes in all. And there is no doubt, but that when Pius the ſiſt excommunicated, he had a good will to Depoſe alſo.*

99 From this alſo haue proceeded all thoſe enormous deiections of Princes, which they caſt and deriue vpon al Kings, when they ſpeake them of the Emperour: for though the later writers, are broder with the Emperour, and choſe rather to exemply in him, then in any other Soueraigne prince,

Prince; vpon this aduantage, that they can more easily proue a Supremacy ouer him, by reason of the pretended translation of the Empire, yet it is a slippery way and conueyance of that power ouer all other Princes; since, in common intendment and ordinary acceptation, no man can be exempt from that, to which the Emperour is subiect. And of the Emperour they say, ^a *That not onely he may be guilty of Treason to the Pope,* ^b *but if a subiect of the Pope offend the Emperour, the treason is done to the Pope.* Yea, ^c *if it be the Emperours subiect, and the iniury done to the Emperour, yet this is treason to the Pope:* So that the Emperour doth but beare his person; for in his presence hee must descend: and in ^d a Councell his seate must be no higher, then the Popes foot-stoole, nor any State be hunge ouer his head.

100 And from hence also hath growne that Distinction, Superstitious on one part, & Seditious on the other, of *Mediate* and *Immediate* institution of the two powers: for Ecclesiastique authority is not so *immediate* from God, that he hath appointed any such certaine *Hierarchy*, which may vpon no occasion suffer any alteration or interruption: Nor is secular authority so *mediate*, or dependant vpon men, as that it may at any time be extinguished, but must euer reside in some forme or other. And Bellarmine himselfe confesses, That as *Aaron* was made Priest ouer the Iewes, and *Peter* ouer the Christian Church, *immediately* from God; so also

^a Hiero. Gigas de lesa mai. l. 1. Rubr. 4. q. 2. n. 5.
^b Ibid. q. 4. n. 2.
^c Ib. q. 1. n. 8.

^d Ceremo. Sacr. Ca. de Concil.

De transl. Imp. l. 1. c. 8. in princip.

some Kings haue beene made so immediately without humane election, or any such concurrence: So that Regal Dignity hath had as great a dignification in this point from God, as Sacerdotal; and to neither hath God giuen any necessary obligation of perpetuall enduring in that certaine forme. So that, that which Bellarmine in another place sayes to be a speciall obseruation, wee acknowledge to bee so: which is, That in the Pope are three things; His place, his person, and the vnion of them: the first is onely from Christ, the second, from those that elect him, and the third from Christ, by mediation of a humane act.

And as wee confesse all this in the Pope, so hath he no reason to denie it to be also in kings: he addes further, That the Cardinals are truly said, To create the Pope, and to be the cause why such a man is Pope, and why he hath that power; but yet they doe not giue him that power: as in generation, a father is a cause of the vnion of the body and soule, which yet is infused onely from God. And in all this we agree with Bellarmine; and we adde, that all this is common to all supream, secular, or Ecclesiastique Magistrates.

IOI. And yet in Hereditary kings, there is lesse concurrence, or assistance of humane meanes, then either in elected kings, or in the Pope himselfe: for in such secular states, as are provided by election, without all controuersie the supream power, in euery vacancy, resides in some subiect,
and

De Pont. l. 2. c.
17. S. Obseruan-
dum.

and inheres in some body, which as a Bridge, vniteth the defunct, and the succeeding Prince. And how can this be denied to be in the Colledge of Cardinals, If (as one saies) *the dominion temporall be then in them, and^b that they in such a vacancy, may absolue any, whom the Pope might absolue.* If therefore in all the cases reserued to himselfe, as namely in *deposing Princes, and absoluing subiects,* he proceed not as he is Pope, but as he is spiritual Prince, as *Bellarmino* saies, and wee shall haue occasion hereafter to examine; If that Colledge may absolue subiects as he might, this supreamacy and spirituall Principality resides in them; and is transfer'd from them to the Successor.

102. Certainly all power is from God; And as if a companie of *Sauages*, should consent and concurre to a ciuill maner of liuing, Magistracie, & Superioritie, would necessarily, and naturally, and Diuinely grow out of this consent (for Magistracie and Superioritie is so naturall and so immediate from God, that *Adam* was created a Magistrate, and he deriud Magistracie by generation vpon the eldest Children, and (as the Schoolemen say) if the world had continued in the first Innocency, yet there should haue beene Magistracie.) And into what maner and forme soeuer they had digested and concocted this Magistracie, yet the power it-selfe was *Immediately* from God: So also, if this Companie, thus growen to a *Commonwealth,*

^a Theod. a Nicin de febism. l. 3. c. 1.
^b Sayr Theol. cas consci. par. 1. l. 2. c. 20. nu. 20.

De Pont. l. 5. ca. 6

De Pont. l. 5. ca. 6

De Pont. l. 5. ca. 6

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De Pont. l. 5. ca. 6

wealth, should receiue further light, and passe, through vnderstanding the Law written in all hearts, and in the Booke of creatures, and by relation of some instructers, arriue to a sauing knowledge, and Faith in our blessed Sauours Passion, they should also bee a Church, and amongst themselues would arise vp, lawfull Ministers for Ecclesiastique function; though not deriued from any other mother Church, & though different from all the diuers Hierarchies established in other Churches: and in this State, both Authorities might bee truely said to bee from God. To which purpose *Aquinas* sayes expressly and truely, That Priesthood (that is all Church function) before the Law giuen by *Moses*, was, as it pleas'd men; and that by such determination of men, it was euer deriued vpon the eldest Sonne; And we haue also in the same point *Bellarmines* voice and confession, That in that place of *S. Paul* to the *Ephesians*, which is thought by many to be so pregnant for the prooffe of a certaine Hierarchie, The *Apostle* did not so delineate a certaine and constant Hierarchie, but onely reckoned vp those gifts, which *Christ* gaue diuersly, for the building vp of the body of the Church.

103 To conclude therefore this point of the distinction of Mediate and Immediate Authoritie, a Councell of *Paris* vnder *Gregorie* the fourth, and *Lodouicke* and *Lotharius* Emperours, which were times

I. 2. c. 9. 103. ad 3

*De Pont. l. 1. c. 9.
S. Potes estiam.*

Ephe. 4. 11.

*An. 829.
Binusius To. 3.
Par 1 fo. 562.
ca. 5.*

times and persons obnoxious enough to that Sea, hath one expresse Chapter, *Quod Regnum non ab hominibus, sed a Deo datur.* There it is said, *Let no King thinke that the Kingdome was preseru'd for him, by his Progenitors, but he must beleue that it was giuen him by God. For he which is King of men, had not this Kingdome from men, but from God:* And so hee proceedes to apply many places of Scripture to this purpose, to the shame and confusion of them, who to ouerthrow or subiect secular principallitie, detort Scriptures for the aduancement of Ecclesiastique immunities: As in the *Septimes*, that new limme of the body of the Canon Law, those priuiledges are proued to be *Iure Diuino*, out of the word of the *Psalme*, *Nolite tangere Christos meos*, which was spoken of all the Children of *Israel*, as they were protected in their passage to the land of *Canaan*, and cannot be appropriated to Priests onely.

104 And from this libertie which men of this Religion, haue taken to speake slightly, and malignantly of the Person and dignitie of *Kings*, a long and inueterate custome hath so wrought vpon them, that it hath caried them farther, and made them as bold with the word of God himselfe. Out of which they can deduce principall and direct Prophecies for euery passage in *Saint Francis* his storie. For ^a the Dreame of *Pharoes* officer (*A vine was before me, and in the Vine were*

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three

In 7. l. 2. Tit. 1.
De for. comp. Ca.
1. glos. verbo, cu
ipso.

De for. comp. Ca.
1. l. 1. c. 1. § 2.
§ 1. c. 1. § 2.

^a Sedulius. Apol.
cont. Alcora.
Francisca. l. 2.
c. 1.

Gen. 40. 10.

^b Sedul. l. 2. c. 1.
Luc. 12. 32.^c Sedul. l. 3. c. 13
Psal. 118.^d l. i. ca. 18.^e Mallonij Note
in Paleotium de
Sydone. l. 1.
c. 1. Nu. 18.^f Extrava. 10. 22.
Cum inter. glos.
in fine.^a Liter. Leo. 10.
per Benchum. l. 1.
8. Ep. l. 17.^b Gretzer. Cont.
Hassenmiller.
fo. 141.

three branches) signifies Saint Francis, and the three Orders deriued from him, sayes the Booke of Conformities, and Sedulius the fresh Apologer thereof. So he sayes, ^b Christ prophecied of this Order; and it is fulfilled in this Order which hee said, Feare not little flocke, ^b for it is your Fathers pleasure, to giue you the Kingdome. And ^c of these it is spoken, sayes hee, The sound of them is gone into all Nations. Of these prophanations the examples are too frequent; for as they haue fitted all other things spoken of Christ, to Saint Francis in the Booke of Conformities, so doth ^d Sedulius maintaine the giuing to him, the title of Iesus of Nazareth, King of the Iewes.

105 So also must the Scriptures affoord prophecies for euery ragge and inch of the Sindon, which wrapped our Sauour in the Sepulchre. For in ^e that Liturgie or Office, (as they call it) which is appointed by the Pope to be said in the Chappell where this Sindon is preserued, all those places of Scripture, which speake of *Christ's body sprinkled with blood*, are referred and saide to bee intended of this Sindon. And therefore saies the Author thereof, *Since the Pope hath so applyed them, this exposition thereof cannot be reprehended.*

106 By this license they giue all the names of Christ to the Pope; ^f yea the name of God himselfe; And of ^a Goddesse to our Lady. And by this license did ^b Crusius the Iesuit, call Ignatius Constitutions the Decalogue: because saies Gretzer, his fellow Iesuite

Iesuite, *Metaphorically any instruction of our life, is call'd the Decalogue.*

107 Nor can these blasphemous detorsions, & bold mis-applications, besalued, by *Sedulius* his guiltie excuse, that they^c are somewhat too freely written, according to the simplicitie of the age, And^d such as some men would rather wish vnwritten, and^e Circumspect men wish'd vsaid; And some things too^f rawly, somethings too couragiously vttered. And these which he so tenderly, and calmly passes ouer, with light animaduersion, are such sayings as these, That *S. Francis* was^g deified; That^h *bee* was made one spirit with God: Thatⁱ *hee* saw the secrets of hearts: And^k that he was more then *Iohn Baptist*, and better then the Apostles: And^l that God did obey him at a beck in euery thing.

108 Nor will *Serarius* his elegant euasion serue them in this, ^mThat some men too indulgent and carefull of their verse, or the delicacie of the Latine language, may haue gone into these excesses. For the first place, where the Pope is called the Lord our God, is in a place barbarous and loose inough, which is the glosse vpon an Extrauagant. And though *Bembus*, in whose letters written for *Leo* the 10. our Lady is called *Goddesse*, doe often stray into prophane elegancies (asⁿ in another place, when he would expresse an inspiration of the Holy ghost in one, he saies, he was *afflatus Zephiri caelestis aurâ*, And^o calls Excommunication, *Interdictionem a-*

^c *Sedul. Apol. prefat.*

^d *l. i. c. 9.*

^e *l. i. c. 18.*

^f *Ibid. c. 20.*

^g *l. i. c. 20.*

^h *l. i. c. 13.*

ⁱ *l. b. c. 15.*

^k *l. b. c. 18.*

^l *l. 2. c. 6.*

^m *Serar. litanen- ti. l. c. 13.*

ⁿ *Epist. Leo. 10. l. 2. ep. 21.*

^o *l. 4. ep. 15.*

que & ignis) yet this will neither excuse that Pope which sign'd these Letters, nor those to whose care the expurgation of bookes, hath bene committed. So that none of their *pie fraudes*, with which they emplaster this venemous & contagious wounding the Scriptures of God, & the phrase of his Spirit, will acquit or excuse them.

109 And if their mis applying of Scriptures carried them no further, then to simple and childish actions (as Saint *Francis* commanded *Maslaus* to tumble round like a childe, because, saies *Sedulius*, it is written, *Nisi Conuersi fueritis, & efficiamini sicut paruuli, non intrabitis*): Or if it carried them but to stupid actions (as the penitent which confessed to *S. Anthony*, that he had kicked his mother, receiuing this answer: *If thy foote offend thee, cut it off*, went, and cut off his foote, (but *S. Anthony* honestly set it on againe,) Or if it carried them but to bolde and confident actions (as Saint *Anthony*, when his *Hof* set him a Toade vpon the Table, and tolde him that it was written in the Gospell, *De omni quod tibi apponitur, comedes*, he with the signe of the Crosse, made it a Capon ready roasted) sillinesse or some such disease might lessen the fault.

110 But then is there extreame horreur and abominations therein, when God and his Lieutenants are at once iniur'd, which is, when places of Scripture are maliciously or ridiculous-

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Apolog. l. 3. c. 1.
nu. 3.

Idem l. 3. c. 13
nu. 3.

Idem l. 3. c. 28.
nu. 31.

ly detorted to the auiling of Princes: With what soule then could Pope *Alexander* say, treading vpon *Fredericke*, *Super aspidem & Basiliscum ambulabis*: of which Acte, a Bishoppe in that Church saies, that it ought to be commended, and that it was lawfully and worthily done.

Fsal. 90. 13.
Jos. Steph. de
Oculat. ped.
Pont. cap. 11. §.
Ex quo.

And with what conscience could the same seruile Bishoppe of *Sixtus* the fift, proue the kissing of the popes feete; out of those wordes of *Esay*, *Kings and Queenes shall worshippe thee; with their faces towards the Earth; and licke vp the dust of thy feete*? how durst hee say; that this kissing of the popes feete, was established in *saint Luke*; when the sinner kissed *Christs* feete? Because (saies he) if it were afforded *Christ*, belongs it not to his Church, which is bone of his bone? And out of *Deuteronomy* hee thinkes this reuerence is evidently enough demonstrated, because it is saide of God, *the saints of God, are said to be humbled at his feete*.

Esa 49. 23.

Jos. Steph. c. 5.

Luc. 7.

Idem. ca. 7.

Deut. c. 13.

Idem. c. 10.

So that whatsoeuer is applyed to the Church, or to God, by this detorsion is giuen to the pope: But this Bishoppe is so transported with this rage of detorting scriptures, that rather then not mis-applye them, hee will applye them to his owne Condemnation. For thus hee concludes his Epistle with the wordes of the Apostle: *Gaudeo sine per veritatem, sine per occasionem, Romanæ Ecclesiæ dignitatem extolli*: so that it is all one to him, whether scriptures be faithfully

Epist. 12. to.

applied or no, so it be to the profit and aduantage of that Church.

Append. ad lib.
de Pont. respons.
ad lib. Aniso Piacenole ca. 2

III And though *Bellarmino* seeme to deplore and lament that vnworthy manner of handling serious Controuersies, of which hee accus'd that Authour, which called his booke *Aniso Piacenole*, because he cytes some of the *Italian Poets* against the Church of Rome, yet is this fashion still in so much vse amongst them, that in their last busines with the state of Venice, one authour, though in a disguised name, that vnderooke the defence of *Baronius* his furious instigation of the Pope, doth not onely wound and staine the memory of our late Queene, with impious calumniation, and wrest the Scriptures, to defame our present King; but he protests that hee chuses this way of doing it, to imitate *Socrates*, who was (saies he) *Derisor hominum, maxime potentum*, and exhibites his booke as a sacrifice, *Risui, & Lubentiae*.

Nicod. Macer
de pav. Baro:
ad lecto.

II2 Where then shall we hope, that these men will stoppe or limit their blasphemies? when in the licentious fury thereof, hauing made it habituell to them, and an *Idiolisme* of that Religion, they set (in their account) God against God; that is the word of God against the Pope, and defame him in their owne Pasquils by the phrase of Scripture. In which kind of prophane libelling, I had thought their malignity, and irreligion had beene at the highest, when they called *Lucretiaes* bastard,

bastard, by Pope *Alexander*, and his sonne, the *holy Ghost*: till of late we see one of our owne nation hath drunke so deepe of that cuppe, that he hath swallowed the dregges also; and in a childish and trayterous itch of witte, at once wounded the Maiestie, both of his God, and of his King, by imputing false faults to the one, that hee might misuse the word of the other.

And by this meanes, as when they determined to kill the Emperor *Henry* the seuenth, that they might poison him, they forbore not to poison their owne God in the Sacrament first: so when they purposed to teare and deface the name and honour, and lawes of the King, they first offer the same violence to the word of God himselve.

113 Thus the scriptures serue them for *Panegyriques*, to aduance the Pope; ^a *Omnia Subiecisti sub pedibus eius*: which being spoken of beasts subiection to men, ^b they make it of men to the Pope. Thus the scriptures serue them to deuest and disarme Princes; ^c *Ecceduo gladij*, which being (if we ^d beleue the Iesuite *Sd*) no other then those knives, with which they had cutte vp the paschal Lambe, ^e a pope applieth to the spirituall and temporall Iurisdiction.

And thus the scripture serues them for prouocation, and incitements to warre, and deuastation: ^f *Macta & Manduca*: which being spoken of baptizing the Gentiles, ^g *Baronius* detorts to the

excommu-

^a *Psal. 8. 6*

^b *Maynardus de p. iul. Eccl. Art. 2 n. 21*

^c *Luc 22. 38*

^d *Eman. Sd. Scholia in 4. Euang.*

^e *Extrav. Com de Maior. & obed. Omnia sanctam,*

^f *Act. 10. 13.*

^g *In Voto ad Paul. 5.*

excommunication of Christians. Onely they are content to spare scriptures, when they come to defend their late-borne *Heresies*; for, for the necessity of beleeuing *Purgatory, Inuocation, Transubstantiation*, and some others of the same age, they offer no scripture; but they thinke it victory enough that *Galatine* can proue all these out of the *Talmud*, and *Cusanus* out of the *Alcoran*: For, for the olde and new Testaments, they finde other employment. They must serue them against the office and dignity of Princes, to exhibite them as a prey to their neighbours, and a scorne to their owne Subjects.

Jo. 10. 30.

¶ 114. As Christ asked of the *Jewes*, for which of his good workes they would stone him: Princes may aske of the *Romane Church*, for which of their benefites they are so iniurious to them? Is it for hauing established a *Primacy* vpon that *Bishoppe*, aboue his fellow *Patriarches*, which was so long litigious? Or for withdrawing him from the iawes of the *Barbarous deuourers of Italy*? Or for enriching him with a *Patrimony*, and *Pruiledges* almost equall to their owne? Is it for any of these, that you say, *A Clergy man cannot be a traytor, though he rebell, because he is no subiect*? By which you cut off so great and so good a part, as in your opinion the state without it, is but a meere Carcasse, for the Clergie is the soule.

And you extend those immunities, not onely

to

*Eman. Sã
Aphor Confes.
verbi Clericus.*

to your boyes which light your Candles, and locke the Church doores, but to euery sullen fellow, that will retire himselfe into a wood, without either assuming Orders, or subiecting himselfe to any Religious Rule, or despoiling himselfe of his temporall possessions, as you say of your *Ermits*: Yea to *Nunnes*, who though they be not of the Clergie, yet are *Ecclesiastique persons*, and yet they are so prophane, as they may not be admitted to touch anything which belongs to the Altar. And not onely the *Nunnes* within profession, haue these priuiledges, but also their *Nouices*, who are vnder no vow: yea they enioy them, whom you call *Canonicas Sæculares*, which may trauell, traffique, marry, and do any ciuill, or vnciuill function: (for of the continency of *Regular Nunnes* I am of a better perswasion, for this reason especially; that the *Iesuites* by a Constitution, are forbid to haue the care of them: and those secular women, which I mentioned, are *Ecclesiastici fori* (by a late Decision in the *Rota*) because though they be not *Ecclesiastica*, yet they are *Personæ Miserales*, and weare an *vniforme habite*: and to raise the number, you say, *If an iniury be done to any kinsman of an Ecclesiastique person, it is done to him.* And that if any offence bee committed by diuers persons, amongst whom there is one Clergie man, none of the offenders can bee subiect to Temporall Iurisdiction.

Dist. 21. Cleros,

Ren. Choppinus
de iure Monast.
l. 2. Tit. 2. nu. 25D. Aluin de po-
test. Episcoporum
c. 3 n. 11.Dist. 23.
San. Eimonialis.

Regula. 47.

D. Aluin de
pot. Episco. ca. 3.
nu. 13.Paris de puto
de Synd. ca. de
exces. reg. nu. 29
Maynardus de
primileg. Eccles.
Art. 17. nu. 10.

115 And not onely all these persons, but all which appertaines to them, becomes spirituall: and by a new *Alchimy*, they doe not onely extract spirit out of euery thing, but transmute it all into spirit, and by their possessing them, *Houses*, *Horses*, and *Concubines* are spirituall. But as euery thing returnes to his first state, and being; and so Rome which was at first built, and gouerned by *Shepherds*, is returned to the same forme after the decay of the Empire: and as the name of *Bishopp*, which was at first giuen to *Clerkes of the Market*, and *Ouerseers* of things to be bought and solde, agrees still with these *Symoniaque Bishoppes* of Rome: so many of these pretious Iewels, which are employed about the *Images* and *Reliques*, which were at first *temporall*, and then by this tincture growne to be *spirituall*, returne againe to their temporall nature, when any of the *Popes* take occasion to serue their pleasure, or foment dissensions amongst other *Princes*, and schisme amongst themselues, by coyning the *Images*, as *Vrbanus* did, in such a case.

116 But the greatest iniury that is done to *Princes* in this matter of *Exemption*, is, that they will not be beholden to *Princes* for it: but plead their *Ius Diuinum*, not onely the positie *Diuine Law*, by which, they say, that the *Popes* if they had not found these men naturally exempted, and if *Princes* had not granted these exemptions, might by

Tholosa. synt. l.
15. c. 2. 77. 4.

Theod. a Niem-
deschism. l. 1.
ca. 22.

by their Constitutions, haue exempted them, without asking leaue of Princes, but they pretend text of Scripture, though detorted and misvs'd, to proue this Exemption. And for the Persons they pretend many; but with no more directnes, then that by which they proue exemption of their goods, from secular charges and burdens, which is, *Domini est terra, & plenitudo eius*, and since it is the Lords, it is theirs.

117 But all Princes grow weary and ieaalous of that claime; and a *Catholique* Writer hath obserued, that many of the Writers of the Spanish Nation in these later times, haue resisted that opinion, of which he names *Medina, Victoria, Soto, Ledesma, and Bannes*.

And if that Nation grow into ieaalousies, and feele her right, as *France* hath done before, all the *Italian* Writers, will be but weake euidence, to proue this exemption to bee *Iure Diuino*. But as though all this were not enough, and that the states of Princes were not enough infirm'd by withdrawing of all these, they teach, *That a Subiect by removing into another Prouince hath deuested his allegiance and subiection: And that euery man is free concerning his owne person: And that the band is stronger between a Creditor and a Debtor, then between a Prince and subiect*. Vpon all which, what mischieuous conclusions will follow, is euident and obuious enough.

Lelio Medico.
contra Venet.
fo. 196. Nella
Raccolta.

Risposta di Ant.
Bouio al Paulo.
Nella Raccolta
fo. 50.

Bell. de Clericis
l. 1. c. vlt.

Martyrolog. Ro.
29. Decemb.

118 To conclude therefore this point, this Ecclesiastique immunity which they clayme, is the debasing of Princes; And the defence of this immunity, and consequently of this debasing of Princes, is so iust a cause of Martyredome, that *Baronius* saies; *The Students in the English Colledge, haue good title to two Crownes of Martyrdome, because they return into England, both to defend the Catholique faith, and the immunity of the Church.* Where we will content our selues, till wee come to a further exagitation of that point, with this confession from *Baronius*, that they are by your doctrin receiued in that Colledge, incited to Martyredome, for the Immunities of the Church, which himselfe in the same place distinguishes from the Catholique faith. And thus farre I was willing to extend this point, That the Romane Doctine by extolling Church Priuiledges aboue Princes, and by an absolute and direct auiling them, doth mis-prouoke her disciples to a vicious affectation of imaginarie Martyrdome. In the two other points of *Merite* and *Purgatory*, which produce the same effect, I may haue leaue to contract my selfe, into a shorter roome, because of those, many others haue spoken more abundantly, then of this last point which I vndertooke.

THE

THE SECOND PART OF MERIT.

THE next Doctrine which I noted to mis-incite men to an imagined Martyrdoime, is the Doctrine of Merites. ^a*In euery good worke, you say, there is somewhat of merite, and somewhat of satisfaction.* The first is said to belong to our selues, and that by it we establish our saluation: So that the passion of our Sauour is but as *Baptisme* to vs, and our owne workes, as *Confirmation*.^b Which Sacrament you say, *confers more grace then baptisme dooth, for strengthning vs against the Diuell*:^c And that the holy Ghost is giuen more fully therein.

And accordingly you teach, that iustice of workes doth giue the forme and life to faith. And the second, which is *Satisfaction*, is reserued in the common stocke, the treasury of the Church, and husbanded and dispensed by the generall steward thereof the Bishoppe of Rome.

2. But for that Merite, which you teach, to say *That our workes of their owne nature, without considering any Couenant or Contract with G O D, deserue Heauen*, dooth not onely diminish CHRIST'S Passion, by associating an Assistant to it; and determine his Priesthood, which is euerlasting, by vsurping that

I.

^a Bell. de Indul.
l. 1. c. 2. p. 105. 1.

^b Adem de Con-
firmatione c. 11
§ Duplex.
^c Ibid ca. 7. §.
Sed respond.

Bell. de Iustif.
l. 5. c. 17. §. No-
bis.

office our selues, but it preferres our worke before his, because if wee could consider the passion of Christ, without the eternall *Decree*, and *Couenant*, and *Contract* with his father, his worke (sauing the dignity which it had by Acceptation, by which the least step of his humiliation might worthily haue redeemed tenne thousand worlds) had not naturally merited our saluation.

3 Now betwixt God and vs there is no such *Couenant*; our best plea is; The sinner must repent, and God will blotte out his sinnes. If a Prince should so farre prostitute his mercie, as to proclaime a veniall Pardon, by which for certaine money, any Malefactor might be pardoned, no such Malefactor as by the nature of his fault, had at that instant forfeited and confiscated all his estate, should haue benefite by that pardon, because he had nothing to giue. All these disadvantages and infirmities oppresse vs; no good worke is naturally large enough to reach heauen; no promise nor acceptation of God hath changed the nature of a good worke: And lastly, we can do no perfit good work; for originall sin hath poisoned the fountaines, our hearts: and those degrees and approaches, which we seeme to make towards good workes, are as if a condemned man would make a large will, to charitable vses. For, as that which hee giues is not his owne, so the goodnesse of good workes is not ours, and as it is

in the Princes pleasure and allowance, whether his will shall take any effect, or no; so is it in the pleasure of God, whether any workes of ours shall be accepted.

4 Yet there is more Deuotion in our Doctrine of good works, then in that of the Romane Church, because wee teach as much necessity of them, as they doe, and yett ye no reward to them. And we acknowledge, that god doth not onely make our faith, to fructifie and produce good workes as fruits thereof, but sometimes begins at our workes: and in a mans hart morally enclined to doe good, dooth build vp faith: for if an Angell could transport *Abacuc*, for gods seruice, by onely taking hold of his haire, god can take such hold of our workes, and carrie vs further by them. And further then this I see not that moderate men may goe: and they startle too easilie that dare not come so farre. And if it had bene expedient for *Bellarmino*, to haue spoken plaine, I thinke he would haue come to that, when hee was so neere towards it, as to say, *That it is the safest way to place all our confidence in the onely mercy of God, by reason of the incertainty of our owne righteousnesse, and the danger of vaine-glory: for he seemes else where to be so farre from doubting, that a man may not be sure of his owne righteousnesse, that himselfe had such an assurance of righteousnesse in another man, that vpon his Oath before a pub-*

*De Iustificat.
l. 5. c. 7. Proposit.
3.*

*Ceparius. de vit.
Gonzaga. l. 3. c. 2.*

publicke Notarie he affirmes, *That hee verily beleeues that Gonzaga, (who left the dignitie and inheritance of a Marquisate) neuer comitted mortall sin, and that from his age of seuen yeares, he is certaine of it:*

5 The Doctrine of good workes in the Reformed Churches, is vniforme and consonant. For though *Luther*, to relieue and succour the doctrine of faith, which then languish'd desperately in the *Romane Church*, for iust dignification thereof, sometimes omitted, sometimes spoke remissely of good workes, yet betweene those, who seuerely adhere to him, & other Churches, which in some other things depart a little from them, in this point, I haue obserued no dissention.

6 But the *Romane Church* at this present is tempested with a violent storme in this matter: that is, *by what way and meanes, man can be enabled to doe any meritorious worke.* In which Controuersies, after the *Dominicans* and the *Iesuites*, had with much earnestnesse prouoked, and with much bitterness replied vpon one another, *Benius* in a booke as moderate and elegant, as any these later ages haue affoorded, proiecting a way, in his Epistle to *Clement* the eight, how these dissentions might be re-vnited, and reconciled, obserues that all the Controuersies betweene them, ariseth out of presuming a false ground and foundation to be true, which is the famous Distinction of *Sufficient* and *Efficient* Grace. And so he dooth not onely demolist

Benius de controuersia, de lib. Arb. & Dei auxil. inter Catholicos. Epist. ad Cle. 8.

lish all that they had diversly built thereupon, but defeats and destroys that foundation, which Bellarmine himselfe was most confident in, and euides that that distinction, which that Church hath vsed of late yeares against all opposition, is neither containd, nor conveniently deriued, either from Scriptures, Councils or Fathers, but is refeld & resisted by the Councell of Trent it selfe. Nor can they extenuate this matter, as though it were of small consequence, since neither small matters should produce amongst Religious men, so much and so bitter Argumentation: nor can it bee in it selfe esteemed a small matter: vpon which Benius saies, the questions of Predestination, Iustification, Merite, Perseuerance, Glorification, and many more depend, and that all Diuinitie is shaken therein.

17 And if they thinke, howsoeuer they suffer an intestine war, to make vs beleeeue that all is peace, and that this variety is onely *Demodo*, they must remember, that that for which they burne and damne men, which is *Transubstantiation*, is but a question *De modo*, which may be sometimes so essentiall, That if the *Arrians* had agreed with the *Orthodox*, of the maner of the generatiō of the *Son*, or the *Greeke Church* would agree yet with the western, of the maner of the proceeding of the *Holy Ghost*, there could be no difference in these points and therefore these differences & controuersies, & irresolutions in the *Roman Church* cannot be excus'd

Li. 1. de grat. & lib. arb. ca. 11.

Fo. 4.

Fo. 91.

Fo. 2.

or diminished by this, that they are *De modo*, since they are not *De modo probationis*, which is when a certaine truth is illustrated by diuers waies of prooffe, but they are so *De modo essendi*, or *existendi*; So, as if you remoue these wayes, by which they are said to be, they are not at all.

8 And how soeuer those Doctors, whome they stile *Seraphicos*, and *Illustratos*, and *Irrefragabiles*, & *Fontes vitæ*, with which transcendent Titles, they enamell so many of the writers in the *Franciscan Families*, so are in so high a pitch as dazles vs, or diue so low, as we cannot discern what they hold in this matter of *Merit*; yet what the vulgar doctrine is in this point, the *Expurgatory Indices* shall suffice to informe vs: for no opinion of any Father, or Doctor, or of any vniuersity, can be of so much credit, and authority, as those books; since they are compiled by a commission issuing from the Pope himselfe, who was either authorized or entreated to that office, by a generall Council. So that in these bookes there are all these approaches to an *infallibility*, that they were determined and provided by a Council, executed by a Popes Buls, and iustified by him, when they were perfited and accomplished.

9 And those bookes haue not bestowed so much diligence, vpon any point, as this, that nothing remaine in any Authour, which may preferre Christs passion before our merits, And therefore

Villoti Atbenæ, Orthodox.

*Ex Conc. Trid.
Bull. Pij 4. de Ind
libro.*

fore, to omit innumerable instances to this purpose) in that Catholique booke, ^b imprinted in a Catholique state, which is stiled, *Ordo Baptizandi, & Modus Visitandi*, they haue expunged these wordes: *Doost thou beleue to come to glory, not by thine owne merites, but by the vertue and passion of our Lord Iesus Christ? And a little after they haue cut off this question; Doost thou beleue that our Lord Iesus Christ died for our saluation, and that no man can be saued by his owne merits, or any other way, but in the merite of the passion of Christ? And though they might haue excused to extoll our merites, yet they might haue spared the first part of the sentence, and giuen vs leaue to beleue; That our Lord Iesus Christ died for our saluation.*

10 Amongst these great works, pregnant both of Merite for our selues, and satisfaction for others, Martyrdome is in their Doctrine; that *Opus priuilegiatum*, which takes away all sinnes; by occasion of which wordes, *To take away*, I cannot forbear to warne you in this place, of one ordinarie indirect dealing in *Bellarmino*; which is, that in his *Indices*, and *Tables*, he presents wordes, verie farre from the sense of the place to which they relate: As in this point of merite, where his Index saies, *Martyrium tollit peccata*, *S. Hierome*, out of whom the Text, to which he relates, is drawne; saies only *per martyrium peccata non imputantur*; which is nothing to the naturall condignitie of the worke it selfe.

^a *Index Hispan.*
fo. 149.

^b *Vener.* 1575.

Bell. de Iustif. l. 2.
c. 9. *S. Sanctus*
Hieronymus.

selfe. And I should haue neglected to haue noted *Bellarmines Index*, but that I obserue that they are so seuerely vpon the *Indices*, made by some of their owne Church, that pretending still to haue raised nothing in the body of the fathers, they expunge in the *Indices* many sentences, though the very wordes be in the Text it selfe: as in this point of Merite, *Iunius* hath noted, that these wordes, *Meritum nullum, nisi quod a Christo conferatur*, are cut out of the *Index* to *Chrysostome*, though the same wordes be in the text.

¶ To proceede then, for the dignity of this worke, *Bellarmines* against *Soto*, and *Ledesmo* maintaines, that martyrdom doth saue a man, *ex opere operato*. And that there is required in the martyre, no further disposition, nor other preparation, then in one who is to be baptized. For (saies he) though Charity be required, it is not precedent Charity, but it is, because a Martyr cannot depart without Charity; because by a covenant from God, Grace is infused, and so Charity: and therefore it abolishes originall sinne, and actuall sinne, and both eternall and temporall punishment belonging thereunto. And in another place *Bellarmines* saies, That it is euident, that martyrdom is so full a satisfaction, that it expiates all guiltinesse, contracted by all sinnes, how huge soeuer the number, or baynousnes thereof be: and if any milder man of that Church would say otherwise (as *Ferus* doth directly, the Passions in this life, are not worthy of future glorie) hee must be de-

Epist. ante Ind. Belg.

De baptisn. l. 1. c. 6.

De Indulg. l. 1. c. 2. §. Quatio.

L. 3. Com. in Mat. 20. 8.

detorted to the other sense, (as *Senensis* saies of this place, *I am of opinion, that Ferus his wordes might be deflected to the other sense:*) Or if the wordes will not confesse vpon that racke, they must bee vtterly expunged, as wee noted of others before.

12 And vpon this superabundant value of the merite of Martyredome, *Bellarmino* builds that conclusion, which wee now condemne; which is, *That because many martyres haue but fewe finnes of their owne, and their passion is of a large and rich satisfaction, a mightie beape of Satisfaction superabounds from martyrs.* And so they being sent hither, as Factors to encrease that banke and Treasure, it appears, I thinke, sufficiently, that this doctrine of merites, dooth misprouoke and inordinatly put forward inconsiderate men, to this vitious affectation of Martyrdome. To which also the Doctrine of *Purgatory* contributes as much perswasion.

THE THIRD PART OF PURGATORY.

AS *Morbizan* the Turke, being mooued by a Bul of *Pius 2.* by which he granted Indulgences to all the, that would take Armes against him, by a Letter to the Pope; required him to call in his

*Sext Sen. Biblioth
Sancti. 6. An-
not. 89.*

*De Indulg. l. i. c.
2. §. Quinto.*

I.
*Historie & alia
impress. ante
Alcoran. fo. 99.*

*Casabonus pre-
fatio de liber.*

Ecccl.

De purg. L. 2. c. 6.

18. §. Ad quint.

Hymno de novo

lumine pasch.

Sabba.

Epigrammes againe: And as a great learned man of this time calls *Paulus* the fifts Excommunication against the Venetians, *Dirum Carmen*: And as *Bellarmino* saies of *Prudentius*, when he appoints certain *Holydaies* in Hell, *Panarum celebres sub styge ferie*, That he did but play *More poetico*: So all discourse of *Purgatorie* seemes to me to bee but the *Mythologie* of the *Romane Church*, and a morall application of pious and vsful fables.

2 To which opinion *Canus* expresse himselfe to haue an inclination, when he saies, That men otherwise very graue, haue gathered vp rumours, and transmitted them to posterity, either too indulgent to themselues, or to the people: and that Noble Authors haue bene content to thinke, that that was the true law of *History*, to write those things which the common people thought to be true: And this censure he forbears not to lay vpon *Gregory*, and *Bede*, by which two, so many fabulous things were conuaied to posterity. To which ingenuity in *Canus*, *Lypsius* his *Champion* saies, That he preferres *Gregory* and *Bede* before *Canus*. for opinion and iudgement: But in this, onely their discretion, and an abstinence from a slippery and inconsiderate credulitie is in question: and euen in matter of iudgement, in as good iudgement as this Authour hath, *Canus* will iustly enough in that Church haue a good roome. And if this Authour, as hee pretends in that place, accept none of these fables; but such as the authoritie and

L. II. c. 6.

*Palestrina Hono-
ris. Anastas Co-
chelet. fo. 285.*

and iudgement of the Church hath approved, either many of the Stories must loose their credit, or els the Popes that approved them.

3 Who haue beene wisely and prouidently most liberall, and carefull to affoord most of that sustentation of Approving, to those things that were of themselves most weake and indefensible: for so *S. Brigids* Revelations are not onely approved by *Boniface* the ninth, but confirmed by *Martin* the fift: Both which hauing concurred to her canonization, one reason why it was done, on her part, is, because at her marriage, being at thirteene yeares of age, and her husband eightene, she vowed one yeares continency; and the reason on the Popes part was: That there might some goodnesse proceede out of the North, for she was of Swethland. According to which superstition, in their Mysterious ceremonies, when the *Gospell* is song, all other parts being done towards the East, hee must turne to the North, from whence all euill is deriued, and where the Diuels dwell.

But for all their barbarous and prophane despite and contumelies, which they impute (not to the Diuell) but to Princes, and all sorte of people beyond their Hilles, their Stories are full of the memorie of Benefites which Sea hath receiued from Northern Princes, and *Binius* confesses, that the remote and Northerne people, did so much honour the *Romane* Church, that whomsoeuer they bea-
ued

*Paleotus de Syn-
done, par. 1. Ep.
lectori.*

*Reuel. Brigid. Bull
Canone. Ponif. 9.*

*Par. Crassius de
cerem. Epif. &
Cardin. l. 1. c. 39.*

*To. 3. par. 2. fo.
1052. B.*

ued to sit in that Chaire, and to be Pope, though but in name, without any discussion of his entrance, they reuerenced him as S. Peter himselfe, which (saies he) is a wonderfull thing to be spoken. Which imputation since Binius laies vpon Northerne Catholics, they are fairely warned to bee more circumspect in their obsequiousnesse to that Church, without discussing the persons, and the matter which is commaunded them.

40 But to returne to this Comique-Tragicall doctrine of Purgatory, if Canus weigh nothing with them: Sir Thomas Moore, of whose firmenesse to the integrity of the Romane faith, that Church neede not be ashamed, intimates as much, when he saies; That hee therefore undertooke to translate Lucianus Dialogue Philopseudes, to deliuer the world from superstition: which was crept in vnder Religion: For (saies he) superstitious lies haue beene told with so much authority, that a Cosouer was able to perswade S. Augustine, though a graue man, & a vehement enemy of lies, that a tale which Lucian had before derided in this Dialogue, was the newly done in his daies. Sometherfore thinke (saies he) that they haue made Christ beholden to them for euer, if they inuent a fable of some Saint, or some Tragedie of hell, to make an olde woman weepe, or tremble. So that scarce the life of any Martyr or virgine hat h escaped their lies, which makes me suspect, that a great part of those fables, hat beene inserted by Heretiques, by mingling therof to withdraw the credite due to Christian Histories.

5 And

Epist. Rutha. 6.
Reg. Secret. ante.
Dial. Luciani.

5 And in our daies, Philip Neri^{us} the Institutor of the last Order amongst them, who was so familiar in heauen, whilst hee liued vpon earth, that^a he was faine to intreat God to depart further from him, And^b to draw back his minde from heauenly matters, and turne them vpon earthly, before he was able to say Masse, And^c could heare the Musique and Symphonie of the Angels, And could distinguish any vertue, or any vice, by his smelling, This man I say was euer an enemy to these Apparitions: and vsed to say, That God would not take it ill, not to be beleeued, though he should truly appeare to vs in any shape. And to a Scholler that tolde him that our Lady appeared to him in the night, he said, next time she comes, spit in her face, which he did, and found it to be the diuell. Nor did hee easily beleue possessions, but referred it commonly to the indispositions of the body: and suspecting iustly the same diffidence in others, which he found in himselfe, hee prayed to God, that he would worke no miracles by him.

6 So that not onely for feare of illusions, and mistaking bad spirits for good, (for for that, their greatest Authors which haue writ of that subiect, euen in these cleare & curious times, are still confident, that An euill spirit, what shape so euer hee appeare in, may be knowne by his feete or hands, And that he is euer notoriously deformed either by a T. ayle, or by Hornes, And that hee will vanish, if one vse him, as Eriar Ruffin did, who when the diuell appeared to him

^a Vita eius. fo. 17. & 24. & 57.
^b fo. 33.

^c fo. 83.

fo. 107.

fo. 108.

fo. 229.

fo. 488.

Binsfeldius. de
confes. Sagar. fo.
67. & 68.
Mench. fist.
Demo. c. 8.

Ibidem.

T

ordina-

ordinarily in the forme of Christ crucified, by S. Francis his counsaile, said to him: *Open thy mouth, & implebo stercore, and thereupon was deliuered from that apparition.* And some of their saddest Diuines, haue eased them thus much in any such perplexitie, that to worship the diuell himselfe in such a forme, with opinion that it were God, is not Idolatry;) not onely for these inconueniences, but euen for a generall infamy and iuspition, that these apparitions which begot Purgatorie haue in them, the more moderate sort of Catholiques haue declined from any great approving of them.

7. Yea Serarius, though of that order that hath lost all ingenuity, confesses from *Baronius* and *Villa Vincentius*, that in these legends in their Histories there are vaine and vicious relations; and that the pictures of those Saints, are but Symbolicall. And *Sedulius* acknowledges, that, that storie in the booke of Conformities, that S. Francis was seene to goe out of the wound in Christs side with a banner, and a great Armie, is but figuratine. Of which, sayes he, there are many so highly mysterious, that it is not fit to discover and explicate them to the wicked. So that these Mirabilary & Mythologistes of that Church, wil solemnly referue these their Arcana Ecclesie to themselves, and shall without any enuie from vs.

8. And yet I denie not, but that in sober antiquitie, and in the grauest Fathers, there are some impressions, which occasioned this error, of purifying

Vasques de Adorati;

Litan. l. 2. ca. 2.
N. 3.
Ibid. N. 4.
Sedul. Apol. pro
libro. Con'or.
l. 1. c. 20. N. 7.

rifying soules after this life; As Bellarmine layes truly, that for the most part, lies haue their foundation vpon some truth; For it was very long in the Church of God, before the state of the soule after our death, was cleare, and constant and vniforme: the Fathers being diuided in their opinions, whether our soules enioyed perfect happinesse presently, or expected and attended it till the generall iudgement. And the phrase and language, in which sometimes they spoke of the last consummation of our happinesse, in the re-vnion of the body and soule, being obscure, and various, gaue occasion of doubting, that they reserued and adiourn'd all our happinesse till that time. And that which they meant of that perfect and consummate happinesse, not to bee enioyed till then, hath bene mis-vnderstood, or detorted to the soule alone. And by such irresolution in some, and perplexity in collating their opinions, and misapplying their words, haue beene imprinted indelible characters of *Purgatorie*, and of prayer for the dead, of whose condition in the next worlde, they were not thoroughly assured.

9 If any of the Fathers haue strayed farther then so, to speak doubtfully of some such thing as *Purgatorie*: Wee will not say, as you doe, ^a *Let vs excuse it, or extenuate it, or denie it by some deuise, or faine some other conuenient sense, when it is opposed in Disputation.* Nor dare we obtrude a contrarie ex-

De Font. l. 4. c. 8.
S. Quia.

^a In. ¹ Expurg.
belg. fo. 12.

Dist. 4. statimus.
gloss.

Dist. 12. quis nesciat glof.

Ind. exper. belg. fo. 18.

Index. Hisp. fo. 66.

Idem fo. 92.

De Matrimo. l. 1. c. 5. S. ubi tamcn. 27. q. 2. Cum societ. 15.

De pont. l. 2. c. 27. S. respondeo istis.

position, as you doe, when you make Pope Telesphorus instituting the *Quinquagesima* for the Clergy, by his worde *Statuimus*, to meane *Abrogamus*; Or when Pope Innocent writes to *Decentius* a Bishop, that it is not reade, that in all *Italie*, *France*, *Spaine*, *Affrique*, and the *Ilands*, there was *Alius Apostolus præter Petrum*, to make him meane by *Alius Contrarius*; which the glosse vpon the glosse in the *Margin* mislikes, because no *Apostle* was contrarie to *Peter*, and therefore makes the *Popeto* meane; that there was no other *Apostle* in those places, then *Peter*, or such as he sent. We dare not correct so boldly as to make *Bertram*, who for 800. yeares together had said *Visibiliter*, now to say *Inuisibiliter*. Wee dare not hope to scape with such a small insertion, as *Non*, which you have intruded to the destruction of *Didacus Stellaesense*, in his *Commentarie* vpon *Saint Luke*, and in *Eucherius* his *Commentarie* vpon *Genesis*.

Wee dare not steale out that little particle, to alter the whole intention of him that hath it; as *Bellarmino* hath done, out of a sentence cited by *Gratian*, out of *Leo*, by which *Mariage* is no *Sacrament*, if, *Non*, be admitted. Wee will not be so vnnaturall to the *Fathers*, as *Bellarmino* makes the *Pope* to be, when being pressed by *Nilus*, to followe in the question of the *Primacie*, the opinion of the *Fathers*, sayes, that the *Pope* hath no *Fathers*

Fathers in the Church, but that they are all his Sonnes. Nor can wee exceede Bellarmine in dis esteeming the Fathers, who hath called in question some bookes of almost euerie one of them, as Clement, Anicetus, Cyprian, Tertullian, Ambrose, Augustine, Hierome, Damasus, Damascen, Basil, Iustine, Nyssene, Honorius, Eusebius, Chrysofome and others.

And when Damascene cites out of Palladius, That a dead scull beeing asked, whether our Prayers did them any good in hell, answered, that it brought them some ease and relaxation, Bellarmine sayes, This is false, and Apocryphall, and that there is no such thing in Paladius: So ill a Patrone is hee, of Damascens credite heerein. Nor doth hee onely indefinitely say of the Fathers, That it is euident that some of the chiefest of them haue grievously erred, but as of Tertullian, who imputes Montanisme to Pope Zephirine, hee sayes, There is no faith at all to be giuen to him, And in another place somewhat more sharply; Wee doe not reckon Tertullian amongst the Catholiques, So doth he to very many of the other Fathers, boldly impute such errours, as would vitiate any Author not to haue but obserued them, and for touching whereof the Centuriators are by him accounted prophane and blasphemous. So also doth Medina say, That Hierome, Ambrose, Augustine, Sedulius, Primasius, Chrysofome, Theodoret, **T** 3 **O**ecumenius,

De Purgat. l. 2.
C. 18 §. preterea.
& §. Ad quartum.
De verbo Dei. l. 1.
3. C. 10. §. dicens.

De Pont. l. 4. c. 8.
§. respondeo.
De penitent. l. 1.
c. 1. §. igitur.

De Sacro. homin. Orig. & contin. l. 1. c. 5.

Oecumenius, Theophilaet, and others, were of the same opinion as Aerijs was, and the Waldenses, and Wicklyffe.

36.q.2.placuit.

Ind. Hispan. fo.
146.

Fo. 147.

IO But as Gratian preferred Hierome before a Councill, because hee had Scripture on his side, And as your *Expurgatorie Index* (which I cite so often, because no booke of equall authoritie, doth shew so well your corrupt doctrine, that is, what you cannot endure to heare, and your indirect practise, to make Authors speake your words) addes to one Author in the Margine, *Wee must giue no credit to these words of Eusebius*, and after; *This opinion of Iustin, and of Epiphanius, is not true*: So, if for the defence of *Purgatorie*, in the full sense of the *Trent Councill*, you obtrude any Father (which yet I professe that I haue neuer seene) if that Father be destitute of the support of Scripture, you must allow vs, some of that libertie which you iake, since we are more modest in the vse thereof then you are.

II For we need not (euen by your frequent examples,) binde our selues to that seruility, which your *Azorius* subiects himselfe vnto: who disputing of the immolation of *Iepthes* daughter, confessing, *That it is not eident, that she was killed, nor like ly; nor that she could be comprehended in that vow, any more then any vncleane thing which might haue met him, and That the contrarie is more Analogall to the other places of Scripture, and that the Rabbines,*

— *Lyra,*

Moral. Infit.
Par. I. I. C. 14.
S. Secundo quæ-
ritur.

Lyra, and some other Catholiques, denie her death, yet, saies he, because we are bound (that is, by the oath of the Trent Councell) to expound Scriptures according to the sense of the Fathers, I thinke we ought to adhere to the opinion that she was slaine. But if the sense of the Fathers did not stand in my way, to confesse the truth, I should approve the other opinion, because that deliuers so great a person as Iepht he was, both from rashnesse and foolishnesse in making the vow, and from impietie and cruelty in keeping it.

12 This bondage and yoake we need not cast vpon our selues, but may lawfully take *Christostomes* libertie, (since our cause is better then his, for hee dis-approved all Oathes) *Neuer* produce to me, saies that Father, *this Saint, or this chaste man, or this milde man, or this Priest;* for if you tell mee of *Peter, and Paul, or of an Angell from Heauen, you shall not thereby terrifie me with the dignitie of the persons.*

13 The Fathers which must gouerne in these points, must not be the Fathers of the Societie; but they must be *Patres Patrati*; Fathers which haue Fathers; that is, whose words are propagated from the Apostles. Of which sort of Fathers, in my poore reading, I neuer found any that consented with the Doctrine of *Purgatorie* now established.

14 In which, that which we principally complaine of at this time, is, that it incites to this false martyrdome. Not but that they confesse, that there are also some other wayes besides martyrdome

De militia spirituali Ho. 4. To. 5. fo. 209.

*Palearia Ho-
noris fo. 1.*

*Sedulius Apo-
lo. contr. Alcora.
l. 1. c. 16. N. 4.
& 6.*

*l. 2. c. 9. N. 1.
l. 2. c. 11. N. 4.*

l. 1. c. 19. N. 3.

Ibidem.

l. 3. c. 21. N. 4.

Ibid. N. 7.

In fine libri.

come to escape Purgatorie; else how got *Lypsius* so soone to heauen? for as soone as his *Champion Cochelet* calls him, *Lypsius* answers, *Wee that are receaued into heauen, doe not despise our fellowes: And that powerfull Indulgence (which, though Saint Francis obtained immediately from Christ, yet Christ sent him to aske it againe, at the Popes hands, because, sayes Sedulius, hee would not derogate from the power, which he had deliuered to his Vicar) deliuers as many as doe but come to a certaine place, from all sinne, and danger of Purgatorie. All which die in that Order, are saued; yea, All which loue that Order hartily, how great a sinner soeuer he be, shall haue mercie. And yearely on his birth day, all which are in purgatory, especially of his Order, stie vp to heauen. And hee himselfe carried about 1000. away with him from thence, when he went. At one Masse, at the Commemoration of the Dead, a Friar saw soules stie from Purgatorie as thicke as sparks from a furnace: and this Masse he celebrated euery day, and so did infinite others. If then that Friar made a true relation of the state of Purgatorie in his time, That of 5000 which died in the world since his comming thether, there came but three to that place, there is no great vse of heaping so much treasure, for that imployment, since by these computations, neither the Number can bee great, nor the stay long.*

15 And if the authoritie of this *Sedulius* seeme light, yet his booke is dignified with this Approbation,

dation, That the impudency of Heretiques, may bee beat backe, with most firme arguments, and with most cleare reasons) Soto might weigh more; who considering the intensnes of the fire of Purgatory, thinkes none shall remaine there aboue tenne yeares. But for all this Bellarmine saies, That by most certaine apparitions it is eident, that some soules already there, shall remaine there till the day of iudgement: And though hee make an impertinent doubt, Whether euer any Popes haue graunted Indulgences for many thousand yeares, yet in another place he assignes certain reasons, why conueniently the Popes may do so; because the penitentiall Canons inflict many yeares punishment, for diuers sinnes which many men comit ofteneuery day. But of this the Popes are so liberal (though it is impossible they should keepe any iust Audit, or account. since they neither know what they receiue, nor what they lay out) that they will put in 1000. yeares more rather the remit that six pence, which you must paie, not for the pardon, but for the paper. And therefore Martin 5. had a iust and proportionall respect to the nature of this ware, when he appointed a yearly Faire, and yearely Indulgence, both of three moneths continuance, to be kept together at Loretta; and that the Priests and Merchants should open and shut vp shoppes together.

17 But Martyrdome is of much more value, then these Indulgences, because it is infallible

4 Sent. dist. 19.
q. 3. ar. 2.

De purgat. l. 2. c.
9. §. Preterea.
De Indulg. l. 2.
c. 2. §. Sed primū

De Indulg. l. 1. c.
9. §. Responſio.

Turfelinus Ieſuit
Hiſt. or. lauel. l. 1.
Ca. 22.

for, some incapacity, and indisposition in the partie, may hinder the working of an Indulgence, but Martyredome cannot faile of the effect, to worke our deliuerance, as appeared by that which we cyted out of *Bellarmino* in the end of the last part of *Merite*. And therefore that doctrine, which teaches such a *Purgatory* as you speak of, incytes to such a *Martyrdome*, as we speake of, & disapproue.

18 Hauing therefore proceeded thus farre, That the purest and acceptablest Sacrifice which we can offer to God, which is our liues, may be corrupted and enuenomed with distastefull mixtures, and that euen in the deuotedst and safest times, it fell out, not seldome to be so; And that our corruption now is more obnoxious and apter to admitte and inuite such poysonous ingredients, and temporall respects, then in those purer times, especially in the Romane Church, which misinflames the minde to false Martyredome, both by depressing and trampling vppon the dignity of Princes, and maintayning euery litigious clause of *Ecclesiastique immunity* with our blood; And also by extolling our owne Merites, and encouraging vs thereby, to trafique, though with losse of our life, for the benefit and aduancement of the treasury of that Church; And lastly by the certaintie, seuerenesse, and length of *Purgatory*, which are infallibly hereby auoided: the next thing which I present to your discourse, and considera-

sideration, is, That the Iesuites more then any other Order, claim to themselves a greater forwardnesse, and alacrity to this, and are therefore busier and apter to prouoke seuerer lawes, against themselves, and to incurre the dangers thereof.

CHAP. IIII.

That in the Romane Church the Iesuites exceed all others, in their Constitutions and practise, in all those points, which beget or cherish this corrupt desire of false-Martyrdome.

All the Iesuites haue a Pope of their owne, it will be (I hope) no Heresie, to doubt, or call in question their sanctity: they may be content yet to afford vs (since our cause is safer) the same excuse which is allowed for Origen, Chrysostome, Hierome, and Cassianus, euen for maintaining a lawfulness in lying, That the Church had not then determined the contrary. They may fauour our weakenesse with the same helpe, which they apply to a Pope himselfe, That it was then lawfull, without danger of Heresie, for him to beleue in earnest, that our soules should not see God, till the resurrection, because there was no Definition of the Church in that point.

Their Charity may relieue vs with the same Indulgence, which they afford to Senensis, who

*Observationes in
Cassianum.
fo. 739. Ex Col-
lat. 19.*

*Bell. de pont. l.
4. c. 14. S. Res-
pondeo. De Iorn.
22.*

Gretzer defens.
Bellar. To. 1. fo.
362. §. Namquod

reiects some part of the Canonick Scripture, after the determination of the Trent Council, Because he did not reach and attaine to the force of that Canon; saies Gretzer, who allowes him all these escapes, That he did it either by negligence, inconsideration, a foreconceiu'd persuasion, or some other cause, which is large enough.

Bell. de Pont. l. 1.
c. 2. §. Ex his.

2 But if euer a Iesuite come to be the Church, that is, the Pope, we shall soone be precluded by the Churches Definitions. And as now to doubt whether the Pope without a Councell, may teach an Heresie, is *Hæresi proximum*, and so is *Semi-hæreticum*, when a Iesuite is Pope, it will be *Hyper-hæreticum*, and *Sesqui-hæreticum*: for we haue beene already taught, that something may be more then heresie, when by a new Decretall of Paul the fourth, they say, That any great person falling into Heresie or Schisme, shall for the first offence be esteemed relapsed, and be in the same desperate state, as if he had formerly iuridically abiurd the same heresie. At least, when a Iesuite comes to that Throne, as in this last volume of the Canon law, we haue a new title presented, *De Cardinalibus*, which was in none of the rest, where they are call'd, *The principall members of the Church, constituted by the holy Ghost, And the most noble part of the Popes body, And the clearest lights, and most speciall children of the Church, where, to take any thing from them is called Sacrilege, and to fauour any which hath dis-fauoured them, or hurt them,*

In septimo. l. 5. tit
3. c. 9.

In septimo tit. 4.

Ibid. ca. 3.

Ibid. c. 2.

Ibid. c. 3.

is made Treason, so without doubt the *Iesuites* will be as indulgent to their owne Order, and we shall haue at the next croppe, when there is a new Haruest of ripe *Decretals*, a title, *De patribus Societatis Iesu.*

3 As at their first institution they were thus neere the Papacy, that the Order of the *Theatines*, of which *Paulus* the fourth (who was at that time Pope) was either the authour, or a principall man, desired to be vnited to them, by which meanes they might haue compassed the Papacy in their Cradle, so hauethey of late made suspicious approaches thereunto, by admitting Cardinalshippes, and other Dignities.

4 Those of their Order, who heretofore refused offers of that Dignity (as you say *Layne* did from *Paulus* the fourth, and *Borgia* from *Iulius* the third) did it *Constantissime*: and, I beleeeue with such constancy in resistance, *Tolet* and *Bellarmino* might haue preuailed. Hee which giues rules for the institution of Monkes, forbiddes not onely Bishoppricks, but all acquaintance with Bishoppes: *By all meanes* (saith hee) *let a Monke auoide women and Bishops, because both hinder Diuine Contemplation*; which Rule when *Iesuites* broke, and came to liue in secular and Ecclesiasticall Courts, they shewed that they were not stubborne and inexorable against these preferments.

Histor. Ordi. Jesuit. refut. a Gretzera. fo. 45.

Ribadeneyra de Scrip. Iesuit. fo. 100. & fo. 60.

Cassianus l. 11. c. 17.

5 And if euer they attaine the Papacy, they haue already laide good foundations for the entailing thereof vpon their owne Family, by *Azorius* his disputation, what the authority of the Pope is in designing a Successor: for he deliuers it, as the common opinion, that the forme of electing the Pope being founded vpon the Canons, it may at his pleasure be changed. So that the Pope may establish the Pro-uincials of the Iesuites to be the Electors.

And then descending to another question, whether the Pope himselfe may designe his Successor, hee saies, that the Canons against it cannot preiudice him, because he is aboue them, and that it is not forbid Iure Diuino; and that for matter of fact, he beleeueth S. Peter did chuse *Clement*: but least the Popes should haue nothing to auert them from this course, before any Iesuite were Pope, and so worke an exclusion, he saies, it is not lawfull, Iure Naturæ: that is, saies he, because natural reason informes, that it were inconuenient for the Church: And, but for that inconuenience, he saies, they might cast lots for the papacy: But this inconuenience depends vpon such reasons, and circumstances, as are alterable, and when they cease, this law of nature ceases too.

6 And though *Layne* in the vacancy after *Paulus* the fourth, is said by you to haue had twelue of the best voyces for the Papacy, though he were out of the Colledge of Cardinals; And in one Conclau, *Bellarmino* also is said, to haue had
some,

*Instit. Moral.
to. 2. l. 4. c. 5. §
Secundo.*

Ibid. §. Tertio.

Ibid. §. Exploratum.

*Ribadeney.
ubi supra.*

some, yet if any Iesuite had voices enow, would his Superiour allow him the Religion of his vow, by which he ought to refuse it, or his naturall liberty, by which, any man that is chosen Pope, may, if he will refuse it?

*Cerem: Sacr.
Cap. De elect
pont.*

*Petrci Biolioth.
Carthusia. fo 304*

*Sedulius Apolog
cont. Alcoral. 2
c. II. S Immo-
centius.*

7 If it were once come to that, as you are content yet, to seeme as modest as the *Carthusian*, who saies, *that he beleeueth it to be a singular blessing of God, that no Carthusian hath beene Pope*: you would make good hast, to reckon with the forwardest Orders, how many Popes you had had: And quickly in these accounts ouergoe the Franciscans themselues, who reckon of their Order, not onely Popes and Martyres, and such possible things, but are so precipitate and transported with this fury, that they reckon, how many of the *Apostles, Prophets, and Patriarches* they haue had of their Order; So, as I thought, whilst I read it, they would neuer haue stopped, till they had tolde vs, how many *Adams and Eues* had beene of their Order, and how many *Iesus Christs* besides *S. Francis*: For I vnderstand not by what other figure they vse this anticipation, and call these auncients Franciscans then that by which *Serarius* the Iesuite saies *Herod* was a great Machiauellian: and *Gregorie de Valentia*, that *Plato* might learne the doctrine of Purgatory out of the booke of the *Machabees*, which was written after his death.

*Serarius. Tribe-
res. l. 2. Cap. 2 4
Grego. de Va-
lent. De purgat.
c. 8.*

8 But besides that the Iesuites decay in the hearts

Pierre Mathieu Histoire de France. Li. Narrat. 4.

Sedulius. Apol. l. 2. c. 12. n. 8.

Catalog. Glor. Par. 4. Confid. 7.

Menghi. Flagell. Demon. fol. 9.

Ide. fol. 105.

Mat. Tortus supra la Lettera di Palmieri Rognito. Raccolta. fol. 126.

hearts of Princes (which *Philip* the second of *Spaine* testified well, because though he had great use of their service, hee neuer did any thing for them) this also makes me doubt that they will neuer haue Pope, because it is already reueil'd by *Christ* to *S. Francis*: that *Antichrist* shall come out of the family of the *Franciscans*.

9 This also encreases my suspicion, that they could neuer compasse, that which is much lesse then a Pope, which is a *Saint*, in their family. For the Authority of the Pope is greater, then of a *Saint*, sayes *Cassaneus*: And in his Indulgences he doth as familiarly command Angels, as the yonger Prentizes, the *Exorcists*, do deuils: To whom they vse this language, when any spirit posselles a body, I command *Lucifer*, and all the *Furies* in hell, to precipitate you into hell fire presently, indispensably and eternally, till the day of iudgement: And I forbid the *Ayre* to haue any power to receiue you.

10 And though *Tortus* say, That the time of the Canonizing of the founder of that Order is not yet pass'd, and therefore hee may bee Canonized in good time (which is a poore comfort, since I neuer found any such limitation, nor that a *Saint* apparant, as *Ignatius* is, may be superannated, and grow too old to bee Canoniz'd) yet since those two great Princes, *Philip* the second of *Spaine*, and *Henry* the fourth of *France*, either out of deuotion to the Order, or for their owne ends, haue both

both pretended the solicitation of *Ignatius* his canonizing to belong to them, and both affected the honour of procuring it, the pursuite and effecting thereof hath beene intermitted and retarded. And howsoever for *Ignatius* and for *Xaverius*, who was also a *Nanarrois* as well as *Ignatius*, it might please those Princes, for respect to one another to forbear any solicitation in their behalves, yet the King of Spaine had very many subjects in that Order, to whom no other Prince pretended any such precontract or interest: and yet he procur'd the canonization of *D'Alcala a Franciscane*, and *Pennafort a Iacobin*, and neglected the *Iesuites*. And though the present Pope *Paulus* the first, haue beene much solicited for the Canonizing of *Gonzaga* the Iesuite by the Princes of that Family (the memory of his exemplar life being yet fresh, and his worthinesse certified (as the custome is in preparing Canonization) by Cardinals which had commissiion to search therinto) yet he hath allowed him no other title then *Beatus*: which might haue beene giuen him without that Rescript of the Pope, as *Ignatius* and many other haue it: since, as *Serarius* saies; *Custome giues that Title to those, of whose saluation there is a strong opinion, and yet are not adorned with the publique testimony of the Church.*

II Nor doe I perceiue that they are in any great forwardnesse, to get a *Saint*, since in canoni-

Pierre Mathieu.
Histoire de fran.
l. 1. Nar. 4.

Ceparius de vita
Gonzag. Epist.
Dedic.

Litaneut. l. 2. q. 7

*De procurand.
Indo. Salut. l. 2.
c. 9.*

zings after the consideration of the truth of the miracles, they fall in the Consistory to another consideration, of the sufficiency of them. And besides that, your own *Acosta* makes vs doubt of the truth of those miracles, which are related, because he spends a Chapter in giuing reasons, why in our age, in preaching the Gospel in the *Indies*, there is not that strength of miracles, which was in the primitive Church, since, as he saies there, *It would preuaile very much, if it might be*, those which are said to be done by you, are for the most part so poore and beggerly, and silly things in respect of the *Franciscans*, as betweene yours and theirs there is as much difference, as betweene Iugling and Coniuring.

*Sedul. Apoll. l. 3.
c. 13. Nu. 8.*

*Jdem. l. 3. C.
28. Nu. 30.*

12 Methinks you should offer no more to plaie at that game, after you haue beleeued (as I hope you doe, since so fresh, and so well approoued an author as *Sedulius* giues new life to these miracles) That *S. Anthony* when the heretiques refused to heare him preach, went to the Sea side, called the fish, which came of all sorts, staide in peace, put their heads aboue water to hearken, and at the end of the Sermon, some spoke, and some did but bow their heads, and so the Heretiques were conuerted: or that Frier *Andrew* to correct his appetite of eating birds, at the Table, by the signe of the Crosse, commanded them to flie away, though they were roasted.

13 And how much more luxuriant of Miracles

cles would their Historie be, if they had not commanded Friar *Conrade* to doe no more Miracles after his death, because he was buried out of their Colledge: And if Saint *Francis* had not enioyn'd Friar *Peter*, vpon his Graue, *Per sanctam obedientiam*, that he should doe no more Miracles, because they were thereby disquieted with concourse of people. Of which kinds there are many Commaundements, which lessen their number of Miracles.

14. And this *Philip Neri*, founder of the last Order, fear'd in himselfe, and therefore hee told *Baronius*, that he had intreated God that he might doe no Miracles.

15. You can therefore in nothing equall that order of *Franciscanes*; for if you thinke to ouertake them in number, you will be faire short. Saint *Francis* saw at the first Chapter or meeting, fixe thousand *Friers*, and eightene thousand *Devils*, which *Ignatius* could neuer get neere, except hee made it out in *Devils*. For the whole number of his Societie, doeth not much exceede ten thousand yet.

16. But that which is truly proper and peculiar to you, you doe earnestly and intently, and you excell in it, which is, in kindling and blowing; begetting and nourishing ielowshies in Princes, and contempt in Subjects, dissention in families, wrangling in Schooles, and mutinies in Armies, ruines of Noble houses, corruption of blood,

Idl. 3 c. 24. n. 25
26. 27.

Vita. Neri.
fol. 488.

Sedul. Apol. l. 2.
c. 2. n. 3.

An. 1608. they
were 10581.
Ribad. scrip. Ic-
suit. in sin.

confiscation of States, torturing of bodies, and anxious entangling and perplexing of consciences. And to facilitate your way to these effects, you are in your institution mixt and complexioned of all Elements, and you hange betwene Heauen and Earth, like *Meteors* of an ominous and incendiarie presaging. You pretend to forsake the world, and to looke all vpward; But, saith *Cassianus*, *Such renunciation is threefold; Of all temporall fortunes, and of our maners and conditions, and of our minds from all present things.* But all your labour is to vnderstand the present state of Kingdomes, and where any ouerture is giuen for the Popes aduantage, and where any interposition or hinderance is interiected against his purposes. And therefore that saying of *Saint Basil* to a *Senator*, that seem'd to renounce the world, and yet retain'd part of his state, *Thou hast spoyled a Senator, and hast not made a Monke*, belongs almost to all of this Order. For you are but as *Eunuches*; you haue lost your apprehension and capacitie of worldly Estates, yet the lust, and itche, and concupiscence, to be conuersant therein, remains with you still.

Cassian. l. 7. c. 19.

*Iesuitar. regula
Conmu. Cap.
Examinator.*

17 For this purpose you haue care in admissions, *That none be receiued whose Parents bee poore*, (which your *Examiner* hath in charge) least that should diuert them from the integritie of this seruice. For this purpose it is, *That the Superiour himselfe*

himselfe cannot dispence to admit any deformed person, because you will haue men sociable, acceptable, and agreeable to companie. For this purpose your Superiours and Rectors must write euery weeke to the Prouinciall, not onely of their owne state, but of all things done amongst strangers, by the seruice of this societie. For this purpose you must haue a Proctor generall at Rome, who must buy and studie all the Rules of that Chaucerie, and all the Breues, and Bulls, which the Popes send forth. And to this purpose was that attempt of the Iesuite, who (if a Catholicke Historiographer relate truely) published at Rome, That Confession by letters was Sacramentall and effectuall. Into which opinion though some before had straid, yet it had receiued no such strength and authority as at that time, when it was so hotly pursued, that Clement 8. was forced to oppose a direct Decree against it, and to condemne it as false, rash, and scandalous at least. For if this opinion had bene beleued and authorized, the secrets of all states, and passages of all Courts, had had no other Register then the breasts of Iesuites; who are so wise Apothecaries of penances, and haue so plentifull shops of those druggs of Indulgencies, that all those Princes, to whom any of them had bene Confessor, would neither open their disease, nor seeke their physicke at any other place: when they might be deliuered of the painefullest part of Confession, which is the personall shame of accusing ones selfe.

18 And

Regule Prouincial. 56.

Cap. de formula seribendi.

Cap. procurator Ceter.

Pier. Mathieus. histoire de Fran. To. 2. l. 7. Nar. 4.

^a Vide Soto de teg. Secret. memb. 3. q. 4. Dub. 4. & Zambrian. Cas. Consci. cap. 4. de penit. Dub. 2. Sect. 5. ubi citiam est hoc Decretum Clem. 8. Nu. 31.

Reg. Commu. 38.

Sedus. Apolo. 1.
2. C. 3. N. 2.Bulla tertia
Gretzer in Hat-
teum. fo. 168.D' Auila de Cen-
sur. par. 2. Ca. 7.
Disp. 3. Dub. 8.
^a Bulla 18. Gret-
zer in Hatteum.
l. fo. 211.^b Iesuit Consti-
tut. spi. tit. 4.^c Reg. 48.

18. And that they may attend this service of *Intelligencers*: First, they haue one Rule of State, which is, *That they let no stranger vnderstand their Rules and Priuiledges*, And their Superiours haue the prerogatiue to interpret and extend, and limit the constitutions; whereas, for the Rule of the *Franciscans*, Christ himselfe was heard in the aire, saying to *S. Francis*, *This Rule is mine, not thine, and I will haue it obserued, Ad literam, ad literam, sine glossa, sine glossa.*

19 And then by one *Bull* they are enabled (for at their first institution they were not so) to beare *Confessions*, and to change *rowes*; And by another *Bull*, they haue priuiledge to *absolue from all censures, except those of Bulla Cane.* And by another, they are licenced to *practise Physique*, which doth not onely giue them access to *Death-beds*, which is one of their chiefest *Scenes*, but excludes all others, because they are competent for all offices. And I wonder that they haue not procured a *Bull*, that they might be *Midwifes*.

20 To this purpose also of *spying*,^b their constitution bindes them to no ordinary penances, nor disciplinary macerations of the bodie: yea, that which they are content to call *Indiscretam castigati- onem*, which others magnifie so much, is so much forbid amongst them,^c that they are bound to deli- uer it in confession, if euer they transgresse into it. And the *Rector* is to prouide, not onely against these
Mortifi-

Mortifications, but^d against too much Devotion, as Impediments which call them from their studies. And the charge which is given to him who is president over their spirituall matters, is to see, ^e That whilst they have too much desire of Devotion, they doe not impair their strength: and therefore that Gonzaga of whom it is often^f said in his life, that hee shortned his life with such discipline, ^g laying sharpe chips betweene his sheetes, ^h whipping himselfe with Iron chaines, andⁱ putting spurres betweene his Dublet and his flesh, before he came into the Rules of the Iesuites; wonne, and ouercame his Father and Mother, to encline to his purpose of entring this Order, because they sawe, ^k That this Order would be wholsome for his body, and not allow him such seuerity.

21 For priuiledges of Addition, they haue by ^l one Bull all the immunities of the Mendicants, which are very many and aduantageous, because thereby they must be receiued, as they trauell into any religious house: And by^a another Bull, at one liberality, the priuiledges of all Orders, are extended to them.

22 And for Exemptions, they are deliuered by ^b one Bull from keeping their bowres in the Chappell; and by ^c another from attending at Proceffion: and by^d another dispenced from fastes; and forbidden meates: and by their^e Rule bound to no habite: and by^f another Bull, licensed to read all bookes; which is so great a libertie in that Church, that in the
Septimes,

^d Reg. Com. ca. Rector reg. 8.

^e Cap. prefect. Rer. spirit.

^f Cepari^o Iesuit. de vita Gonzag. fo. 58. & sepe.

^g Fo. 84.

^h Fo. 83.

ⁱ Fo. 84.

^k Fo. 154.

^l Bulla. 13. Gretz fo. 195.

^a Bull. 17. Gretz fo. 207.

^b Bull. 15. fo. 197.

^c Bull. 19 f. 217.

^d Bull. 7. fo. 186.

^e Regule - in vniuersal. 84.

^f Bull. 16. fo. 198

^g In *Septimo. l. 5.*
Tit. 4. c. 6.

Septims, there is^a a Decree of Gregory the thirteenth forbidding euen Arch-Bishops, and Kings, and all persons. but the Inquisitors, to read Hereticall bookes, vpon paine of Heresie.

^h *Constitut.*
Spir. 36.

23 If therefore, as in their^h Constitutions they call them selues, they be but *Cadauera*, they are either such corrupt and putrified carcasses, as infect and enueneome all places where they reside, or such Carcasses, as euill spirits haue assumed to walk about in: and if they be (as they say there) but *Bacala senis*, This old man is the pope, whom they cannot put off, and they are such staues, as haue swords sheathed in them, and such as wound and bruise, euen the inwardest marow of Kingdomes.

ⁱ *Epist. Ignatij ad frat. in L. 1. c. 11.*

24 For this purpose is that obedience to their Superiours, wherein *Ignatius* wils his Disciples to exceed (Letⁱ vs, saies he, suffer our selues to be exceeded by others, in fastings, and in watchings, and such; but let our marke be, an abdication of the will, and iudgement.) And so he giues them good blinde Counsaile, for their beleefe, and for their actions: *As to beleene what the Catholique faith teacheth, so be you carried with a blinde violence of obeying, whatsoeuer your Superiour commands.* And though their Superiour command nothing expressly, yet they are bound once in a weeke, to say one Masse, to the Intention of the *Generall*, though they know not what it is. And of this generall intention the Center, and Basis is, the aduancement of that Sea, about which these

Reg. Commu. ca.
Missu.

pla.

planetary Monkes, haue their course and reuolutions.

25 Olde Monkes were vsed heretofore to be but *Coasters*, houering about their owne *Cloyster*; further then the Contemplation of Heauen, which was the *Bible*, and of the starres, which were the deuout interpreters therof, guided them, they did not easily venter: except some storme of disputation or passion transported them: But the *Iesuites* in this laterage haue found the vse of the *Compassse*; which is the Popes will, and now they haue not the patience to be *Fishers of men*, but they are *Merchants of Kingdomes*, and *Pirates* both of spirituall and temporall treasure. But the eies of a foole, are in the corners of the world, saith Salomon. And euen the desire of going to the *Indies* (which is their best pretence) if we beleue the life of *Nerius*, was corrected in him, by an apparition of *S. Iohn the Euang.* who tolde him, *That Rome was his Indies*, for there was matter enough for his instruction, and his example to worke vpon.

Pro. 17. 24.

Vita Phil. Neryi fo 110.

Regula Benedicti. c. v.

26 And of foure sorts into which they vse to diuide Monks, which are *Cenobites*, who keepe their *Cloyster*, *Eremites* who aduenture into a *Solitude*, *Sarabaits*, who by their workes keeping still their contract with the world, haue dissembled with God, *per tonsuram*, and lastly, *Gyronagi*, who all their liues wander through diuers *Prouinces*, the *Iesuites* seeme guilty of transgressing in both the last waies. For, besides the

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Palla

Pallaces, and abundant possessions, which they haue as they are Corporations, Onely they of all sorts, are not in their particular incapable of inheritances which deuolue vpon them, by their triple vow made before the Governour of that Conuent, till they confirme it againe in a generall Chapter. *Quod ita indicatum, (sayes a French Lawyer) Mirabundus accepi.*

27 The Franciscane Friar Giles, did so much abhorre all temporall prouisions, that hee told Saint Francis, hee did not like the Antes, because they tooke such paines to provide viſtuals for Winter. And when a Friar told Saint Francis, that hee came, *A Cella Tuâ*, when he heard the word *Tuâ*, he would lie no more there. But the Iesuites haue not so much deuested themselues of Proprietie, but that they may haue proprietie in temporall possession: Yea, they will haue Proprietie in Treason; and will haue proper and singular Plots of their owne, and not ioyne with your Priests, *Watson* and *Clarke*, in their Plot, nor bee Traytors in common with them.

28 This is their arrand; and for this, like him, who imployes them, *They compassse the Earth, too and fro*. Nor are they more like the *Circulatores*, and *Circumcelliones*, a limme of the *Donatists*, in this their vncertaine running about, then in that other qualitie of theirs, to vrge and importune, and force men to kill them, and if they could not extort this from others, then to kill themselues, and call

*Ren. Choppinus
de iure Cœnobi.
.2. tit. 3. n. 9.*

*Seduli. Apolo. 1.
2. c. 6. n. 7.*

Ibid. n. 14.

Job 2. 2.

*Dancus in Aug.
de Hæresib. c. 69
Præteolus verbo
Circulatores Alf.
Castro. verbo Ec-
clesiæ, & Marty-
rium.*

call all this Martyrdome. For onely of this vicious inclination of *Iesuits* to an imaginarie Martyrdome, I purpos'd to speake in this Chapter; but that being occasioned by the way, to deale with men of a various vncertaine Constitution and Nature, I haue taken part of their fault, and as a *Phisitian* comming to cure, sometimes receiues some of the Patients infection, so speaking of their running and wandring, I haue strayed somewhat from the directnesse, and strictnesse of my purpose.

29 Therefore to pursue it now, they are so much more intemperate and importunate vpon this *Pseudo-Martyrdome*, then any others; by how much they are more seuerer maintainers and increasers of those Doctrins of the Roman Church, which we noted to beget this inclination. For when the spirit of God awaked certaine Reformers of his Catholicke Church, of which the Roman Church had long time bene the head, that is, the *Principall* and *most eminent*, and *exemplar member* (for I am euer loth, to seeme to abhorre, or abstaine from giuing to that Church, any such Stiles and Titles, as shee is pleas'd and delighted in, as long as by a pious interpretation thereof, her desire may thereby be satisfied in some measure, our Churches not inur'd nor preiudiced, and the free spirit of God, which blowes where it pleaseth, not tied nor imprison'd to any place, or

Y 2 person)

person) at that time, I say, these seruants of God, and of his Church, had no purpose to runne away from her, and leaue her diseases to putrifie and fester within her bowels. Nor did they vncouer her nakednesse, out of any petulancie of their owne, nor proclaime her filthinesse to defame or diminish her dignitie. But with the libertie of a Midwife, or Phisician, or Confessor, they suruey'd her secretest infirmities, they drew to the outward and visible parts, that is into consideration, her inwardest corruptions, and so out of that duetie, were enforced to looke into and bee conuersant about her Ordures, and other foulenesses, and could not dissemble nor forbear, earnest, and bitter informing her of her owne distemper and danger, which was a worke of more zeale and humilitie, then those childish obediences, which you so much extoll in your Disciples, of sweeping Cobwebs and washing dishes.

30 And they proceeded so wisely, and temperately, and blessedly herein, that in a thort time many of her swellings were allay'd, and her indurations somewhat mollified, as appeares by the Colloquies, and consultations in many places, for a moderate and manerly way of purging her corruptions. For certainly her diseases were not then so much in question or doubt, as whether it were for her honour, to be beholden to so meane Persons for health, as these beginners were: Or
for

for her safetie to trust her selfe in such Physicians hands; for now diuers secular Princes were come to giue their assistance. And as some diseases produce so violent and desperate Symptomes, as the Physician must sometime neglect the maine originall Disease, and attend onely to cure the Accidents: So, though the Doctrine of *Purgatorie*, were at that time no member of the body: That is, no part of the Catholicke faith, but seru'd that body onely for Nayles to scrape and scratche together, Those spirituall Physicians busied themselves much, to paire those Nayles which defaced the beautie and integritie of the whole body, and so to slacken that griping hold, which they had taken vpon mens estates and Consciences, by the terrour of *Purgatorie*, and vertue of their *Indulgences*.

31. And as to both sides, there appear'd euidently in the Doctrine of *Merits*, as the *Schoolemen* (which then Govern'd in the Church, by reason of the discontinuance of *Councils*) had sawced and disguis'd it, many abominations, derogatorie to the Passion of our *Blessed Saviour*: So did they all confesse, in the Doctrine of *Purgatory* so many mixtures of coniecturall, incredible, impossible fables, as might haue scandaliz'd and discredited any certaine trueth by their Addition. But when on the one side, the Reformers encouraged by this entrance, thought they might pro-

ceede further, and so offered to dissect and anatomize the whole Church, and thought to fill euery veine, and restore and rectifie euery Sprane and dislocation, and to take off euery Mole, and paire away euery Wemme, and to alter euen the fashion of her clothes, so that all, both substance and ceremony came in question: And the Romane Church on the other side, foresaw her precipitation, that if they stop'd not at the toppe, they could not at the middle of the hill, thought it better not to beginne, then not to know where to end, and so mistaking the medicine to be worse then the disease, departed from further consultation, iustified their corruptions, and by excommunications put away those seruants, which had done them these offices, and whom now they call *Schismatiques* and *Heretiques*, for departing from that Church, which would affoord them, not onely no wages, but no other roome, then a fire.

32 And then, as all recidiuations and relapses, are worse then the disease, vpon this relapse, came the Councell of *Trent*, which did couer and palliate some of these vlcers, and promised the cure of the rest, though they neuer went about it yet; And then the *Iesuites*, who crie that all there is health and soundnesse, and that there is none any where else, yea that the Church was borne thus, and that she is as well, as she was in her Cradle, and that whatsoever she thinkes, or saies, or does

is by a diuine power, inherent in her; as though there had beene sowed in her at first certaine seedes of *lure Diuino*, which now in our age, by the cultiuating, and watering, and industry of the *Iesuites* must fructifie and produce in her, all these effects. For they will abate nothing; their consciences are as tender and delicate, as the ground at *Coleyne*, where some of *S. Ursulaes* eleuen thousand *Virgines* are buried, which will cast vp againe in the night, any that is enterred there, except shee were of that company, though it be a childe newly baptized: So the *Iesuites* stomaches cannot indure this, that the *Popes* should be great by *Priuilidges* of *Princes*, or *Canons* of *Councils*: but all must be *lure Diuino*. So that that note, which the law casts vpon some *Aduocates*, will lie heauie vpon the *Iesuites*, They are too carefull of their cause, and therefore they are presum'd to inuent falshood:

33 For though it be hard for any man to goe further on the left hand, then the *Councill* of *Trent* hath done, in these two doctrines of *Merite* and *Purgatry*, and euery *Catholique* be bound to that *Councill*, yet as in most other *Doctrines*, so in these also, *Pelargus* hath noted the *Iesuites* to haue gone beyond others, and therefore more then others, they incite, in these points, to a false *Martyrdome*.

34 But as the late inuention of *Artillery* and *Gunpowder*, though it haue much horreur and
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Baron. Martyro-
lo. 2. 1. Off. ex
Lindano.

Par. de puteo.
De Syndic. c. de
excess. Aduocator
nu. 15.

Pelargus de
Nouo Iesuitismo

affrightment in it, yet hath not done so much harme, as it threatned, because the fury and violence thereof, hath occasioned men to study more waies of defence and auoidance, so that wee see the warres deuoure fewer men now, then before this inuention came: so hath the imperuous rage and pertinacy of the Iesuits, in oppugning euerie thing which they find not to be at Rome encouraged other Churches to oppose strong defences against them, and superstition swallowes fewer men now, then before these new Enginers laboured to promote and aduance her: And as those instruments of battery which the auncients vsed in the warres, were more able to ruine and demolish, then any which are made out of this new inuention, but were left off, and disaccustomed only because they were not so maniable and tractable, and apt for transportation, as these are; So certainly the Arguments and bookes of the Friars, and Schoolemen of the Romane Church, which is the *Arsenall* from whence the *Iesuites* provide and furnish themselves, haue as much force against the truth, as the subtilties of the *Iesuites*, but that these men are by their Rule and Constitutions, apter for conueyance and insinuation, then the dull cloysterall Monkes can be.

35 For there are diuers poysons which cannot work, except they be eiaculated from the creature it selfe that possesseth it, and that his personall and
pre-

present liuely malignity concurre to it, and giue it vigour; for which these *vbiquitary Monks* haue the aduantage of all others:

36 *Nimietates sunt equalitates*, saies *Cassianus*. And so, two extremities, haue made the *Schoolemen* and the *Iesuites* equally valiant: for the *Schoolemen* out of an ignorance of danger, hauing neuer come to hand-blowes, would venter vpon any peece of seruice, and any employment, and pierce through and spie, euen into Gods secret Cabinet of his *Essence*, and of his *Counsails*, as a fresh Souldier will goe with alacrity to any breach. And then because these sublime and ayrie meditations must haue some body to inhere in, they vsed to incorporate their speculations of God, in the Pope, as it were to arrest and conserue them the better, being else too spirituall and transitorie. And so they haue so much exemplified them, one in the other, that they haue made them so like, and equall in their writings, as though they were but one.

37 And the *Iesuites* out of a desperate necessity must maintain their station, because if they yeeld one steppe, they will be the lesse able to stand in the next; but after they haue confessed that the Church hath erred in one thing, thinking that will subiect her in all, no place of Scripture is so abundantly and euidently pregnant, no reason or consequence so directly and necessarily deduced,

and concluded, no History nor matter of fact so faithfully presented, and so certainly and religiously testified, but they will stand stubbornly, and desperately to oppugne and infirme it.

38 What wound so euer they receiue in this battaile, they disguise and hide from their Disciples, by forbidding our bookes. And as Ribadeneyra sayes of their Father Ignatius, *That he baled of the wound which he receaued at Pampelune, but so little, that the most curious could scarce discern that he baled,* So by some euasions, or supplements, or concealings, they euer dissemble their maimes and deformities.

39 To which purpose they haue one round and dispatching way, which is, not onely to neglect, but to bragge of all which we impute to them: for so one of them sayes, *That it is the greatest Argument of Innocence, to be accused by vs: And that he cannot be guilty of error in Religion, whom an Heretique cendemnes.* For, as it was part of the Oath of the Grecians, against Xerxes, that *those Temples which the barbarous Armie had demolished, they would not reedifie, that thereby there might bee a continuall testimonie remaining of the impiety,* So I thinke the Iesuites flatter themselues with some such resolution, by leauing vnanswered the books and arguments of so many reuerent persons, which haue spoken plentifully and prosperously, of these points of *Merit and Purgatorie.*

l. 4. c. 18.

Spongia pro Jesuitis. cont. E-quit. Polon. fo. 20

Marettus. Variar. L. 6. c. 10.

40 But of their other Doctrine, by which more then others, they prouoke to this lauish, and contemptuous expence of life, which is, *The auiling of the dignitie of Princes*, there can neuer enough be said. For all other Orders may consist, and execute and performe all their vowes, without any iniurie to Princes: They may be as poore as they will, till they come to that state, if they desire it, which *Nerius* begd of God, *That he might lacke a pennie, and no body might giue it him*, They may be as chaste, as that *Iesuite* which *Gretzer* sayes hee knew, *who being not able to scape from a woman which tempted him, and held him, anointed his owne face, re- trimentis suis, that thereby she might abhor him*, They may be as obedient as *Cassianus* sayes the *Taben- nentiotes* were, *who durst not presume, without leaue of their Superiour, Naturali necessitati satisfacere*; Or as that *Friar Iohn*, *who at his Abbats commaund, planted a dry withered sticke, and twice a day, for a whole yeare, fetched water two miles of, to water it, sparing no festiuall day, nor apprehending any impos- sibility in it*; Or as *Saint Francis* his *Nouice*, *who at his bidding set plants, with the head downward*. These things they may doe, and yet be good subiects. But the *Supernumerary Vow* of the *Iesuites*, by which they doe especially oblige themselves to the *Popes* will, doth in the nature, and Essence, and scope thereof, make them enemies to the dig- nitie of all Princes, because their *Soueraigntie* can-

Vita eius. fo.
591.

Gretz. in Ha-
senmill. fo. 118.

De Institut. Re-
mentian. l. 4. c.
10.

Idem. l. 4. c. 24.

Sedul. Apolo.
l. 2. c. 5. 25.

not consist, with that temporall *Supremacie* which the *Iesuites* must maintaine, by the obligation of that vow, by which they are bound, with expence of their lives, to penetrate any Kingdome, and instill Sedition into their Disciples, and followers.

41 How fast this infection works in them, as by many other Demonstrations, so by this also it appeares evidently, that there are extant more Authors of that one Order, that haue written of Secular busineses, and of Iurisdiction of Princes, then of all the rest, since their beginning. For, their *Casuits*, which handle *Morall Diuinitie*, and waigh and measure sinne (which for all that perplexitie and entangling, we may not condemne too hastily, since in purest Antiquitie there are liuely impressions of such a custome in the Church, to examine with some curiositie the circumstances, by which sinnes were aggrauated or diminished) doe not onely, abound in Number, especially of the *Spanish* Nation, but haue filled their bookes with such questions as these, *How Princes haue their iurisdiction, How they may become Tyrants, What is lawfull to a priuate man in such a case*, and of like seditious nature. So that they haue abandoned the stale, and obsolete names, of *positiue Diuinity*, or *Controuerted*, or *Schoole Diuinitie*; and haue reduced all to *Crowne Diuinity*.

42 And yet they account the handling of these

these points, to bee but a dull and obuious learning in their Colledges, as though any man were able to resolue questions against Princes; for they haue a Rule, *that they which are vnapt for greater studies, shall study cases of conscience.*

Reg. provincial. 56.

43 So also of the *Immunitie of the Church*, out of which, if it be denied to be by the Indulgence of the Prince, issues and results presently the diminution of the Prince, they haue written abundantly, and desperately. So haue they of the *Institution of a Prince*; of which, one of them writing and presuming and taking it as vulgarlie knowne, that it is lawfull in some cases to kill a King, is carefull to prouide, least when you goe about to kill him, by putting poyson in his meat or drink, you make him, though ignorantly, kill himselfe. So haue they also of *Militarie institution* many Authors; and of as many Sciences as concurre to publique affaires.

Mariana de Rege. l. 1. c. 7.

44 And with such bookes as these they allure and catch ambitious wits; which hauing had a lower and darker breeding in schooles and vniuersities, haue some hunger of reading state learning, in any forme, much more, where they shall finde it more freely debated vpon, then if they had had place at twentie Councell Tables, or Conspiracies. And as *Auerroes* is saide to haue killed *Auicen*, by anointing the booke which hee knew the other would read, with certaine poi-

Einsfeld. de Confess. Sagarum. fo 216.

*Pet. Galatin. de
verit. Chryſt. l.
1. c. 3.*

ſon: and as it is ſaid, that whatſoever flew ouer the *Iewes Targum*, whiſt the authour thereof was compiling it, was ſcorched with the beames thereof, ſo doe theſe bookes of theirs enuenome and catch hold of all ſuch, as bring in themſelues anie deſire to come within too neere a diſtance of them.

*Petrei Bibliothe.
Carthus ſo. 35.*

45 And of all theſe kindes of bookes, without doubt we ſhould haue had many more, but that, as the gatherer of all the writers of the *Carthafian Order*, not daring to ſlippe and leaue out the preſent Generall *Bruno*, and finding no bookes of his making, ſaies, *That ſince he hath an excellent wit, and ſingular learning, he could write many bookes if he had leiſure, and in the meane time, hee tooke care that the miſſall ſhould be printed in a faire character and delicate paper: So the Ieſuites, ſince they haue a vow to binde them to it, and a naturall diſpoſition to incline them, could write more bookes to this purpoſe, but that they are continually exerciſed in diſpoſing actuall plots: And yet in the meane time they take care, that the Popes Brcues be procur'd, promulged, conceal'd, interpreted, or burnt, as the cauſe may be moſt benefited and aduanced.*

46 And I do not remember, that I haue found in the Approbation of any *Ieſuits* booke, this claufe which is ſo ordinary, in moſt of the workes of other men, *Nihil fidei contrarium, aut bonis Moribus,*

Spongia contr.
Equit. pp. on. f. 78

bus, aut Principibus: And yet they say, that in printing their bookes, there is great caution and diligence vsed, and that they passe the hands of men most intelligent, and of mature iudgement: but, as it seems by this remarkable omission, no good subiects nor fauourers of Princes.

Missal. Roma. ex
Decret. Con.
Trid. restitut.

Specul. vtriusq;
Dignit. c. 1. n. 34
Idem. c. 18. n. 7.

47 If they doe thus much when they are *Serui pape*, what will they doe when they are *samuli*? which difference I learned out of the *Missal*, where a *Bishoppe* must pray, *vn̄d cum me indigno Seruo tuo*; but the *Pope, Famulo*: For he may well be said to be in *Ordinary* with God, since he is one *Ordinary* with him; for so saies *Aluares*, *God and the Pope haue one Consistorie*: and in another place, *All cases reserued to God, are reserued to his Vicar*: so that by that Rule, what euer God can do, in disposing the matters of this world, the *Pope* also can do: for there he saies, out of *Hostiensis*, that that direction, *Dic Ecclesie*, if the *Pope* sinne, who cannot be complain'd of, is ment, *Dic Deo, vt conuertat eum, aut Dic Ecclesie Triumphanti, vt oret pro eo*.

48 So when *Bellarmino* who had done sufficiently for the *Pope*, whilst he was but a *Seruant*, that is an *Ordinarie Iesuite*, came to his familiarity, and household seruice, by being a *Cardinall*. in the *Consistorie*, and so grew more sensible of the *Papacy*, being now himselfe, as they speake, *Papabilis*, he takes al new occasions, to extoll his *Master*, and his *Throne and Sea*: And hauing manie
3 yeares

Binius To. 4.
fo. 512.

yeares neglected his owne defence, and answered such great men as opposed him, onely with such Proctors as *Gretzer*, and *Eudemo-Ioannes*, vnprooked herites vp in the *Venetian*, and in the *English* cause, to establish by new bookes, the new Article of *Temporall* authority in the Pope. And since that, as *Aeneas Syluius*, retracted all which he had written before for the *Basil* Councell, when he came to be Pope: so *Bellarmino* when perchance hee would be Pope, hath made a new Iuruy and Recognition of all his workes; in which, as though he had bene too moderate before, in al those places, which concerne this question, he hath expressed a supple and variable conscience, a deiect flauerie to that Sea, and a venemous malignity against Princes; of which it seemes to me expedient to present a few examples.

De pont. l. 4. c. 8.
§. probatur.

49 I allow not now, saies *Bellarmino*, that which I said before, That *Infidell* Princes may not be deprived by the Church, of that *Iurisdiction* which they haue ouer *Christians*: for though *Durandus* doe probably teach so, against *Saint Thomas*, and I then followed his opinion, yet now the authority of *S. Thomas* preuailes more with me. Yet he had seene and considered both their reasons before.

De pont. l. 2. c. 29
§. secundo.
De Clericis l. 1.
c. 16. §. postea.

50 In another place he saies, Now I allow not that which I said before, that *Paul* appealed to *Cesar*, as to his Iudge. And after, Whereas I said, that Popes vsed to be chosen by *Emperours*, the word *Emperour*,
pctest

*poteſt & forte debet deleri: For (ſaies he) I followed Gra-
tians Canons, which, as I learned ſince, are not approoued.
And againe, when I ſaid That the Pope was ſubiect
to the Emperour, as to his temporall Lord, I meant De
facto, not De iure: and this courſe he holdes in that
booke of Recognitions.*

51 And here we may conueniently conclude
this Chapter, of the *Ieſuites* ſpeciall aduancing all
thoſe doctrines, which incite to this Martyrdome,
after we haue produced ſome of their owne testi-
monies of their inordinate hunger thereunto, and
of the cauſes for which they affect it.

52 One of their ſpirituell Conſtitutions is,
*That euery one of that Order muſt thinke that Chriſt
ſpoke to him when he ſaid, he that doth not hate his owne
life, &c. And ſo they make an obligatorie precept,
to binde at all times, of that which vvas but a
direction for our preparation and readineſſe to
ſuffer for his ſake.*

53 *Ribadeneyra* names two *Ieſuites* in the *In-
dies*, which being ſicke in bedde, when they might haue
eſcaped, came forth halfe naked, and voluntarily offering
their throates, were ſlaine: And hee ſaies that *Simon
Acosta* (one of the five brothers, who were all of
this Order) declared himſelfe to bee a *Ieſuite*, when he
was not knowne, that he might be put to death. And ſo
Aquaniua, being purſued, reſuſed a horſe, by which hee
might haue ſcaped, and choſe rather to die, then ride. And
yet this was amongſt Infidels, where the Harueſt

*De Concil. l. i. c.
13. § Quarta.*

Conſtit. 4.

*Catalog. Scrip.
Ieſuit. fo. 190.*

Fo. 196.

was great, and the worke-men few: which kind of intemperance hath beene formerly condemned out of their owne authors.

54 But of this point it is enough to relate the wordes of him, who speaks in the person of all the *Iesuites*; who calls himselfe *Clarus Bonarscius*, but is vnmask'd and disanagrammatiz'd by his fellow, who calls him, *Carolus Scribanius*, he saies, *That the Scauolaes, the Catoes, the Porciaes, and the Cleopatraes, are nothing to the Iesuites: For they (saies he) lacked courage, Ad multas mortes. And in a fewe yeares, he saies, they haue had three hundred Martyres: Therefore he saies, that they of that Order doe violently teare out Martyrdome, rapiunt spontanea irruptione; and, Crederes Morbo adesos: and for what causes do they this? Least the rest of their life should be barren of merites, and passe away emptie of glorie: and then hee passes to them who haue died in England; and as in these men, this hunger of false-Martyrdome, goes euer together with blasphemy against Princes, there he heapes Eulogies vpon Campian, and reproaches vpon that sacred Prince, for treason to whom he perished, whom this wretch dares call Anglicanam Lupam, and after, Sauientem Calvinianam lupam: and after this he saies, That when they come to this Order, they bargain vpon this condition, vt liceat prodigere animas, hostili ferro. In which, I thinke, he relates to that Oath, which they take in the Colledge at Rome, by a Constitution of the Pope; that*

Ribadeneyr. Catal. Script. Iesuit

Amphitheatrum Honoris l. i. c. 4. § Primo.

Fo. 41.

Fo. 44.

Baron. Martyrolog. Decemb. 29.

NAVAR. De Regular. Confil. I.

that they shall returne into England, to preach the Catholique faith publicly there: which Oath Nauarrus saies bindes them so strictly, that they are disabled to enter into any rule of stricter religion, though that were a further degree of perfection, but must necessarily returne into England: Of which oath we will say no more, but onely repeat *Baronius* his Panegyrique, and incitatorie encouragement, speaking thereof: *The holy societie in her safe sheep-folds hath fattened you, as innocent lambes for this Martyrdome; and she sends you forth to triumphes, and aduances you to Crownes. Be therefore couragious and valiant, you who haue vowed and betrothed your blood by an Oath: for my part, I enuie you, that are design'd and apparant martyres, and wish that my end may be like yours.* And what he assigns for one cause of this Martyrdome, to which he prouokes them, and congratulates their interest therein, we declared out of his words before in the shutting vp of the last Chapter, which was *Defence of Ecclesiastique immunity; that is, debasing, and diminishing of Princes.*

And thus we haue gone one steppe further: and to the former, which were, That the desire of Martyrdome might be vicious, & that, as the Roman authors obserue in the first times, it had bene so; and, That by the Romane doctrine it must of necessity be so, we haue added now, that the *Iesuites* more then any, inflame thereunto.

CHAP. V.

That the Missions of the Pope, under Obedience whereof they pretend that they come into this Kingdome, can be no warrant, since lawes establish'd to the contrarie, to giue them, or those which harbour them, the comfort of Martyrdome.



IN the end of the second Chapter, I mentioned a Canon of the *Eliberitane Councell*; And as in that place it had this vse and office, to shew that the intemperate and inopportune affectation of Martyrdome, needed a restraint in some, too æmulous thereof, by *Eulalines* Example, So may it very properly and needfully haue a place here, because it shewes the reasons, why certaine men were not receiu'd for Martyrs, by the Church.

2 And the Authoritie of this Councell is of great force, as well by reason of the puritie of the time, in which it was celebrated, which was about three hundred and five yeeres after Christ, and twentie yeere before the *Nicene Councell*, as especially, in this point of Martyrdome, because it was held in continuing Persecution, and when the danger was imminent in those parts, in which the people needed direction and instruction: And also, because now there is no doubt of the genuine integritie of this Councell. For, though *Bellarmino* imputed some errours to it, as being too seuer

severe against such as had slipp'd in time of Persecution, and *Baronius* spoke sometime of it, *Somewhat freely and sharply*, says *Binius*, yet after that, he changed his opinion, and hee, and *Binius*, haue now redeem'd all the Canons of that Councell from any imputation.

*Ann. 55. nu. 119.**Ann. 305. nu. 42.*

3 Of which Canons, this is the sixtieth: *That they which breake the Idols of the Gentiles, and are slaine by them, shall not be receiued into the number of Martyrs: Because, this is not written in the Gospell, nor found that it was euer done by the Apostles.* So that by the opinion of that Councell, that onely is a sufficient cause to intitle and interest a man in the Crowne of Martyrdome, *Which was found written in the Gospell, or practised by the Apostles.* And is there any thing found in either of them, which may be a precedent to this mission? *Christ appointed twelue*, whom hee might send to Preach; but what? *The Kingdome of God.* And as soone as *Saule* had an inward mission, the Text says, *Strightwayes he Preached euen in the Synagogue.* But what? *Hee Preached Christ;* And what did hee Preach of him? *That he was the Sonne of God;* And that it was hee that was ordain'd of God, a iudge of quicke and dead: And, as himselfe says, of his practise after, *We preach Christ crucified.* But this mission from *Rome*, is not to Preach *Christ*, but his *Vicar*: Not his kingdome of *Grace*, or *Glorie*, but his title to *Temporall kingdomes*: Not how hee

*Mat. 3. 14.**Luke 9. 2.**Act 9. 12.**Act. 10. 42.**1. Cor. 1. 23.*

shall iudge quicke and dead at his second coming, but how his Vicar shall inquire, Examine, Syndicate, Sentence, Depose: yea, Murder Princes on earth: Not Christ crucified, languishing for vs vnder Thorns, Nayles, Whippes & Speares, but his Vicar enthron'd, and wantonly groning vnder the waight of his Keyes, and Swords, and Crownes.

4 *Christ said to those whom he sent, What I tell you in darkenesse, that speake you in light, and what you heare in the eare, that Preach you on houses, and feare not them that kill the body.* And if no other thing were told you in darknesse, and whisper'd into your eares, at your missions hither, then those which our Sauour deliuer'd to them, you might be as confident in your publicke Preachings, and haue as much comfort of Martyrdome, if you died for executing such a Commission. But what your instructions deliuered in darkenesse, and told in your eares, are, appeares now enough, by *Inspection*, by *Confession*, by *Testimonie*, by *Practise*, by *Analogie of your doctrine*, and by *Baronius words*, *That you are sent hither to defend the immunities of the Church*, which deliuers you from all subiection to the King, and from being Traytors whatsoever you attempt: as also to defend the *Catholicke Faith*, which first makes it heresie to depart from the subiection to Rome, and then makes it a forfeiture of all Iurisdiction to incurre that heresie.

Matth. 10. 27.

*Martyrolog.
Decemb. 29.*

heresie. Except this be written in the Gossell, or praised by the Apostles, you cannot be Martyres for this.

5 But to descend to reasons of a lower nature, of the law of Nations, and conueniency and decency; since all those which maintaine the Spanish Expeditions, and proceedings in the Indies, by the strength of the Popes Donation, concur in this, That into what place soeuer the Pope, or any Princes may send Priests, they may also send Armies for the security of those Priests, and them whom they haue reduced: and since it is euident by all your Writers, that the Pope hath more Iurisdiction ouer Christian Princes relapsed from Rome, then ouer Infidels, might hee not for safe-guard of his Apostles, sende Fleetes and armies hither? and is it not the common and received opinion, which Maynardus deliuers, that in all cases where the Pope may enioyne, or commaund any thing, he may lawfully proceede by way of warre, against any that hinder the execution thereof. If then such armies and Fleetes were sent to conduct you, and were resisted in their landing, or defeated in battell; had not they as good title to Martyrdome as you? and may not the Pope as well Canonize the whole Spanish Fleete, which perished in 88. for your Catholique faith, and Ecclesiastique immunitie? since in many cases, as in the Innocent children (of whom Hilary saies, that they were exalted to eternity, by Martyrdome) one may bee an implicite

*Alf. Aluarez
Spec. vtri. Dig.
c. 31. N. 1, 2, 3,
& 12. 16, 17.
& ca. 41. 12.
Agor. Mor. Just.
par. 2. l. 4. c. 18.
& p. 1. l. 8. ca.
24.*

*De priuileg. Ec-
cles. Ar. 10. n. 25*

*Commen. in Mat
1. in fine.*

cite Martyre, though he know not why he died, so he haue no actuall reluctation against it.

6 And it is very probable, that their title was better then yours, for this point of *sending*, because they were vnder the obedience of them which sent them: but for you, (not to dispute now whether the cause be enough for Martyrdome, or whether your obedience can giue it that forme, and life, and vigour) you are so farre from being sent, or from exercising any obedience in this act, that your first step, which is going out of the kingdome, is absolutely and evidently disobedience to your Prince, before you haue any colour of hauing submitted your selfe to any other superiour; and then you enter into the *Colledge*, vppon condition that you may returne, and you take an *Oath* before hand that you will returne: So that you returne not hither in obedience of your Superiour, but in performance of your owne vniust, and indiscreete *Vowes*: both which, in all *Vowes*, are *Annulling* or *vitiating* circumstances. Neither dooth this *Oath* so farre binde you to returne, (though *Nauarrus* say so) but that one of the learnedst of the *Iesuites*, thinkes, *If that be forborne, and some Order of Religion embraced in stead thereof, the oath is better performde.*

Az. par. 1. l.
11. c. 5. S. Ani-
maduertendum.

7 And, if these lawes which take holde of you, when you returne hither, had been made betweene the time of your vowe, and your returning:

ning: and if they had beene made directly to that end, to interrupt and preclude the performance of this Vow, yet naturally they would worke the same effect vpon this Vow of yours, and make it voide, because something was now interpos'd, which may iustly, yea ought to change your purpose. For if that law had beene made before, your Vowe had beene vniust from the beginning; which is the case of as many of you, as haue gone since the making of those prohibitory lawes. For a law which forbidds vpon paine of losse of goods, death, banishment, or such, bindes a man vpon paine of mortall sinne; and therefore no Vow can iustifie the breach thereof.

8 All this, if the lawes be iust, is euident and without question, and how could it be euident to all those yong Schollers which went ouer, and made this vowe, that these lawes were vniust? What infallible assurance could they haue of this, to excuse them of *disobedience* in going, or *indiscretion* in swearing?

9 Their owne men teach, that the lawes of Princes are not therefore necessarily vniust and voide, because the Prince had an ill intention in making them. As if the Prince propose and purpose particular gaine, by exacting the penalty of the law, or reuenge vpon certaine persons, by executing thereof; this makes not your law voide, so that it be profitable to the bodie of the Common-wealth:

Sayr. Thesau.
Cas. Consc. l. 3. c. 7
nu. 25.

Alf. Castro de po-
test. legis. l. 1. c. 5.
Docum. 1.

much lesse were our lawes in this case, subiect to that frailty, and defeseablenesse, because they were made (to omit in this place the principall inducement, for the glorie of God, and preserving his Gospell in purity and integrity) in such necessities; as without such defence, the person of the Prince, and the ciuill and Ecclesiast que state, must haue suffered daily, and dangerous fluctuations; and perils of shipwracke; which dangers continue vpon vs yet; and therefore the same physick must be continued.

10 For *Lawyers* teach vs, that the word *Potest*, doth often signifie *Actum*: And what the Pope may do, their bookes threaten in euery lease; and then against such a man as vseth to doe as much as hee threatens: the *Lawyers* tell vs, any defence is lawfull, euen to the taking away of the threatners life: For hee which hath iniured one, hath threatned many; And against such all wayes of defence are iust, when any danger (to vse the extent of *Lawyers*) are Meditated, Prepared, Likely, or Possible, for it is a beggerly thing, rather to be beholden to others modestie and abstinence, then to our owne Counsaile and strength for our securitie. So that, as when the three Emperours, *Valentinian*, *Valens* and *Gratian*, had made a lawe, that no Ecclesiastique person should haue any capacity to receiue from noble women, who were then obserued to bee profuse in these liberalities, to the detriment of their owne estates; and

Bartol. Dig. Indi. Sol. le. 4. S. Sireus.

Aluarez spec. vtr Dignit. c. 41. n. 10 ex multis alijs.

Gen. de Iure belli. l. 1 c. 14

Cod. Theodos. de Ep. & cler. le. 20.

Epist. ad Nepotian

and of the publique, Saint Hierome saies; Hee did not grieue that such a law was made, but that the couetousnesse of the Clergy had occasioned these most religious Princes to make that law: So you ought rather to lament, that the Doctrine and practise of some of your principall men; hath raised these ielousies and suspitions in a Prince, out of the conscience of his owne equalitie naturally confident; then murmure at the law; or dis-councell the obedience to it.

II For in these cases of naturall preferuation, it is not onely lawfull to make new lawes, but to breake any other, which are not directly Diuine. And if you impute the worst condition of these lawes, which malignitie can object to them, which is, that those Catholiques, which are innocent, which meereley out of conscience, abstaine from communicating with vs, in the Word and Sacraments, shall be vterly starued and deprived of all spirituall sustentation; if the lawes which forbid all Priests to enter, should be still executed; yet that inconuenience will not annull and make void a law, so farre, as that to doe against it shall be a iust cause of Martyrdom: for in making of lawes, those evils which are occasionally or consequently arise from the execution thereof, must not be considered; but what the principall intention of the law-maker was: Which, in our case was, the preferuation of the publique.

Aluarez spec. vtr. digni. c. 41. n. 7.

12 And yet the Catholiques in England shall for all this be in as good condition here, as they should be in any Catholique COUNTRY, which were by the Popes displeasure vnder a *locall Interdict*; which the Popes doe often impose, with small respect to the Innocents: for in the late businesse betweene the Church and the State of Venice by the Popes *Breues*, the whole Dominion was *Interdicted*, because the Senate, which onely was excommunicated, did not within three daies do all those acts, which were so derogatory to the Soueraignty of that State. And so, that punishment, which is so seuerer, by the *Canons*, that as *Boniface* the eight obserued, *It occasions many Heresies, and in deuotion, and many dangers to the soule*: And, as the *Glosse* saies there, by experience it appeared, that when a place had lien long vnder an *Interdict*, the people laughed at the Priests, when they came to say *Mass* againe; was inflicted vpon many Millions of innocent persons: all which, if that State had not provided for their spirituall food by staying the priests, had bin in as ill case by that *Interdict*, and euocation of the Clergie, as the Catholiques in England were by those lawes of interdicting their entrance, considering with how much lenitie in respect of their extreame prouocations, they were executed. And if that reliefe which *Vgolini* giues to comfort the Venetians consciences, be of any strength, which is; that that which they loose in spirituall sustenance, they gaine

De sent. Excom.
Alma mater in
sexto.
Verbo, Insurgunt

De Interdict. Ver.
§. I. m. 11.

gaine in the Merite of obedience, it may as effectually worke vpon English Consciences, as it could vpon theirs.

13 Nor is it so harsh and strange, as you vse to make it, that Princes should make it *Treason*, to aduance some Doctrines, though they be obtruded as points of Religion, if they inuolue *Sedition*, and ruine or danger to the State; for the Law sayes, *That is Maiestatis crimen, which is committed against the securitie of the State*; and in that place, it calls *Securitie, Tranquilitie*: And whether our *Securitie* and *Tranquilitie* haue not beene interrupted by your doctrine, your selues can iudge, and must confesse.

*Dig. ad Ley. int.
Maieſtat. tit. 4. l. 1.*

14 These Lawes against which you complaine, drewe not in your Priests which were made in *Queene Maries* time, though they were *Catholicke* Priests, and exercis'd their Priestly function; and though they had better meanes to raise a partie in *England*, because they were acquainted with the state, and knew where the seedes of that Religion remain'd: But in that *Catholicke* Religion of which they were Priests, they found not this Article of *Tumult* and *Sedition*, and withdrawing Subjects from their obedience.

15 Is there not a *Decretall* amongst you, by which it *Is made Treason to offend a Cardinall*? which is a *Spirituall* offence; For it is also *Sacrilege*. And

In 7^o. tit. 4. c. 3.

ibid. tit. 3. c. 3.

Spongia Contr. 2.
Eq. Polon. fo. 29.Epist. ad No-
rimbergens.Enchirid. Ind.
tit. 56. nu. 5.

is there not another by which *All practisers by Si-
money in a conclave, though they be Ambassadors of
other Princes, are punished as Traytors? And if their
Masters seise not their goods, confiscate by this Treason,
within a certaine time, the Church may. Doeth not
one of your owne Sect vige a Statute in Poland,
against a Gentleman of that Nation, That whosoever
shall be infected or suspected of heresie, shall be ap-
prehended as a Traytor, by any man though he bee no
Officer? And we Dispute not now whether your
Doctrine be Heresie, but whether such points of
Religion, as are no Articles of Faith, nor deriued
from them, if they be Seditious, may not be puni-
shed as Treason, and properly enough call'd
Treason. In which *Pins* the second hath clear'd vs
and giuen vs satisfaction, who sayes, That to
appeale to a future Councell, is not onely Heresie, but
Treason. And *Simancha* concurs to that pur-
pose, when hee sayes, That they which haue bene
teachers of Heresie, cannot be receiued though they re-
cant in Iudgement, because it is enough to forgiue one
fault, but such are guiltie of two deaths, and must bee
punished, as enemies to the State; And that therefore
he which attempts to corrupt the King or his Queene,
or his Children with Heresie, is guiltie of Treason.*

16 And that there is a *Ciuill* trespasse in *Here-
sie*, as well as a *Spirituall*, appears by confiscation
of their goods in your Courts; which goods and
temporall detriments, though the offenders bee
pardoned

pardoned, and receiv'd into the bosome of the Church, and so the Spirituall offence be remitted, are neuer to be restored, nor repaired. If therefore the Canon Lawe can extend to create *Treason* in a Spirituall cause: If amongst you, as it is *Heresie* to beleue, so it is *Treason* to teach, that there is no Purgatorie, shall it not be lawful to a Soueraigne and independent State, to say by a Law, That he which shall teach, *That a Priest cannot be a Traytor though he kill the King: and except a King professe intirely the Romane Faith, he hath lost all title and Iurisdiction*, and shall corrupt the Subiects with such seditious instillations as these, shall be guilty of *Treason*?

17 The Parliament of Paris in that Arrest and sentence, by which it condemn'd the *Jesuits Scholler Chastel*, who attempted to murder the King, makes it *Treason* to viter those scandalous and seditious words, which hee had spoken, and which he had receiv'd from *False and damnable instructions* (wherein it intimates the *Jesuits*, whom the sentence in other places, names directly) which words are expressed or implied almost in all the *Jesuits Bookes* of State matters: That sentence also pronounces all the *Jesuits Corrupters of youth, troublers of the Peace, enemies of the King and State, And if they depart not within certaine daies, Guiltie of Treason*. And this sentence pronounces, *That if any of the Kings Subiects, should send his*
Sonne

Sonne out of the Realme, to a Iesuites Colledge, hee should incurre treason.

18 And though your *Expurgatorie Index* can reach into all Libraries, and eat and corrupt there more then all the Moathes and Wormes, though you haue beene able to expunge, yea euert, and demolish the *Pyramis* erected in detestation of you by this Arrest, yet your *Deleatur* will neuer stretch to the scarre in the Kings face, nor your *Inferatur* restore his Toothe, nor your expunctions arriue to the *Records* which preserue this sentence.

19 And came it (thinke you) euer into the opinion of the *Catholickes of France*, that if a man by vertue or example and precedent of this Arrest, had beene Executed as a Traitor, for speaking those forbidden words, or for sending his *Sonne* to the Iesuits, he should haue beene by the *Catholicke Church* reputed a *Martyr*?

20 When the *Iesuits* were lately expell'd from *Venice*, and when other Priests which stai'd there, were commanded by Lawes to doe their functions, did either the *Iesuites* apprehend this opportunitie of *Martyrdome*, and come backe, or did the Priests find such spirituall comfort in transgressing this Law, that they offred to goe out?

21 And in all our differences, which fell out in this Kingdome betweene our Kings, and the Popes, when so many capitall Lawes were made against

against *Prouisions* and *Appeales*, (not to dispute yet whether *deIure* or *de facto* only, or whether by way of *Introduction*, or *Declaration*) doe you finde that the *Catholiques* then vsed the benefite of those lawes, to the procurement of *Martyrdome*? or hath the blood of any men executed by those lawes, di- ed your *Martyrologes* with any *Rubriques*? And yet those times were apt enough to countenance any defender of *Ecclesiastique immunity*, though with diminution of *Ciuill* and *Secular Magistracie*, as appears by their celebrating of *Becket*: yet I find not that they afforded the title of *Martyre* to any against whom the State proceeded by the *Ordinary way* and course of law.

22 Why therefore shall not the *French*, and *Italian*, and olde *English* lawes giue occasion of *Martyrdome* in the same cases, as these new lawes shall? At least why should *Campion*, and those which were executed before these new statutes, be any better *Martyres* then they? since they were as good *Catholiques* as these, and offended the common law of *England* in the same point, as these. But if the Breach and violating of the later statutes, be the onely or liueliest cause of *Martyrdome*, then, of *Parsons*, who euery day of his life doth some act to the breaking thereof, it is verie properly said by one of his owne sect, *That hee is per totam vitam martyr.*

23 And this may suffice to remember you, that

Cc

you

*Ribaden. Catal.
scrip. Jesuit.
fo. 109.*

you *intrude* into this employment, and are not *sent*, and that our Lawes ought to worke vpon your Oath, of returning to the annihilation thereof, because both the necessitie of the making and continuing thereof, and the precedents of our owne, and other Catholicke Kingdomes, giue vs warrant to make seditious Doctrine *Treason*, and your owne *Canons* and *Iudicature* giue vs example, and (if we needed it) *Authoritie* to proceede in that maner.

CHAP. VI.

A comparison of the Obedience due to Princes, with the severall obediences requir'd and exhibited in the Romane Church; First, of that blind Obedience, and stupiditie, which Regular men vowe to their Superiours: Secondly, of that vsurpea Obedience to which they pretend by reason of our Baptisme, wherein we ar said to haue made an implicite surrender of our selues and all that we haue, to the Church; And thirdly of that Obedience, which the Iesuits by a fourth Supernumerarie vowe, make to be dispos'd at the Popes absolute will.



Here hath not beene a busier disquisition, nor subiect to more perplexitie, then to finde out the first originall roote, and Source, which they call *Primogenium subiectum*, that may be so capable of *Power* and *Iurisdiction*, and so inactest with it immediately

mediately from God, that it can transerre and propagate it, or let it passe and naturally deriue it-*selfe* into those formes of Gouvernement, by which mankind is continued and preserued; For at the resolution of this, all Questions of *Subjection* attend their dispatch. And because the *Clergie* of the *Roman Church*, hath with so much fierce earnestnesse and apparance of probablenesse, pursued this Assertion, That *that Monarchall forme, and that Hierarchie, which they haue, was instituted immediately from God*; Many wise and ieaalous *Advocates* of *Secular Authoritie*, fearing least otherwise they should diminish that Dignitie, and so preuaricate and betray the cause, haue said the same of *Regall power and Iurisdiction*. And euen in the *Romane Church* a great Doctor of eminent reputation there, agrees (as he sayes) *Cum omnibus sapientibus*, That *this Regall Iurisdiction and Monarchie* (which word is so odious and detestable to *Baronius*) *proceedes from God, and by Diuine and naturall Law, and not from the State or altogether from man*. And as we haue it in *Evidence*, so we haue it in *Confession* from them, that *God hath as immediately created some Kings, as any Priests*. And *Cassaneus* thinks this is the highest *Secular Authoritie* that euer God induced: For he denies *That old or new Testament haue any mention of Emperour*.

2 But to mine vnderstanding we iniure and endanger this cause more, if wee confesse that

*Fra. a Vicfor.
Relect. de Pot.
Ciu. m. 8.*

*Catal. Glor. pa. 5
Confid. 28.*

that *Hierarchie* is so *Immediately* from God as they obtrude it, then we get by offering to draw *Regall* power within the same *Priviledge*. I had rather thus farre abstaine from saying so of either, that I would pronounce no farther therein, then this, That *God* hath *Immediately* imprinted in mans *Nature* and *Reason*, to be subiect to a power immediately infus'd from him; and that hee hath enlightned our *Nature* and *Reason*, to digest and prepare such a forme, as may bee aptest to doe those things, for which that *Power* is infus'd; which are, to conserue vs in *Peace* and in *Religion*: And that since the establishing of the *Christian Church*, he hath testified abundantly, that *Regall Authoritie*, by subordination of *Bishops* is that best and fittest way to those ends.

3 So that, that which a *Iesuite* said of the *Pope*, That *the Election* doth onely present him to *God*, wee say also of a *King*; That whatsoever it be, that prepares him, and makes his *Person* capable of *Regall Iurisdiction*, that onely presents him to *God*, who then inanimates him with this *Supremacy* immediately from himselfe, according to a secret and tacite couenant, which he hath made with mankind, That when they out of rectified *Reason*, which is the *Law of Nature*, haue begot such a forme of *Gouernement*, he will infuse this *Soule* of power into it.

4 The way therefore to finde, what *Obedience*,

dience is due to a King, is not to seeke out, how they which are presum'd to haue transferr'd this power into him, had their Authoritie, and how much they gaue, and how much they retain'd; For in this *Discoverie* none of them euer went farther, then to *Families*; In which, they say, *Parents* and *Masters* had Iurisdiction ouer Children, and Seruants; and these *Families* concurr'd to the making of *Townes*, and transferr'd their power into some *Gouernour* ouer them all.

5 But, besides that this will not hold, because such *Sauadges* as neuer rais'd *Families*, or such men as an ouerburdned kingdom should by lot throw out, which were peeces of diuers families, must haue also a power to frame a forme of *Gouernement*, wheresoeuer they shall reside, which could not bee if the onely roote of Iurisdiction were in *parents & masters*; This also will infirme and overthrow that Assertion, that if *parents* and *masters* had not this *supreme Soueraignty*, which is requisite in Kings, they could not transferre it into Kings, and so Kings haue it not from them: And if they were *Soueraignes* they could not transfer it, for no *Soueraigne* can deuest himselfe of his *Supremacie*.

6 *Regall* authority is not therefore deriued from men, so, as at that certaine men haue lighted a King at their Candle, or transferr'd certaine *Degrees of Iurisdiction* into him: and therefore it is a cloudie and muddie search, to offer to trace to the

first roote of *Iurisdiction*, since it growes not in man: For, though wee may goe a steppe higher then they haue done which rest and determine in *Families*, which is, that in euery particular man considered alone, there is found a double *Iurisdiction* of the soule ouer the *body*, and of the *reason* ouer the *appetite*, yet those will be but examples and illustrations, not Rootes and Fountaines, from which *Regall* power doth essentially procede. *Se-pulueda*, whom I cited before, saies well to this purpose; *That the soule doth exercise, Herile Imperium vpon the body*: and this can be no example to Kings, who cannot animate and informe their Subjects as the soule doth the body. But the power of our *reason* vpon our *appetite*, is, as he saies pertinently, *Regale Imperium*; and Kings rule subjects so as reason rules that.

7 To that forme of *Gouernement* therof for which rectified reason, which is *Nature*, common to all wise men, dooth iustly chuse, as aptest to worketheir end, God instils such a power as we wish to be in that person, and which wee belecue to be infused by him, and therefore obey it as a beame deriued from him, without hauing departed with any thing from ourselues.

8 And as the end of this power, is alwaies one and the same, *To liue peaceably and religiously*, so is the power it self, though it be diuersly complexioned, and of different stature; for that naturall light
and

De regn. & reg.
offi. l. i.

and reason, which acknowledges a necessity of a *Superiour*, that we may enjoy *peace*, and *worshippe* God, did consent in the common wish and tacite praier to God, and doth rest in the common faith and beliefe, that God hath powred into that person all such authority as is needefull for that vse; Therefore of what complexion soeuer the forme of gouernement be, or of what stature soeuer it seeme, yet the same authority is in euery *Soueraigne* State: thus farre, That there are no *Ciuill* men, which out of *rectified Reason* haue prouided for their *Peaceable* and *religious* Tranquility, but are subiect to this *regall* authority, which is, *a power to vse all those meanes, which conduce to those endes.*

9 For those differences which appeare to vs in the diuers formes, are not in the essence of the *Soueraignty*, which hath no degrees, nor additions, nor diminutions, but they are onely in those *instruments*, by which this *Soueraignty* is exercised, which are ordinarily called *Arcana*, and *Ragion di stato*, as I noted before: and as the soule it selfe, hath as good vnderstanding in an *Idiote*, and as good a *memory* in a *Lethargique* person, as in the wisest and liueliest man; So hath this *Soueraignty* in euery state equall vigour, though the *Organes* by which it workes be not in all alike disposed. And therefore the gouernement amongst the *Iewes* before *Saule*, was fully a *Kingdome* in this acceptation: nor did they attend any new addition to this

Seputued. de
regn. & reg. offi.
l. 2. fo. 91.

this power, in their solicitation for a *King* : but, because they were a people accustomed to warre, they wished such a *Soueraigne* as might lead their *Armies* ; which office their *Priestres* did not ; and they grudged that their enemies should be conduced by better persons then they were.

10 And so, though some ancient *Greeke* states, which are called *Regna Laconica*, because they were shortned and limited to certaine lawes, and some States in our time seeme, to haue *Conditionall* and *Prouisionall* Princes, betweene whom and Subiects, there are mutuall and reciprocall obligations ; which if one side breake, they fall on the other, yet that *soueraignty*, which is a power to doe all things auailable to the maine endes, resides somewhere : which, if it be in the hands of one man, erects and perfects that *Pambasilia* of which we speake.

11 For God inanimates euery State with one power, as euery man with one soule : when therefore people concurre in the desire of such a *King*, they cannot contract, nor limite his power : no more then parents can condition with God, or preclude or withdraw any facultie from that Soule, which God hath infused into the body, which they prepared, and presented to him. For, if such a company of Sauadges, or men vvhom an ouerloaded kingdome had auoided, as vve spake off before, should create a *King*, and

reserue to themselves a libertie to reuenge their owne wrongs, vpon one another, or to doe any act necessary to that end, for which a King hath his authority, this liberty were swallowed in their first acte, and onely the creation of the King were the worke of rectified reason, to which God had concurr'd, and that *reservation* a uoide and impotent act of their appetite.

12 If then this giue vs light, what and whence the Kings Iurisdiction is, we may also discern by this, what our obedience must be: for *power* and *subiection* are so *Relative*, as since the King commands in all things conducing to our *Peaceable* and *Religious* being, wee must obey in all those. This therefore is our first *Originary*, naturall, and *Congenite* obedience, *to obey the Prince*: This belongs to vs as we are *men*; and is no more changed in vs, by being *Christians*, then our *Humanity* is changed: yet hath the *Romane Church* extolled and magnified three sorts of *Obedience*, to the prejudice of this.

13 The first is, that which they call *Cecum obedientiam*: which is an inconsiderate & vndiscourfed, and (to vse their owne word) an *Indiscreete* surrendering of themselves, which professe any of the *rules* of Religion, to the command of their *Prelate* and *Superior*; by which, like the vncleane beasts, *They swallow, and neuer chew the cudde*: But this obedience proceeding out of the *will* and *election*

Deu. 14.

of them, who applie themselves to that course of life, cannot be of so great authority and obligations, as the other which is *naturall*, and borne in vs; and therefore, farther then it agrees with that; it is not out of rectified reason.

14 And though it seeme scarce worthy of any further discourse, yet I cannot deny my selfe the recreation of suruaying some examples of this blinde and stupid obedience, and false humility, nor forbear to shew, that by their magnifying thereof, and their illations thereupon, not only the offices of mutuall society are vncharitably pretermitted, but the obedience to Princes preiudic'd and maimed, and the liuely and actiue, and vigorous contemplation of God clouded and retarded.

15 For when a distressed Passenger intreated a Monke to come forth, and helpe his Oxe out of the Ditch, was it a charitable answer to tell him, *That he had bin twentie years dead, & in his graue, and could not now come forth?* Yet it may seeme excusable in them to neglect others, if this obedience make them forget themselves; as certaine youthes whom their *Abbot* sent with Figges to an *Ermit*, loosing their way, sterued in the Desert, rather then they would eat the Figges, which they were commanded to deliuer. Is it likely that when *Mucius* a Monke, at the commaund of his *Abbot*, who bid him *cast his crying sonne into the riuer and drowne*

Cassian. Collat.
24.c.9.

Idem de Instit.
Remunc. c. 40. l. 4.

Ibid. l. 4. c. 27.
c. 28.

drowne him, did in the feruor of obedience obey it, God should reueale, That in that acte, he accomplish-
ed Abrahams worke?

Idem. Collat. 4.
c. 20.

16 Are these wholsome instructions, That it is a greater pride to doe a good worke against the Superiours commaund, then a bad, because they are Vices vnder pretence of vertue? or this, That it is better to sinne against God, then our spirituall Father, because he can reconcile vs to God, but no body to him? Which doctrine it seemes *Heli* had not accepted, when he said, If one man sinne against another, the Iudge shall iudge it, bu if a man sinne against the Lord, who will pleade for him? How many greater matters must they of necessity leaue vndiscussed, that professe such tendernesse and scrupulosity of conscience, as the late *Iesuit Gonzaga*, who doubted that when hee had said he would goe, *Ad Domum professorum*, he had sinned in an idle word, since he might haue beene vnderstood well enough though he had left out the last wordes? or that he had sinned in answering affirmatiuely to his Superiours question, whether he would go to a certaine place, because he ought to haue left it all to his Superiours will, without any affirmation? Was it due and necessary obedience, when desirous to be instructed in that point of *Predestination*, and his Superiour turning to a place in *S. Augustine*, and bidding him read there, being come to the end of the page, but not of the sentence, he durst not turne ouer the leafe, because he was bid to read there?

Climachus. Scala. parad. Grad. 4.

1. Sam. 2. 25.

Cepari^o de eius vita. fo. 196.

Fo. 242.

Fo. 244.

Apol. l. 3. c. 1.

17 *Sedulius* seemes glad that he had examples enough to furnish a Chapter, *De simplicitate Minoritarum*; and hee seemes to haue much comfort that he is of the same order, as *Friar Ruffin* was, who out of simplicity cut off a living *Hogges* foote, to dresse for a sicke bodie, and sodde his *Birds* in the feathers: who also out of his humility, desired that he might stinke when he was dead, and that he might be eaten with dogges. And he saies that *Friar Iuniper* was so simple, that a *Dæmoniaque* possessed man, ranne seuen miles from him: because the diuell could not abide *Patientiam Iuniperi*.

Idem. l. 2. c. 2. n. 2

Idem. l. 3. c. 14. n. 2

L. 2. c. 5. n. 7.

Vita eius fo. 100

Fo. 306.

Fo. 26

Fo. 25.

Fo. 191.

Fo. 360.

Fo. 220.

Fo. 346.

18 Was it not *Prodigium Obedientie*, as *Sedulius* iustly calles it, in *Fryar Ruffin* to go preach naked? And were there not some degrees of spirituall pride in *Gonzaga*, who is praised bec iuse he had a paire of patched hose in *Delicys*? and that he refused to put on a paire of old bootes, because a worshipfull man had worne them? and that when his handes did cleave with colde, he would put on no gloues? Was there not some measure of stupid insensiblenesse in him, when he durst not spit in any necessity at his praiers, and that he knew not how many brothers he had? And of desperate prouocation, when he heard of a plague likely to be in those parts, to make a vow to visit those which were infected? And of murmuring, when he grudged and grieued, That he could find out no veniall sinne in himselfe? And of Inhumanity, when he was sorry, if any body loued him? And of a feared

lear'd and shamelesse Stubbornesse, when he therefore desir'd to speake in publicke, because hee had an vngacionis and ridiculous imperfection in pronouncing the letter R. And ask'd leaue, *E suggestu dicere*, (which, I thinke, is to Preach) in Spanish, because he was sure to be laugh'd at by that meanes, being imperfect in that language? And doeth it not taste of an vnnaturall Indolencie in him, to say no more at the newes of his Fathers death, but that nowe nothing hindered him from saying, *OVR FATHER WHICH ART IN HEAVEN*; As if it had troubled his conscience, to say so before?

19. Who would not haue beene glad, that such a Preacher should giue ouer, as when Friar Giles a Lay man, call'd to him, *Hold your peace Master, for now I will Preach*, gaue him his place? Who would wish S. Henrie the Dane any health, that had seene him, *When wormes crawled out of a corrupted Vicer in his Knee, put them in againe*? Or who would haue consented to the Christian-buriall of that Monke, which Dorotheus speakes off, if he had died of that Poyson, which hee saw his Seruant mistake for Honie, and put it into his Brothe, and neuer reprehended him, before nor after he had eaten the Soppes: But when his Seruant apprehended it, and was much mooued the master pacified him with this, *If God would haue had me eate Honie, either thou shouldest haue taken*

Fol. 335.

Fol. 288.

Fol. 187.

Sedul. Apolo. l. 3.
c. 6. 11. 1.Engl. Martyro.
Ianna. 16.E. Dorotheus.
Doctrina. 7. a.

*Relatione di
Diego Torrez,
Edit. Venet. 1604
fo. 5.
This Iesuite died
in Cusco An. 1598*

*Sedul. Apolo. l. 3.
c. 24. n. 26.*

Id. l. 3. c. 25. n. 18

Id. l. 2. c. 5. n. 8.

*Epist. ad fratres
in Lusitan.*

*Extra. de Jur.
Iur. sufficiat.
Glo.*

the Honie, or hee would haue changed the Poyson into Honie. Who would euer haue kept companie with the Iesuite *Barcena*, after he had told him, as he told another Iesuite, That when the duell appeared to him one night, out of his profound humilitie, hee rose to meete him, and prayd him to sit in his Chaire, because he was more worthy to sit there then he? Who would wish Father *Peter* alieue againe, since being dead, he is so afraid of disquieting his fellowes, that he will giue ouer doing of Miracles, for their ease? Or who would not with them all dead, who possessing and filling all good places in their life, will bee content to giue some room after their death; as *Friar Raynold*, who hauing bene three yeres dead, when another Holy man was brought to be buried in the same Vault, rose vp and went to the Wall, and stood vpright there, that the other might haue roome enough.

20 Will this is that Obedience by which they say, If a man were dignified so much as to talke with Angels, if his Superiour call'd him, he must come away; Yea, one of them Being in discourse with our Lady, when an inferiour *Friar* call'd him, vnmannedly quitted her. And of this Obedience is *Ignatius* himselfe especially careful, Least (sayes he) that famous simplicitie of blind Obedience should decay. But this Obedience, and all other, are subordinate to that naturall Obedience to your Prince, as Soueraigne controller of all. For in all Obligations the Authoritie

tie

tie of the Superiour is euer excepted.

21 And this Obedience must not be so blind, but that it may both looke vpward, what *God*, in his *Lieutenant* appoints to bee done, and also round about to see, wherein they may relieue others, and receiue from them. They may be circumspect, though they must not be curious. For *Abbayes*, at first institution, were not all *Chappels* but *Schooles* of Sciences, and *Shops* of manufactures: Now they are come to that, that they cannot worke, *Quia Officia longa*. They haue indeede so many Offices, and so many Officers, that they neede not worke. But this strict obedience was impos'd vpon them then, because they were great confluences of men of diuers *Nations*, *Dispositions*, *Breedings*, *Ages*, and *Employments*, and they could be tied together in no knot so strongly, nor meete in any one Center so concurrently, and vniuniformely, as in the Obedience to one Superiour; And what this Obedience was, and how farre it extended: *Aquinas*, who vnderstood it well, hath well expres'd, *That they are bound to Obey only in those things which may belong to their Regular conuersation*. And this vse and office, that obedience which is exhibited in our *Colledges*, fulfils and satisfies, without any of these vnnatural, childish, stupid, mimique, often scandalous, and sometimes rebellious singularities.

22 Any resolution which is but new borne
in

Regul. Benedict.
c. 48. *Declarat.*

22. c. 9. 104.
Ar. 5. ad 3^m.

Ser. 3. de Resurr.
Domini.

in vs, must bee abandon'd and forsaken, when that obedience which is borne with vs, is requir'd at our hands. In expressing of which trueth, Saint Bernard goes so exceeding farre, as to say, That Christ gaue ouer his purpose of Preaching, at the increpation, *Mulieris vnius, & fabri pauperis*: And because his Mother chid him, when shee found him in the Temple, from twelue yeeres to thirtie, we find not, sayes hee, That hee taught or wrought any thing, though this abstinence were contrarie to his determination. So earnest is that deuoute father, to illustrate our Blessed Saviours obedience, to a iurisdiction which was Naturally Superiour to him. And therefore this submission, by our owne Election, to another Superiour, cannot derogate from the Prince, nor infirme his Title to our Allegiance or obedience.

23 Another obedience derogatorie to Princes, they haue imagined, connaturall, and congenite with our *Christianitie*, as this is with our *Humanitie*, and conducing to our *Wel-being*, and our euerlastingnesse, as this doeth to our *Being* and temporall tranquillitie; which is, An obedience to the *Romane Church*, and to him, who must bee esteem'd certainly the *Head* thereof, ^a though sometimes *he be no member thereof*.

^a *Azov. Mor. Institut. To. 2. l. 4. c. 7.*
§ Deinde.

24 Certainly the inestimable benefits which wee receiue from the *Church*, who feedes vs with the *Word* and *Sacraments*, deserues from vs an
humble

humble acknowledgement, and obedient confidence in her: yea, it is *spirituall Treason*, not to obey her. And as in temporall Monarchies, the light of nature instructs euery man generally, what is *Treason*, that is, what violates or wounds or impeaches the Maiestie of the State and yet he submits himselfe willingly to the *Declaration* and *Constitutions*, by which somethings are made to his vnderstanding *Treason*, which by the generall light he apprehended not to be so dangerous before; So in this case of *spirituall Treason*, which is *Heresie*, or *Schisme*, though originarily, and fundamentally, the *Scriptures* of God informe vs, what our subiection to the Church ought to be, yet we are also willing to submit our selues to the lawes and decrees of the Catholique Church her selfe, what obedience is due to her. He therefore that can produce out of eyther of these *Authentique* sorts of *Records*, *Scripture*, or *Church*, that is, *Text* or *Glosse*, any law, by which it is made either *Hightreason*, *Heresie*, not to beleue, that in my baptisme I haue implied a confession, *That the Bishop of Rome is so monarch of the Church, that he may depose Princes*; or *petit Treason*, that is *Schisme*, to adhere to my naturall Soueraigne against a *Bull* of that *Bishop*, shall drawe me into his mercy, and I will aske Pardon, where none is graunted, at the *Inquisition*.

25 Else it is most reasonable (and that is euer
E e most

most religious) to relie vpon this, That obedience to Princes is taught by Nature, and affirm'd and illustrated by Scriptures. If the question be, how much this obedience must be, I must say, all, till it be proued, either that *Peaceable* and *religious* being be not all the ends, for which we are placed in this world, or that the authority of Kings, exercised by the Kings of *Israell* and the *Christian Emperours*, is not enough to performe these endes. For, to say that a King cannot prouide for meanes of saluation of soules, because he cannot preach, nor administer the Sacraments, hath as much weakenesse, as to say, hee cannot prouide for the health of a City, because he cannot giue physicke.

26 Till then, I shal be deterr'd from declining to this second obedience, by the contemplation of many inconueniencies, and impieties resulting from thence; first, by the *vastnes* of that Iurisdiction: For since they haue taught vs to say so, we may say, *Dominus non esset discretus, vt cum reuerentia eius loquar*, if he had laid the cure of the whole Church and the iudgement of all matters emergent, of *fact* and *faith*, vpon one man; which he hath done, if *Pesantius* say true That the *Pope is, iure Diuino, directly Lord of all the World*: which booke is dedicated to the present Pope, who by allowing it may iustly be thought to fauour that opinion.

27. How much it is, that they would entitle him to, appears by their expunction of a Sentence

*Extrau. Com. de
Maior. & Obed.
vnam sanctam
Addit.*

*Bertr. S. Respon-
deo & dico.*

*Alex. Pesant. de
immunit. Eccles.
& potest. pont.
pag. 44*

Jnd. Belg. fo: 86

ence

tence in *Roselli a Catholique*, though a Lawyer, That it is hereticall to say, that the vniuersall temporall administration is, or may be in the Pope: vpon which booke mine eye fals often, because you haue beene so lauish and prodigall in those expunctions, that a man might well make a good *Catechisme*, and an *Orthodox Institution of Religion*, out of those places, which you haue cast away. And by this one place we see what you would haue, For if the vniuersall administration of temporall matters be in the Pope, what neede is there of Kings? You would soone forget kings, or remember them to their ruine; and looke that kings should do to you, as condemned men are said to haue done to the kings of *Persia*, to thanke them that they were pleased to remember them. And *Azorius* will not pardon their modesty, that say, that the Pope in dealing with temporall matters vses but a spirituall power (though this in effect worke as dangerously) but he vseth (saies he) *Absolutely and simply a temporall Iurisdiction*.

28 And what can impeach this *Vniuersall Iurisdiction*, since al matter and subiect of Iurisdiction, that is, all men, may by their Rules be vnder him, by another way, that is, by entring into Religion: for first, *Tannerus the Iesuit* saies, *If Princes had their authority immediately from God, yet the Pope might restraine that authority of theirs, that it should fall onely vpon Lay-men*: For, saies another, *He may take from*

Simancha de Rep. l. 3. c. 7. ex Stobæo.

Azor. To 2. l. 4 c. 19. § Mibi

De libert. Eccles. l. 2. c. 1

Maynardus de priuileg. Eccles. Ar. 16. Nu 2.

the Emperour, all his Iurisdiction, therefore any part thereof. And as many as will (saies Bellarmine) may without the consent of their Prince, yea though he resist it, thus denest their Allegiance, as they might resist their parents if they should bynder them.

29 And in contemplation of this Vniuersall Iurisdiction, which might be, if it be not, in the Pope; the Iesuite whom we first named, breakes out into this congratulation: *If at this instant all the Princes and all their subiects, would enter into Religion, and transference all that they had into the Church, would it not bee a most acceptable spectacle to God, and Angels, and Men? Or (as he saies before) if their estates were so transferr'd to the Church, though not their persons, could not Ecclesiastique Princes rule and gouerne all these laymen, as well as they doe some others already? But because, as hee doubts in that place, Hoc in eternum nunquam fiet, that all Laymen will come vnder them, they haue prouided that all Clergie men which be vnder them, shall be safe enough, as well by way of Counsell (for so Mariana modifies his Doctrine, that the Prince should not execute any Clergy man, though hee deserue it) as by positive way of Aphorismes, as Emanuel Sá doth, That they are not subiects, nor can doe treason: and by way of Fact, and publique troubling the peace of al Christendome, as appeared by their late attempt vppon Venice for this Exemption.*

Bell. de Cler. l. 1
c. ult

Tannerus l. 2. c.
12, in fine:

De Fasitit. l. 1:
c. 10

Aphor. confes.
verb. clericus

30 And as the immensnesse of this power averts me from beleeuing it to bee iust, so doeth this also decline me, that they will not bee brought to tell vs, *How he hath it*, nor *How hee got it*. For as yet they doe but stammer, and the Word stickes in their iawes, and wee know not whether, when it comes, it will be *Directly*, or *Indirectly*. And they are as yet but surueying their *Evidence*; they haue ioyn'd no issue; nor know we whether they will pleade *Diuine Law*, that is, places of Scripture, or *Sub-diune Law*; which is interpretation of Fathers, or *super diuine law*, which is Decretals of Popes. But Kings insift confidently, and openly, and constantly vpon the law of Nature, and of nations, & of God, by all which they are appointed what to do, and enabled to do it,

31 Lastly, this infames and makes this Iurisdiction suspicious to me, to obserue what vse in their *Doctrine* and *Practise* they make of this power. For when they haue proceeded to the execution of this *Temporall* power, it hath beene either for their owne reall and direct profit and aduantage, as in their proceeding with the *Easterne Emperours*: And drawing the *French Armies* into *Italy*, and promouing and strengthening the change of the family and race of the Kings in *France*, or else the benefit hath come to them by whose aduancement that *Church* growes and encreases, as in the disposing of the Kingdome of *Navarre*; Or

at least, the example and terrour thereof magnifies the dignitie, and reputation of that Church, and facilitates her other enterprises, for a good time after, as a Shippe that hath made good way before a strong winde, and vnder a full Sayle, will runne a great while of her selfe, after shee hath stricken saile.

32 VVhen any of these reasons inuite them, how small causes are sufficient to awake and call vp this temporall Authoritie? The cause why *Childerique* was deposed, was not, sayes the *Canon*, for his *Iniquities*; but because he was *Inutilis*. And this was not, sayes the *Glosse*, because hee was *Insufficient*, for then hee should haue an *assistant*, and *coadiutor*; but because hee was *Effeminate*. So that the Pope may depose vpon lesse cause, then hee can giue an *assistant*. For to bee *Insufficient* for the *Gouernement*, is more directly against the office of a King, then to bee subiect to an infirmitie, which concernes his humanitie, not his office.

33 And when the officers and Commissioners of the Romane Court, come to *Syndicate* Kings, they haue already declar'd, what they will call *Enormities* and *Excesses*, by inuoluing almost all faults, whether by *Committing* or *Omitting* in generall words; As, *When he doeth not that for which he is instituted; when he vseth his prerogatiue without iust cause, when he vexes his Subiects; when he permits Priests to kisse his hands; when he proceeds indiscreetly,*
and

15. q. 6. *Alius.*

*Paris de putco
de syndic. Ca. de
Excess. Regum.*

and without iust reason; And lastly, For any such bunting as they will call intemperate. To which purpose they cite against Kings generally those *Canons* which limit certaine men, and times, and manners: And which, as the *Glosse* sayes of some of them, are meant *De venatione arenaria*, when men out of vaine-glorie, or for gaine, fought in the Theaters with wild beasts. And least any small errour in a King might escape them, they make account that they haue enrapp'd and pack'd vp all in this, That it is all one, whether a King bee a Tyrant, or a Foole, or Sacrilegious, or Excommunicate, or an Hereticke.

Dist. 86. qui venatoribus.

Par. de Put. ca. Rex autem.

34 This obedience therfore which we neiher find written in the tables of our *Hearts*, nor in the *Scriptures*, nor in any other such *Record*, as either our aduersary will be tried by, or can bind vs, must not destroy nor shake that obedience which is *Naturall* and *Certaine*. *Cyrl* hath made this sentence his owne, by saying it with such allowance; *It is wisely said, That hee is an impious man, which sayes to the King, thou dost vniustly*. Much more may wee say it of any, that affirms a King to bee naturally impotent, to doe those things for which he is instituted; as he is, if he cannot preferue his *Subiects* in *Peace* and *Religion*, which the *Heathen* kings could doe; whose *Subiects* had a *Religion*, and *Ministers* thereof, who wrought vpon men to incline them to *Morall* goodnesse here, and

In Io. l. 12. c. 56.

and to the expectation of future blessednesse after death, though not by so cleare nor so direct waies as *Christian Religion* doth.

35 The king therefore defends the *Liberties* of the Church, as the nature of his office, which he hath acknowledged, and Declar'd, and seal'd to his Subjects by an Oath, binds him to do, if he defend the Church of England from foraine vsurpation. And a most learned and equall man hath obserued well, That in the differences betweene *Gregorie the seuenth, and the Emperours*, the defence of the liberties of the Church, was the title and pretence on both sides. And since a *lesuite* hath afforded vs this confession, That the Prince hath this Authority ouer Bishops, that hee may call them as Peeres of his Realme, And since their *Clementines*, or the *Glosser*, yeeldes to vs, That a Church Prelate may bee a Traytor, because hee holdes some temporalities: how can they escape from being subiect in all other cases; since their *naturall* and *native* obedience is of a stronger obligation, then the accepting or posselsing of these *Temporalities*: for, if *Iure Diuino*, the Character of Order, did obliterate and wash out the Character of *ciuill Obedience*, and subiection, the conferring of any temporall dignity or posselsion, could not restore it; for vnder color of a benefit, it should endammage and diminish them, when a litle Temporall honour or profit shall draw their spirituall estate and person to secular

*Casus. de lib.
Eccles. fol. 46.*

*Azgr. Instit.
Moral. To. 1. l. 5.
c. 14. in fine.*

*De sent. & re
indic. Pastoralis
Glossa.*

cular iurisdiction: for, as *Azorius* will proue to vs, the king may call a *Bishoppe* as a *Baron* to the Parliament, and as the *Canonist* will prooue to vs, he may call him to the *Barre* as a *Traitor*.

36 To recollect therefore now, and to determine & end this point, the title which the Prince hath to vs by *Generation*, and which the Church hath by *Regeneration*: is all one now. For we are not onely Subjects to a Prince, but *Christian* Subjects to a *Christian* Prince, and members as well of the Church as of the *Common-wealth*, in which the Church is. And as by being borne in his Dominions, and of parents in his allegiance, we haue by birth-right interest in his lawes and protection: So by the *Couenant* of Almighty God to the faithful and their *Seede*; by being born of *Christian* Parents, we haue title to the *Sacraments*; which the king (to whom, as all the kingdom is his house, so all the Clergy are chaplaines) takes care, that they duly administer to vs which are his sonnes, and seruants.

37 Nor dooth the king and the Church direct vs to diuers ends, one to *Tranquility*, the other to *Saluation*; but both concurre in both: For wee cannot ordinarily be saued (which seemes to be the function of the *Clergy*) without the exercise of morall vertue here in this life, nor can *Christians* do those morall vertues (which seeme to bee the Princes businesse) without faith, and keeping the

right way to saluation, because a *Christian* must doe them *Christianly*.

38 For though *Theologall* vertues, *Faith*, *Hope*, and *Charity*, are infus'd from God, yet all religious worshippe of God is morall vertue. As therefore the office of all *Heathen* Princes, was to conferue their subiects in the practise of morall vertue, so farre as it was reuealed to their vnderstanding; So is it now the office of *Christian* Princes to doe the same. For God hath now so farre enlightned vs to the vnderstanding of morall vertue, that we see thereby, that after God hath infused *Faith*, wee make sure our saluation, by a morall obedience to the kings *Gouernement*, and to their *Ministry* whō his prouidence appoints ouer vs for our instruction. So that *Christiā* subiects need no higher power then kings are naturally indued and qualified withall, to direct them to *Saluation*; but, because morall vertue is now extended, not in it selfe, but to our vnderstanding, or perchance perfected (for the *Fathers* denie often, that the *Philosophers* had any true morall vertues) *Christian* kings must now prouide lawes, which may reach as far in their direction, as morall vertue reaches now; and *Ministers*, that may reach vs how farr that is, and to conferue vs in the obseruation therof. For as, when all things are in such sort wel composed and established, and euery subordinate *Whee*le set in good order, we are guilty of our owne dam-
nati-

nation, if wee obey not the Minister, and the Minister is guilty of it, if hee neglect to instruct vs, so is the Prince guilty of our spirituall ruine, and eternall perishing, if hee doe not both provide able men to giue vs spirituall foode, and punish both their negligence and our transgressions: So that hee is to account to GOD for our soules, and therefore must haue naturall means to discharge that duety well, or else could not be subiect to such a reckoning for his transgressions therein.

39 The last Obedience which I intimated, as preiudiciall to this of kings, is that which the *Iesuites* vowe to the Pope; which is not the same blind Obedience, which I spoke of before, for the *Iesuits* swear that also to their *Superiours*, before they come to the perfection of this: But, as that is blinde out of *darkenessse*, so this is blinde out of *dazeling*. For they must be instruments in matters of State, and disposing kingdomes.

40 When some Priests in England were examined, what they would thinke of the *Oath of Allegiance*, if the pope should pronounce that it were to be held *De fide*, that hee might depose Princes, they desired to be spared, because they could not pronounce *De futuris Contingentibus*. But these votaries, the *Iesuites* are not so scrupulous; They can resolue to execute whatsoeuer he shall command: perchance they thinke the Pope so much

God, (for Iesuites must exceede in euerything) that in him, as in G O D , there can bee no *Contingency*! And therefore vowing their trauell and labour, to the corrupting and aliening of subiects, to the combustion or translation of Kingdomes, to the auiling and eradication of Princes, they do not vow *De futuris Contingentibus*, but of things euer constantly resolued in the Decree, and Counsell, and purpose of the Bishop of Rome.

41 Though therefore *Mat. Tortus* be no Iesuite himselve, yet in respect of his Master, who was one, I wonder he durst say, *That the Iesuites made no other vow of obedience to the Pope, then other religious Orders did;* which is such an excuse in their behalf, as no accusation could offend them so much; since their ambition is to serue the Pope by a nearer Obligation then the rest: which appeares euidently enough, in the *Bul* of *Paul* the third, where this fourth vow is repeated.

42 And is it not a strange precipitation to vow their helpe to all his errours? of which they confesse he may commit many in matter of *Fact*, by mis-information. So that they sweare to execute that, which they are not bound to beleue to be well commaunded: yea they are not bound to beleue, that he which commaunds them, is that person whose commaundements by their vow they are bound to doe, and yet they must do them. For though they bee bound to obey the Pope,

Sopra la lettera de palmieri Romano. Nella Raccolta fo. 183.

Simancha. Enchir. Iud. Tit. 5. nu. 3.

Pope, Yet they are bound to beleue that Paul the first is Pope: because those Elections haue many vitia-
 ting circumstances, which annuls them. For if
 they could be certaine, that the Election were free
 from all other corruptions, yet that Decretall in
 the Septimes, of Simoniacall Election, must of neces-
 sitie keepe all indifferent men in continuall anx-
 ietie and perplexitie. For, if any thing by any Car-
 dinall, were giuen, or promis'd before, though the Ele-
 ction be by way of Assumption and Adoration, when all
 concurre in it, which they call, *Viam spiritus Sancti*,
 and therefore not subiect to errour, Yet there is a
 Nullitie in this Election, and the holy Ghosts confir-
 mation workes nothing vpon it, And the Person
 elected, hath neither spirituall nor temporall Iurisdic-
 tion, but looses all the dignities which he had before, and
 becomes incapable euer after, And no subsequent Act, of
 Inthroning, Oathes of Obedience by the Cardinals, nor
 possession, though of long time, can make it good. And
 euen those Cardinals, which were parties to the Simony,
 may at any time after, depart fro his obedience, & all the
 rest of the Cardinals, which do not, forfeit their dignities.

43 It is scarce possible to bee hoped, that in
 Elections there should be no degrees of that cor-
 ruption, which this Decree labors to preclude,
 & which, it takes knowledg, to be so clandestine,
 and secretly caried, that comming to the point of
 annulling all those promises which were so
 made, your Law expresses it thus, *Cum quauis Inex-*

Ff 3 cogitabili

Li. 1. To. 3. c. 1.

cogitabili solemnitate & formâ iurata. And if euer it should breake forth, that any such thing were committed at *Paul* the first his Election, then hee was neuer Pope: Which, though perchance it will not make voide all his Acts, for some ciuill and conuenient reasons, doth yet show the iniustice, and indiscretion of such a vowe, as binds the Votarie to doe some acts, which were not lawfull for him to doe, except an assured Authoritie of the commander did warrant it.

22 e. q. 104. Art.
5. ad 3^m.

44 And if that measure which *Aquinas* gaue before of *Blind obedience*, must also serue in this, which is; That they must obey in all things, which belong to their Regular conuersations, that is, In all things to which their Rule, and Vowe obliges them, then as no Sea can wall any kingdome against their entrance: So no watchfulnesse can arme any brest against their violence, since the increasing of that *Monarchie* which they must aduance, growes from the decay of others.

Par. de put. de
Synd. fo^a 179.
b. 192. c. 193.

45 But I forbear *Exasperation*, and will here ende this Chapter, by which, I hope, it appeares, that no latter band of Obedience, can slacken this first, which was borne with vs. For, though amongst Lawyers, To commit my selfe or my cause, ^a *Liberæ voluntati hominis*, or to bee vsed by him, ^b *Prout voluerit*, amount very farre, and create a large power in him, yet they conclude, That, ^c *In nullo arbitrio*, How large so euer, any thing is included which

which was formerly prohibited. And of these three Obediences which we haue handled, though all the three essentiall properties of all Oathes and Vowes be wanting in them all, yet the *blinde obedience* to your spirituall Superiour, doth especially want *discretion*, and the *implicite Obedience*, imagin'd to be vowed to the Church in Baptisme, doeth lacke *Trueth*, and that *seditions* and *seruile Obedience* vowed by the *Iesuites* to your Popes wil, doeth want *Justice*.

CHAP. VII.

That if the meere execution of the function of Priests in this Kingdome, and of giuing to the Catholickes in this Land, spirituall sustentation, did assure their consciences, that to die for that, were Martyrdome; yet the refusall of the Oath of Alleageance doeth corrupt and vitiate the integritie of the whole Act, and dispoyle them of their former Interest and Title to Martyrdome.

WE speake of Martyrdome now, in the proper and restrain'd sense and acceptation, that is, of *Consummate Martyrdome*, and so, as *Aquinas* takes it, when he sayes, *Mors est de ratione Martyrij*. I know the Primitiue Church denied it not to them, whom the latter Church hath call'd *Confessors*; So ^a *Ignatius* writes himselfe Martyr; and so doeth ^b *Saint Paul*

22 e. q. 124. Ar. 4

^a Epist. 3. ad Polycarpum.

^b 1. Cor. 15. 31.

Paul say, that hee dies daily. And sometimes, when the Church enjoyed her ease, and was pamper'd with securitie and rest, to excite men to a publicke confession of their Faith, if there arose any case wherein it was needfull, the *Ministers* of that Church, which was euer apter and forwarder to suffer *Martyrdome*, when any long persecution had accustom'd her to the expectation and patience and glorie thereof, then in the times of dull abundance and tranquillitie, would afford the Title of *Martyrs*, to any persons who suffred any persecution for the testimonie of *Christ*, though they died not: As the Church celebrates the *Martyrdome* of *Pope Marcellus*, vwho died in Prison. So also sometimes their indulgence allowed that Name, for some *abstiniencies* and *forbearings*, if they conduced to the depressing of *Idolatrie*. For so *Saint Chrysostome* sayes, *If thou refuse to be cured by Magique, and die of that sicknes, thou art a Martyr*

Aquin. ibid.

Advers. Iudeos. Orat. 5.

De Purgat. l. 1. c. 7. § Quinto.

Extrau. Ac Reliquy. Audiuimus.

Serarius Tribes. l. 2. c. 28.

2 Deuotion is apt to ouerualew other mens actions; And *Bellarmino* confesses out of *Sulpitius*, *That the people did long time deuotely celebrate one for a Martyr, who after appear'd, and told them that he was damn'd.* So also were those men inclin'd, whom *Alexander* the third reprehendes, *For giuing the honour of a Martyr to one that died drunke.* So doeth another *Iesuite* prooue *Hyrchanus* to bee an *Hereticke*, whom *Albertus Magnus* hath put in-

to his *Litany*, and so drawne into continuall Inuocation euer since. And when *Gregory* the thirteenth made Commissioners to suruay the *Martyrologe*, they found the Histories of Pope *Felix* the second, so various and repugnant, that they were determined to expunge his name, but that opportunely there was a Marble Coffin found, with such an Inscription as altered them, and relieued the Popes fame. And one principall inducement to the Pope, to come to these solemne *Canonizations*, is, because before the people did often mistake.

Bini^o To. I. f. 490

Bellar. ubi supra

Ibid. c. 8. § Dices

3 And this medicine, as it was very late applied (for *Bellarmino* cannot finde, that the Popes canonizd any in eight hundred yeares after *Christ*;) So neither hath it, nor can it naturally extinguish the disease. The most that it can worke, is an Assurance, that they which are publicly canonized are true Saints: for *Bellarmino* saies, That it is the opinion of *Heretiques*, that the Pope can erre in such *Canonizations*: and yet, to proue it, he argues but thus: *If we beleue that there was such a man as Caesar, why should we not beleue that which God testifies by miracles?* But how shall wee beleue, that these miracles are from God, or that he doth them in testimony of that mans sanctity? For that miracles are done, is not enough to constitute a Saint, for wicked men may doe them, say your Authors: And in this case they can proceede no farther, then to an *Historicall* beleefe, that Mira-

*Ibid. c. 9. §. 1.
S. Tertio.*

*Extra. de Reliq.
gloss. verb. miraculis.*

cles are done. And I had thought that *Bellarmino* had required a better faith at our hands, then *Historicall*, and such as assures vs, that *Cæsar* was, to ground Inuocation of Saints, and to constitute an *Heresie*.

And though not in *Bellarmino*, yet in the Pope himselfe, there appeare some scruples of diffidence, and frailty, and fallibility in this acte of *Canonizing*, because, after all his severall *Inquisitions* and searches which depend vpon matter of *Fact*, and after his diuers iteration of prayers, *That hee may not erre*, and *That hee may not be permitted to erre*, hee makes at last a publique protestation, *That he intends not by that act, to do any thing against Faith*.

But if this can be certaine, That those, and none but those, which are so *Canonized*, may be publicquely *Honoured* as *Saints*, yet that disease, of which we spoke before, is not cured hereby. For it is still lawfull *privately* to worshippinge any, of whose sanctity I haue an opinion. Nor is this *private* worship, so *private* in *Bellarmino's* account, that it may not be exhibited before others, but onely so *private* as it may not be done *In the name of the Church*, and as though it were instituted by the *Church*. So that whole *Multitudes*, and *Congregations* may erre still: and this, by the authority of the *Canon* it selfe. For thus *Bellarmino* reasons, with more detortion and weakenesse then be-
comes

Ceremon. Sacre.
Cap. de Canoniz.

De Purgat. c.
10. S. 1.

comes the cause or his grauity: In the two Canons, saies he, *Audiuimus*, and *Cum ex eo*, the Pope forbiades publique worshippe; and therefore, a *Contrario*, permits priuate. If then, that worshippe which in those two Canons he forbiddes to be publicquely exhibited, may priuately be giuen, and this priuatenesse exclude not whole Congregacions, then whole Congregacions may lawfully worshippe as a *Saint*, a man slaine in drunkennesse, which is the case of the first Canon, and lawfully worshippe venall and vncertaine *Reliques*, which is in the second Canon; since the forbidding of this in publique, hath permitted it in this large and open priuate, by *Bellarmines* fashion of arguing; who saies also for this; *That the Doctors doe commonly affirme it.*

6. And whatsoeuer is said heere of *Saints*, holdes, as well in *Martyres*; for with the same faith, that I beleene a man to be a *martyre*, I beleue him to be a *Saint*: And so, it seemes, doth that Catholique Priest, who hath lately published a *History of English Martyres*: For that which in the Title he calls *Martyrologe*, in his Aduertisement he calles *Sanctiloge*. And therefore it becomes both our *Religion* and *Discretion*, to consider thoroughly the circumstances of their *History*, whom we admit to the honour of *Martyrdome*.

7. All Titles to *martyrdome* seeme to me to be grounded vpon one of these threes pretences, and

claymes. The first is, to seale with our bloode the profession of some *morall Truth*, which though it be not directly of the body of the Christian faith, nor expressed in the *Articles* thereof, yet it is some of those workes, which a Christian man is bound to doe. The second is, to haue maintained with losse of life, the *Integrity* of the Christian faith, and not to suffer any part thereof to perish or corrupt. The third is, to endeouour by the same meanes to preserue the *liberties* and *immunities* of the Church.

8 By the first way they entitle *S. Iohn Baptist* because he died for reprehending a fault against a *morall Truth*: and that truth being resisted, the *Authour* of truth is despised: And therefore all truth is not matter conuenient for the exercise of this vertue, as the conclusions of *Artes* and *Sciences*; though perfectly and demonstratiuely true, are not; but it must be such a truth, as is conuersant about *Christian piety*, and by which *God* may be glorified: which cannot be, except he might be iniured by the denying thereof. So, the *Euangelist* when our *Sauour* spake of *S. Peters* Martyrdome saies, *He signified by what death hee should glorifie God*: For all Martyrdome workes to that end. And this first occasion of *martyrdome* seldome falls out in *Christian Countries*, because in *Christ*, the great *Mirror* of all these truties, we see them distinctly and euidently. But sometimes with *Heathen Princes*, before they arriue to this rich and

prog.

pregnant knowledge, men which labour their conuersion, begin, or touch by the way, some of these *Morall dueties*; and if they grow odious, and suffer for that, they are perfect *Martyrs*, dying for a *morall Trueth*, and in the way to Christ.

9 By the second claime, which is the *Integritie* of *Catholicke Religion*, the professors of any *Christian Church*, will make a specious, and apparant Title, if they suffer persecution in any other *Christian Church*. For the *Church of Rome* will call the whole totall body and bulke of the points of their profession, *Integritie of Religion*, and the *Reformed Churches* call, soundnesse, puritie, and incorruptnesse, integritie. The *Roman* thinkes *Integritie* hurt by nothing but *Maimes*, and we, by *Diseases*. And one will prooue by his death, that too little is professed, and the other, that too much. But this aduantage we haue, that by confession of our aduersaries, all that wee affirme, is *True*, and *Necessarie*: and vpon good ground we assure our selues, that nothing else is so, and we thinke that, a propensenesse to die, for profession of those points, which are not necessarie, will not constitute a *Martyrdome*, in such a person espécially as is of necessarie vse.

10 Amongst other things which our *Blesed Sauiour* warnes his followers, this is one, *That none of them suffer as a busie body in other mens matters, but if he suffer as a Christian, let him not be asha-*

1. Pet. 4. 15.

Math. 5. 11.

med, but glorifie God. And in another place, hee calls them blessed: *If others say all maner of euill of them, falsely, and for his sake.* So that the prohibition forbids vs, to suffer for those things which doe not certainly appertaine to vs; And the instruction ties the reward to these conditions, That the imputations be *false*, That they be imputed for *Christs sake*, that is, to dishonour him, and that we suffer because *we are Christians.*

11 Since therefore some of you, at your Executions, and in other conferences, haue added this to your comfort, and glory of Martyrdome, *That because the Kings mercie hath beene offred you, if you would take the Oath, therefore you died for refusing the same,* (Though your Assertion cannot lay that vpon the State, who hath two discharges; One, that you were condemn'd for other *Treasons*, before that offer; The other, that the Oath hath no such *Capitall* clause in it) yet since, as I said; you take it vpon your Consciences to bee so; Let vs Examine, whether your refusall of the Oath, bee a iust cause to Die, vpon this point of *Integritie of Faith*, by that measure which our Saunour gaue in his *Prohibition*, and in his *Instruction.*

12 Is it then any of your matters, or doeth it belong to you, by your *Doctrine*, and by your *Example*, in refusing the Oath, to determine against Princes Titles, or Subjects Aileageance? If this be any of your matters, then you are not sent onely to doe

doe Priestly functions; And if it be not, then you suffer as *basie bodies in oiber mens matters*, if you suffer for the Oath.

13 And then, what is imputed to you, which is *false* (which is another condition required by *Christ*) if you be called traytors then, when after apparant transgressing of such lawes as make you Traytors, you confirme to vs a perseuerance in that Trayterous disposition, by refusing to swear Temporall Alleageance? Wherein are you lesse subiect to that name, then those *Priestes* which were in *Actuall* plots, since *mentall Treason* denominates a man as well as *mentall heresie*? You neither can nor will condemne any thing in them; but that they did their treason, before any Resolution of the *Church*: and haue you any resolution of the *Church*, for this, *That the King may be deposed, when he is excommunicated*? If you haue, you are in a better forwardnesse then they, and you may vndertake any thing, as soone as you will, that is, as soone as you can. For you haue as good opinions already, and as strong authorities, *That a King of another Religion then Romane, is in the state of an excommunicate person, before Sentence*; as you haue for this, *That an Excommunicate King may be deposed*; And would you thinke it a iust cause of Martyrdome, to auerre, *that the King is already vnder excommunication*?

14 And (to proceede farther in *Christs Instruction*)

tion) are these things said of you for *Christs* sake? Are you (if you be called Traytors for refusing the Oath) reprov'd for anie part of his Commandements? If it were for exercising your Priestlie functions, you might haue some colour, since all your Catholique Religion, must bee the onely Christian Religion. But can that *state* which labours watchfullie and zealouslie for the promoting of *Christs* glorie in all other things, bee saide to oppose *Christ*; or persecute him in his Members, for imputing trayterous inclinations to them, who abhorre to confirme their Alleageance by a iust Oath?

15 Lastly, can you say, you suffer as Christians; that is (as *Christ* there intended) for *Christian* faith, which is principally the matter of Martyrdome?

Aquinas cites this, out of *Maximus*, *The Catholique faith is the mother of martyrdom*. And he explicates it thus, *That though martyrdom be an act of fortitude, and not of faith, yet as a ciuill man will be valiant to defend Iustice, as the Obiect of his valour, so doth a Martyr, faith*. If then to refuse this Oath, be an obiect for a Martyrs fortitude, it must be because it opposes some point of faith, and *faith is that, which hath beene beleened euer, and euery where*; And how can that be so matter of faith, which is vnder disputation, and perplexitie with them, and the contrarie whereof we make account, that we see by the light of Nature and Scriptures, and all means

222. q. 124. Art.
2. ad 1^m.

meanes conducing to a diuine and morall certitude?

16 *Leo* the first, in an Epistle to the Emperour, by telling what hath beene, informes summarilie and soundly, what should be a iust cause of Martyrdome. None of the Martyrs, saies he, had any other cause of their suffering, but the confession of the true Diuinitie, and true humanitie in *Christ*. And this was then the Integrity of faith, in both acceptations; All, and sound. Which is neither impaired in the extent, nor corrupted in the puritie, by any thing proposed in the Oath.

Epist. 24.

17 But as *Chrysofome* expounding that place of *Ieremie*, *Domus Dei facta est spelunca Hyene*, applies it to the Priests of the Iewes, as hardest of all, to be conuerted, so may we apply it to the Priests of the Romanes, who abhor the Oath, and deter their Schollers. For, the *Hyena*, saies *Chrysofome*, hath but one backe bone, and cannot turne except it turne all at once. So haue these men, one back bone, the Church; (for so saies *Bellarmino*, if we were agreed of that, we should soone be at an end:) and this Church is the Pope; And they cannot turne, but all at once, when he turnes; and this is the Integrity of the faith they talke of. And, as that Father, addes of the *Hyena*, *Delectantur cadaueribus*; they are delighted with impious prouocations to the effusion of blood, by suggesting a false and imaginarie martyrdome.

In Marc. Hom.
13. To 2. fo. 270

18. The third and last iust ground of martyrdome, of those which we mentioned, is *Ecclesiastique Immunitie*, which is of two sorts; one *inherent*, and *Natiue*; and *conmatuall* to the Church; and the other, *Accessory*, and such, as for the furtherance and aduancement of the worship of God, Christian Princes, in performing a religious dutie, haue afforded and established. Of the first sort are, *preaching the word, administering the Sacraments, and applying the Medicinall censures*. And if any, to whose charge God hath committed these, by an ordinarie calling, loose his life in the execution thereof, with *Relation* to the cause, we may iustly esteeme him a martyr. And so in the second kinde, if onely for a pious and durifull admonition to the Prince, to continue those *Liberties* to the Church, without which she cannot well doe her offices, hee should incurre a deadly displeasure, he were also a *Martyr*.

19 And if the Romane Priests could transfere vpon themselves this title to Martyrdome, due to defenders of either of these Immunities, yet by refusall of this Oath, which is an implied affirming of some doctrine contrarie to it, they forfeit that interest, by obtruding, as matter of Christian faith, that which is not so: For *Baronius* himselfe (as once before wee had occasion to say) distinguishes the defence of the liberties of the Church, from the Catholique faith; and yet he and many others,

others, makes the defence of these immunities the object of Martyrdome: so various and vncertaine is the doctrine of defending those priuiledges, whose ground and foundation they cannot agree vpon.

20 And as all right to the crowne of Martyrdome, growing from any of these three titles, perishes by their refusal, for the reasons before expressed: so doth it also vpon this ground, that hee which refuses to defend his life by a lawfull acte, and entertaines not those ouertures of escape, which God presents him, destroies himselfe, especially if his life might be of vse and aduantage to others. For when the Prison was opened to Paul and Silas, the learned Expositors excuse his stay there, by no other way, then that it appears, that he had a reuelation of Gods purpose, that he should conuert the Keeper; for otherwise not to haue hastened his escape, had beene to abuse Gods mercie by not vsing it.

21 Those lawes from which these conclusions are deduced, that if a man receiue a Corporall iniurie, and remit the offence, yet the state may pursue it against the trespasser, because no man is Lord of himselfe: and that a covenant from a man, that if you finde him in your ground you may beate him, is voide vpon the same reason, Intimate thus much to this purpose, That no man by lawe of nature may deliuer himselfe into a danger which he might auoide.

Acts 16.

Par. Put. Syn-
dic. fol. 484.

Collat. 2. ca. 5.

22 How many actes of good and meritorious nature, if they had all due circumstances, haue beene vitiated by *Indiscretion*, and changed from nourishment to poison? of which *Cassianus* hath amass'd many vsfull examples, and made all his second *collation* of them. Of which I will remember one hapning about his own time: *Herō* which had liued fiftie yeares austerely in a Desert, trusting indiscreetely an illusion of an euill spirit, threw himselfe downe into a Well; and when he was taken out, and in such torment with thote bruises, as killed him within three daies, yet he beleued that he had done well, though the rest beleued him to be as *Cassianus* saies, *Biothanatum*, a selfe-murderer.

23 How deeply, and how irremediably doth this indiscretion possesse many others, whom themselues only, and a few illuders of their weaknesses, esteeme to be *Martyres*, for prouoking the execution of iust lawes against them? For what greater *Indiscretion* can there be, or what more treacherous betraying of himselfe, then to die in despite of such a Princes mercie, as at once directs him to vnderstand his duety to himselfe, and to his Prince: and shewes him, that his owne preservation is a naturall duety; and that hee may not neglect it in any cause, but where it appeares euidently, Catholiquely, and indisputably (amongst them to whose instruction he ought to submitte him.

himselfe) that God may bee glorified in it; And that his obedience to the King was borne in him, and therefore was once, without all question, due, & could not be taken away, without his consent, who is damnified by the losse of a Subiect; at least by such a litigious Authoritie, as is yet in Disputation, *What it is, whence it comes, and how it resides in him, and how it is executed.*

24 For as a man may be *felo de se*, by destroying himselfe by our Law; And *fur de se*, by departing, and stealing himselfe away, from him to whom his seruice is due, by Imperial law: so he may be *proditor de se*, by the law of Nature, if hee descend from the Dignitie of humanitie, & submit himselfe to an vsurpation, which he ought to resist, which is; All violence and danger which hee might auoide.

25 And since, if the King would pardon him, vpon doing of any act, which depended vpon his owne will, he were guiltie of his death, if hee refused it, he is so also in this case; since he can propose to himselfe no such restraint as binds his wil; For *scruples*, and things in *Opinion* and *Disputation*, do not binde in this case; Of which we shall haue proper occasion to speake in the next Chapter.

26 Let vs then proccede further, to that which giues the *forme*, and *measure*, and *merit*, euen to Martyrdome it-selfe, which is *Charitie*. And this is not meant onely of *Charitie*, as it is a *Theolo-*

10. 15. 13.

a *Metaphrast. in
Nicepho. Mar.*

gall vertue, and vnites vs in an earnest loue to God; which is, *Charitas patriæ*, but also as from that fountaine is deriued vpon all his creatures, which is *Charitas. via*: For so Saint *Iohn* sayes, of this charitable act of which wee speake, *Greater loue then this no man hath, when hee bestoweth his life for his friend*: Which also appeares out of that History recorded of *Nicephorus*:^a who being brought to the place where he was to receiue the Crowne of Martyrdome, and seeing *Sapritius*, betweene whome and him, there had before some bitternesse and enmitie broke soorth, fall downe before him, and begge a Pardon and reconcilment, was so much elated with this glory of *Martyrdom*, that vncharitably he disdain'd to admit any reconciliation: In punishment of which vncharitableness, he lost his whole hope and victorie: For the spirit of God forsooke him, and he Apostated from his Faith: So that Charitie is iustly esteem'd the forme of Martyrdome.

27 And is there any Charitie in this Doctrine, or in this act of *Refusall*? Is there any to your self? (For, at least in *spiritualibus*, Charitie begins at home) when at once you diuorce that body which your Parents prepar'd, from that Soule which God infused and married to it: and so leaue, not onely to be men, and to be *Subjects*, but to be *Priests*, and benefactors to that cause, which you hinder by this pretence of louing it. How much opportunitie

nitie of Merit, euen in aduancing the Catholique cause, which to you is so certaine, doe you loose, by exposing your selfe to *certaine* ruine, vpon *uncertaine* foundations? Is there any charitie to the Church, or partie, or faction, which you haue in this Kingdom? towards whom the King brought with him so much tendernesse, that hee cast in a dead sleepe all *bloudy* lawes, and in a slumber all *pecuniarie* lawes which might offend, & aggriue them. Is it charitably done towards them, that by your vnecessary act, their peace be interrupted, his Maiesties sweetnesse distasted, his softnesse indured, and those faire impressions which hee had admitted, That ciuill obedience might consist with your Religion, defaced and obliterated? And that to all these should succede, iea- lousies in him, imputations vpon them, and dutifull solicitations from his Parliament, & Counsaile, and Subjects of all rankes, to awaken his lawes against these suspicious men?

28. Was it charitably done of that Priest, who apprehending a generall inclination of taking the Oath, aduanced it so farre, as to make a Declaration that it was lawfull, and neuer retracting that opinion, yet would die in the refusall thereof, because it seemed not expedient to him, to take it then; and so to cast snares and tortures vpon their consciences, who were before in possessiō of a peaceable, & (by his own testimony) a iust resolution?

29 When

Ieruaſe.

1. Cor. 6. 2. &
10. 23.

29 When S. Paul vses that phrase, he expounds the word *Expedient*, by *Profitable* and by *Edifying*: And hath the example of his death profited and edified that Church as much, as the perplexities certainly growne in Catholique consciences thereby, and those exasperations, and bitterneesses occasioned, by all probabilitie in the state, by that peruerse and pecuish behauiour, may shake and tempest it?

30 I doe not thinke that they would haue denied him: to haue beene a *Martyr*, if he had beene executed vpon the *Statute* against *Priests*, though he had before taken the oath. If therefore the taking of the oath cannot vitiate and annull martyrdom, the refusing it cannot constitute martyrdom.

31 And if you will make the difference onely by reason of the Popes *Breue*, which perchance came betweene his first resolution, and his last, then you reduce your Martyrdome to a more slipperie and more dangerous distresse then before: For as before you quitted all your benefite and interest to martyrdom, for hauing exercised *Priestly* functions, and proclaimed and solaced your selfe with this, that you dyed for refusing the oath; so now you waine that, and sticke to a worse title, which is, obedience to an yncertaine and suspicious *Breue*; For, for your first title, which is preaching of the Catholique faith, you haue

haue the intire and vnanimie consent and concurrence of the whole Christian Church; which alwaies confesses, that the profession of the Catholique faith, is, a true and iust cause of Martyrdome; though she doe not confesse, that that which you teach, is that Catholique Faith, but for that Title you had also the consonance and agreement of all the Romane Church. And for your second claim, which is, the defence of the Popes *temporall Jurisdiction*, by refusing this oath, you had some voices of great authority in that Church, to encourage you, though farr too weak; either to blot out a naturall truth, or to make an indifferent, or perplex'd point so necessary to you, as to dy for it. But for this third title to martyrdome, which arises frō obedience to the *Breues*, which are *matters of fact*, & subiect to a thousand infirmities & nullities, who euer iustly grounded a necessity of dying, vpon thē, or added the comfort of martyrdome to such a precipitatiō?

32 Thus dooth *Aquinas* argue against a farre better Title to martyrdome, then this is: Though *virginity* be more pretious then life, yet if a *virgine* should be condemned to be deflowred, *Occasione fidei Christianæ*, because she was a Christian, though all those conditions, which we noted in our *Sauiors* prohibition, and instruction, concurred in her case, That she were no busie body in prouoking, That she were persecuted, and that vniustly, And with relation and despite to Christ, and so she suffered as a Christian, yet, *suies* he, this were no Mar-

22.c.q.124. ar.
4. ad 2.

tyrdome. Yet he assigns not the reason to be, because she died not, but because *Martyrdome is a testimony, by which it is made evident to all, that the Martyres loue Christian faith aboue all things, and it cannot appeare by this act of hers, whether she suffer this for the loue of Christian faith, or for contempt of chastitie.* But in this acte of dying for obedience to the Breues, there is by many degrees lesse manifestation, that they die for Christian Faith, which is not in question; and there appeare evident impressions of humane respects, which would vitiate a better title to martyrdom, and of such vnnatural dereliction of themselves, as I doe not see how they could escape being *selfe-murderers*, but that their other Treasons, and condemnations for them, make their executions iust.

33 And besides that, *Bellarmino* makes this hard shift, and earnest propenseness to die, no good signe of a good cause, or of a true martyrdom (for thus he makes his gradations, That *the Anabaptists are forwardest, and the Caluinists next, and the Lutherans very slacke*: So that he makes the vehemency of the professors, in this kind, some testimony of the illness of the Religion) we may also obserue, that all circumstances (except the maine point, with which we interchange one another, which is *Herefie*) by which they labour to deface and infirme the zeale of our side in this point, and to take from them, all comfort of martyrdom, doe

ap-

*De Not. Eccles.
l. A. c. 2. § Item.*

peare in them directly or implicately, in this denying of ciuill obedience.

34. And because we may boldly trust his malice in gathering them, that he will omit none, we will take them as they are objected against vs in *Feuardentius* the Minorite: A man of such dexterity and happines in conuerting to the Romane Faith, that all *Turquy* and the *Indies* would not bee matter enough for him to worke vpon one yeare, if he should proceed with them in the same pace, as he doth with the *Minister of Geneua*: For meeting him once vpon a time by chaunce, and falling into talke with him, in the person of a *Catholique Doctour*, he dispatches a *Dialogue* of some eight hundred great leaues, and reduces the poore *Minister*, who scarce euer stands him two blows, from *one thousand foure hundred Heresies*: And as though he had but drawne a *Curtaine*, or opened a *boxe*, and shewed him *catholique Religion*, he leaues him as sound, as the *Councell of Trent*.

35. First therefore in this matter of *Martyrdome*, he takes a promise of the *Minister*, *That he will be diligent hereafter, from being amazed at the outward behauiour of men which suffer death*. By which direction & good counsell, the confident fashion and manner of any *Iesuite* at his execution, shall make no such impression in vs, as to produce arguments of his innocency. After this, he saies, that our men are not martyres, *Because they haue departed*

*Theomachia
Caluinist. l. 8.
c. 18. m. 1.*

Ibid. m. 3.

N^o. 4.N^o. 6.N^o. 10.

ted from the Church, in which they were baptized, and haue not kept their promise made in Baptisme, but are therefore Apostats and Antichrists. Another reason he assignes against them, because they haue bene put to death for conspiracies, rebellions, tumults, and ciuill Warres against lawfull Princes, and that therefore they haue bene proceeded against in Ordinary forme of Iustice, as Traytors. And againe, hee saies, They haue bene iustly executed for making, and diuulging libells against Princes. And for Acts against a Canon of the Eliberitane Councell, of which I spoke before. And lastly, this despoiles vs of the benefite of Martyrdome in his account, Because we offer our selues to dangers, and punishments, seeking for honour out of misery, and blowen vp with ambition and greedinesse, of vaine glorie. Thus farre Feuarden- tius charges vs.

36 And is it not your case also, to forsaik your Martyrdome vpon the same circumstances? Are not many of you departed from your promise in baptisme to our Church? or did those which vnderooke for you, euer intend this forsaking? and this act. of departing is by Feuarden tius, made an Essentiall circumstance, abstract, and independent and incohærent with that of the Catholique Church, for that is another alone by it selfe.

37 And haue not you bene proceeded with, in Ordinarie course of Iustice, as Traytors, for Rebel- lions, and Conspiracies, and Tumults? And after so
many

many protestations so religiously deliuered, so vehemently iterated, so prodigally sealed with blood, and engaging your Martyrdome vpon that issue, that you neuer intermedled with matters of state, nor had any other scope or marke of all your desires and endeouours, but the replantation of Catholique Religion, hath not the Recorder and mouth of all the English Iesuites, confessed, (vpon a mistaking, that the euennesse of his Maiesties disposition might be shaken by this insinuation,) *That in the Sentence of Excommunication against Queene Elizabeth, the Popes relating to a statute in England, respected the Actuall right of his Maiesties mother, and of him, and proceeded for the remouall of that Queene, whom they held an vsurper, in fauour of the true inheritous oppressed by her, not only by spirituall, but temporall armes, also, as against a publique Malefactor, and intruder. And hauing thus like an indiscreete Aduocate, preuaticated for the Pope, doth hee not as much betray all his owne complices, when he addes, This doth greatly iustifie the endeouours and desires of all good Catholique people, both at home, and abroad, against her, their principall meaning being euer knowne to haue beene, the deliuerance and preferment of the true heire, most wrongfully kept out, and vniustly persecuted for righteousnes sake. Did you intend nothing else, but Catholique Religion, and yet was the desire, and endeouour of all good Catholiques at home, and abroad, to re-*

a Judgement of a Catholique of the Apologie of the Oest. Pag. 91.

move her, and plant another, and that by vertue of a statute in England? Did the Popes in their Bulls, intimate any illegitimation, or vsurpation, or touch vpon any such statute? Or did they goe about to aduance the *right Heire* in the *Spanish Inuasion*? or was the way of the *right Heire* Catholiquely prepared by *Dalemans* booke?

38 Or was the Author thereof no good Catholicke? For these Conspiracies, and for the same Authors monethly Libels, which cast foule aspersions vpon the whole cause, in defence whereof they are vndertaken, and published, are your pretences to Martyrdome vniust and inualid, if your *Feuardentius* giues vs good rules. So are they also because you seeke it against the *Eliberitane* Councell; That is, By wayes not found in Scriptures, nor practised by the Apostles: And last of all, because you seeke it with such intemperate hunger, and vaine-glorie, (*Cultum ex Miseria quærentes* (as your Friar accuses our Churches) and hunting and pursuing your owne death; First, ouer the tops of mountaines, the Popes *Spiritual power*, then through thicke and entangling woods, without wayes in or out, that is his *Temporall power*, and then through darke caues and dens of his Chamber Epistles, his Breues, ready, rather then not die, to defend his personall defects, and humane infirmities. And all these circumstances, are virtually and radically enwrap in this one refusall of the

the Oath, which therefore alone doeth defeat all your pretences to Martyrdome.

39 And though it may perchance truely be said by you, that all those persons which the Reformed Churches haue Enregistred in their *Martyrologies*, are not certainly and truely *Martyrs*, by those Rules to which we binde the signification of the word in this Chapter, and in which you account, all which die by way of Iustice, for aduancing the Romane *Doctrine* or *Dignitie*, by what seditious way so euer, to be true *Martyrs*, yet none of them hath euer transgressed so farre, as your Example would warrant them. For, not to speake of *Baronius* his *Martyrologe*, where verie many are enrolled, which liued their Naturall time, and without any externall persecution for their faith, and where verie many of the olde Testament are recorded, besides those which are canonized in the Epistle to the Hebrewes, and manie which are mentioned in that Epistle are left out by him; not onely *Enoch*, *Noe*, and such other as suffered not death in their bodies, as *Martyrs*; but euen *Abel* whom he might haue bene bolde to call a *Martyr*; to omit him, I say, why doth our *Countryman* amongst you, which hath lately compiled an *English Martyrologe*, present a *Calender*, in which of almost 500 whom he names, scarce 60 are *Martyrs*; and of the rest, some were not of our Nation, as *Constantine* the Emperour, whose fe-

stiuall

Ca. II.

3. Conu^sions.
Par. 3. Chap. 1.
Nu. 19.

stiuall hee appoints 21 of May; And some neuer saw this Cuntry, as Pope *Gregory* the I, whom he celebrates 25 December. And of those which did suffer death the credit and estimation of as many as died, within 200 yeares of *Gregory* the I. is much impaired by one to whom I thinke, hee will subscribe, who sayes, *That in that 200 yeares, our Nation had no Martyrs, that comonly are knowne.* And those whom hee reckons, must of necessitie be knowne to them, whom that knowledge concernes, as it did *Parsons*, when hee writ that booke, since the knowledge thereof was so obuious & easie, that this Author professes, *that all their Histories are in Authors approued or permitted by the Sea Apostolique, & that he cites no Apocryphall legend, nor fabulous Historie, that may be suspected of the least Note of falsitie, or error whatsoever.* But he which shall suruay his Catalogue of Authors, will finde it safer not to belecue him, then to bee bound by him, to belecue all them to be free from the least note of falsitie or error. For we shall be somewhat hard to belecue this extreme innocence, and integritie in *Surius*, and in *Saunders*, or in *Cornelius Tacitus*. And many of his owne profession will hardly belecue that *Gregory*, and *Bede* were free from all falsitie or error, And himselfe, I belecue, would not stand to this, if we should presse him with some places, out of *Parisiensis*, and *Westmonasteriensis*, and *Walsingham*, and *Polidore Virgil*: all which

which haue beene tried in the furnace of this *Di-
uine Critique*, & are pronounced by him free from
the least *note of falsitie, or error whatsoeuer*. But if
these Authors were knowne to *Parsons*, and that
hee pronounced truely, that *that 200 yeares was
without Martyrs*, then, not onely the *Abbesse of E-
lies* heardsman, *S. Alnoth*, slaine about 670 in ha-
tred of *Christian Religion*, and celebrated 27 Febru.
but the first Christian King of the *Northumbers*,
S. Edwyn, slaine also in *hatred of our Religion Anno*
634. and obserued 4. Octob. with diuers other
after that time, must be expunged out of this new
Martyrologe. So also must that Author confesse
himselfe to haue been too forward, in canonizing
S. Hugh for a *Martyr*, whom at 10 yeares of age, the
Jewes crucified at Lincolne, Anno 1255. since *Parsons*
had told him before, that after *Becket*, which was *An.*
1171. *our Church had no more Martyrs in 400 yeares*.

July. 27.

Ibid. Nu. 21.

39 But for all this, it is not your errour, and
vicious example which shall excuse vs, if at any
time wee haue inserted such, as *Martyrs*, which
were not precisely so. For if we haue committed
any such slip in storie and matter of fact, there is
not that danger in our transgression, which is in
you, because you, by giuing them that title, assure
the world of a certaine and infallible present sal-
uation, by *vertue* of that suffering, and that they
haue title thereby to our *Adoration*, and are in pre-
sent possession of the office of *Aduocation* for vs.

Out of which confidence, I haue seene at some Executions of Trayterous *Priests*, some bystanders, leauing all old Saints, pray to him whose body lay there dead; as if hee had more respect, and better access in heauen, because he was a stranger, then those which were familiar, had.

CHAP. VIII.

That there hath bene as yet no fundamentall and safe ground giuen, upon which, those which haue the faculties to heare Confessions, should informe their owne Consciences, or instruct their penitents; That they are bound to aduenture the heauie and Capitall penalties of this Lawe, for refusall of this Oath. And that if any Man haue receiued a scruple against this Oath, which he cannot depose and cast off, the Rules of their own Casuists, as this case stands, incline, and warrant them, to the taking thereof.

SInce by refusall of this Oath, which his Maiestie hath rather made an *Indulgence* then a *Vexation*, by withdrawing some clauses of bitterness, and of strict inquisition into the whole Catholicke partie, which the fresh contemplation of the Powder-Treason, had iustly vrged the Lower-house of Parliament to insert therein: And studying to find a way by which he might discharge both dueties to God and his Kingdome, would in his Princely and Pastorall care,

care, provide a triall, by which those which were corrupted with the poyson which broke out in those Treasons, might be distinguish'd from Catholickes of better temper and more duetifull affections towards him, and our Peace, from which sort of Catholickes, after so many prouocations, by persons of the same perswasion in Religion, he seem'd loth to withdraw those fauours and graces, which he had euer since his comming expressed towards them: Since, I say, by refusall thereof, both the Catholickes lay a beaue scandal, and dangerous aspersions vpon the cause, and declare themselues more slauish to the Pope, and consequently apter to defection from the Prince, then the Subjects of forraine States now are, or the Subjects of this Kingdome were heretofore, And also his Maiestie, and all those which affect his safetie, which not only inuolues but procures and causes theirs, may iustly encline at last to thinke, that the very ground, and principles of that Religion nourish these rebellious humours, and so finde it necessarie for preservation of the whole bodie, to apply Medicines more corrosiue and sharpe to that member which appears so corrupt and dangerous, And euerie Catholique in particular, to whom this Oath is offered, by refusall forfeits his libertie, & by pertinacie therein, incurreth other mulcts and penalties, It is therefore the dutie of euerie Catholique, out of his re-

ligious zeale to the cause, drawne into suspition thereby, and out of his Naturall obligation for preferuing his life, fame, and fortune, all which are endangered by this refusall, not to aduenture the losse of these, but vpon Euidence of much clearenesse, and grounds of strong assurednesse, and constancie.

2 And as it is certaine, that at the first promulging of this oath, they had no such ground, nor Euidence (for then, that light must haue bene vpon them all, and so many good and earnest maintainers of that Religion, would not haue enclined to the Oath, if they had had such Euidence against it) so also after some scruples were injected, and the tendernesse of some consciences vitiated and distracted with some doubts, and that it had bene submitted to Disputation, and consulting amongst themselues, and so passed all those furnaces of Examination, it was held lawfull, and accordingly many tooke it. So that neither by the Eident and vndeniable authoritie of Nature, or Scripture, nor by Deductions and conclusions necessarily deriued and issuing from thence, any Conscience had sufficient assurance, to incurre these dangers:

3 If since, by some arguments of probabilitie, and of Conueniencie, or by some propositions propagated & deduced from those first principles of Nature, and Scripture, by so many defects

cents and Generations, that it is hard to trie whether they doe truly come from that roote, or no, any Conscience haue slackned it selfe, and so be straied, and dissolued, and scattered, by this remisnesse, and vacillation, it ought rather to recollect it selfe, and returne to those first ingrafted principles, then in this dissolute and loose distraction, to suffer an anxious perplexitie, or desperately to arrest it selfe vpon that part, which their owne Rules giuen to reduce men in such deuiations, and settle them in such wauerings, cannot assure him to be well chosen, nor deliuer and extricate him, in those laborinths.

4 For, let the first roote and parent of all propositions in this matter of Obedience, be, that which we know by nature, *That we must obay such a power, as can preserue vs in Peace and Religion*, and that which wee find in Scriptures, *Let euery Soule be subiect vnto your higher powers*; And let vs drawe downe a Pedigree, and Genealogie of reasons and conclusions deriued from this. The eldest, and that to which most reuerence will belong, will be the *Interpretation of the Fathers* vpon this place, which is (as your owne men confesse,) *That the Apostle speakes rather of Regall and Secular power, then of that which you call Ecclesiasticke.*

5 Let vs then pursue the line, of which the first end is; Kings must be obeyed. It followes, Therefore they must be able to commaund iustly; ther-

Ro. 13. 1.

Carinus de potest. leg. Hum.
Par. 1. C. 6.

fore they must haue some to enable and instruct them; therefore they must doe according to their instruction; therefore if they doe not, they are subiect to their corrections; therefore if they be incorrigible, they are no longer Kings; and therefore no subiect can sweare perpetuall Obedience, to his person, who by his owne fault, and his superiours Declaration, may growe to be no King.

6 Now, as no man can belecue the last of these propositions, as roundly and constantly, as the first, because though it seeme to be the childe of the first, yet in it self, or in some of the meane parents by the way, there may be fallacies which may corrupt and abastard it; so is there no other certaine rule to trie it, but to returne to the first principles, and see if it consist with them. For if it destroy the first, it degenerates and rebels, and we may not adhere to it. And if the first may still consist without it, though this may seeme orderly and naturally deduced from thence, yet it imposes not so much necessity vpon vs, as the first doth; for that bindes vs peremptorily; this, as it is circumstanced and conditioned.

7 And though these circumstances giue it all the life it hath, so that to make it obligatory, or not so, depends vpon them, yet it is impossible to discern those circumstances, or vnentangle our consciences by any of those Rules, which their *Casuits* vse to giue, who to strengthen the possessi-
on

on of the *Romane Church*, haue bestowed more paines, to teach how strongly a conscience is bound to doe according to a *Scruple*, or a *Doubt*, or an *Opinion*, or an *Errour*, which it hath conceiued, then how it might depose that *Scruple*, or cleare that *Doubt*, or better that *Opinion*, or rectifie that *Errour*:

8 For, That we may at once lay open the infirmity, and insufficiency of their *Rules*, and apply the same to our present purpose; What vse and profite, can those *Catholiques*, which doubt whether they may take that *Oath*, make of that Rule, that they must follow in doubtfull points, that opinion which is most common and generall? For, though this be vnderstood of the opinion of such men, as are intelligent and vnderstanding, and conuersant in the matter in question, yet oftentimes, amongst them, both sides say, *This is the common opinion*; and who can iudge it? Yea many circumstances change the common opinion: For (saies *Azorius*) it fals out often, that that which was not the common opinion a few yeares since, now is; And that that which is the common opinion of *Diuines* in one *Countrie*, is not so in another; As in *Spaine* and *Italy*, it is the common opinion, That *Latreia* is due to the *Crosse*, which in *France* and *Germany* is not so. And *Nauarrus* saies, That at *Rome*, no man may say, that the *Councell* is aboue the *Pope*, nor at *Paris*, that the *Pope* is aboue the *Councell*. Which deuision also there is amongst them,

Instit. Mora.
To. 1. lib. 2. c. 12.
Si quando.

De Iudicijs ca.
Novit.

*Ibid.**Carninus de post. leg. Hum. par. 1. c. 6.**Idem. par. 2. c. 2.*

them, in a maine point which shakes their *Doctrine*, of the Popes being immediately from God, since they cannot agree, *Whether at the Popes death, his power remaine vpon the earth, or flie vp to heauen.* He is a *Catholique*, and a temperate discrete *Authour*, which notes, *That the writings of Catholique men, haue something in them which must be allowed to the times when they writ, which being more diligently examined by them which follow, are found exorbitant from the soundnesse of faith: which hee speakes of those that denie, that the lawes of ciuill Magistrates doe binde the conscience.* And after, speaking against them which thinke, *That if we vndergoe the penaltie of the law, we do not sinne in the breach thereof.* (he saies) *it was the opinion of some Schoolemen, who thought it a glorious matter, and fit to raise them a name, to leaue the common and beaten wayes; hauing perchance a delight sawcily to prouoke, to gnaw, to calumniate, & to draw in to hatred those powers and authorities which made those lawes.*

8 And if of late daies, The opinion of refusing the Oath, become the more *common opinion*, it is vpon some of these circumstances, that at these times, when *Catholiques* are called to professe ciuill obedience, in this place, where *Iesuites* are in possession of most hearts, to get reputation, or to a-uile secular Magistracy, they haue suddenly made it the more *common*: for they can raise the *Exchange* in an howre, and aduance and crie downe an opinion at their pleasure. But

But to determine of *mortall sinne* (as the taking of this Oath must be , if it be matter enough to aduenture these dangers for it) the same Authour saies well, doth not so much appertaine, *Ad pulpita Canonistarum*, as it doth *ad Cathedras Theologorum*: and therefore it ought to be tried by the principles of *Diuinity*, not by the circumstanciall ragges of *Casuists*.

But, to goe forward with them, if this *Common Opinion* were certaine, and if it were possible to discern it, yet it doth not so binde vs, but that we may depart from it, when another opinion is *safer*: And from that opinion which is *safer*, we may also in many cases depart. For which, those examples; which *Carbo* a good *Summist* alleages, may giue vs satisfaction, which are, *If I doubt of my title to land, I am not bound to restore it (though that were the safest way) because in doubtfull matters, Melior est Conditio possidentis*. And, but for this helpe, I wonder with what conscience, the *Catholiques* keepethe possession of such landes as belong to the *Church*; for they cannot be without some scruples of an vniust title, and it were safest to restore the. Another example in *Carbo* is, *If my superior command a difficult thing, and I doubt whether he command lawfully or no, though it were safer to obey, yet I am not bound to doe so*. And he giues a *Rule*, which will include a thousand examples, *That, that Rule, That the safest part is to be embraced, is then onely true, when*

Par. i. c. 6.

Summa Sum-
marum. To. i.
par. i. c. 14. §.
Tertium.

De ratio. teg.
Secret. memb. 3.
q. 2. § Sed contra

by following this safer part, there ensues no notorious detriment. And Soto extends this Doctrine farther, for he saies, Though you beleue the precept of your Superior to be iust (which creates *Conscientiam Opinantem*) yet you may doe against it: Because (saies he) it is then onely sinne to doe against your conscience, when to do according to your conscience, is safe, and that no danger to the state, or to a third person, appeares therein. So that *Tutius* in a spirituall sense, that is, in a doubtfull matter rather to beleue a thing to be sinne, then not, must yeelde to *Tutius* in a temporall sense, that is, when it may be done without notorious detriment; For when it comes to that, we shall finde it to be the common opinion of *Casuits*, which the same *Summist* deliuers, That there is no matter so waightly, wherein it is not lawfull for me, to follow an opinion that is probable, though I leaue the opinion which is more probable; yea though it concerne the right of another person: as in our case of obedience to the King or the Pope. And then, wherefoeuer I may lawfully follow an opinion to mine advantage, if I will leaue that opinion with danger of my life or notorious losse, I am guilty of all the damage I suffer. For these circumstances make that Necessary to me then, which was indifferent before: the reasons vpon which *Carbo* builds this Doctrine of following a probable opinion, and leauing a more probable, which are, That no man is bound, *Ad melius & perfectius*, by necessity, but as by *Consell*: And that this doctrine

Doctrine hath this commoditie, that it deliuers godly men, from the care and solicitude, of searching out, which is the more probable opinion, shew evidently, that these Rules giue no infallible direction to the conscience, and yet in this matter of Obedience, considering the first natiue certaintie of subiection to the King, and then the damages by the refusall to swear it, they encline much more to strengthen that ciuill obedience, then that other obedience which is plainly enough claimed, by this forbidding of the Oath.

So that in these perplexities, the *Casuits* are indeede, *Nubes Testium*: but not in that sense as the holy Ghost vsed the Metaphore. For they are such *clouds* of witnesses, as their testimonie obscures the whole matter. And they vse to deliuer no more, then may beget farther doubts, that so euery man may from the *Oracle* of his *Confessors* resolution, receiue such direction, as shall be fit at that time, when hee giues the aunswere. Which *Nauarrus* expresse fully, when he confesses, *That hauing beene consulted fiftie yeares before, whether they who defrauded Princes in their customes, were bound to restitution, he once gaue an aunswere in writing: but hauing recovered that writing backe againe, he studied twentie yeares for his owne satisfaction, and found no ground whereupon he might rest: And all that while he counsailed Confessors, to absolue their penitents, vpon this condition: That they should retaine*

Heb. 12. 1.

Ca. Confraternitas. 12. q. 2.

a purpose to doe so, as they should vnderstand hereafter to be iust.

These spirituall Physitians are therefore like those Physitians, which vse to erect a figure, by that Minute in which the patients Messenger comes to them, and thereby giue their iudgment. For the Confessours in England, in such resolutions as these, consider first the *Aspects*, and *Relations*, and diuerse predominancies of Superiours at that time, and so make their determinations seasonable, and appropriate.

But to insist more closely vpon this point in hand, your *Simancha* speaking out of the law, saies; That that witnessse which deposes any thing vpon his knowledge, must also declare and make it appeare, how he comes to that knowledge. And if it bee of a thing belonging to the vnderstanding, hee must make it appeare by what means, and instrument his vnderstanding was instructed. And that which he assigns for the reason, must be of that nature, that it must certainly, and necessarily conclude and prooue it. If then you will subscribe with your blood, or testifie by incurring equiualent dangers, this Doctrine vpon your Knowledge, you must bee able to tell the Christian world, how you arriu'd to this Knowledge. If you will say, you haue it *Ex Lure Diuino*, and meane by that, out of the Scriptures, you must remember that you are bound by Oath neuer to accept nor interpret Scriptures, but according to the vnanime consent

*Enchirid. Iudi.
Tit. 35. n. 41.*

*Bull. Pij. 4. de
form. Iur.*

sent of the Fathers. And can you produce such a consent, for the establishing this Doctrine, in interpreting those places of Scripture, which are offered for this matter? If you extend this *Ius Diuinum*, as *Bellarmino* doeth, not onely to Scriptures, but to *Naturall light and reason*, and the *Law of Nature*, (in which he is no longer a *Diuine*, as he vses to professe himselfe, but a *Canonist*, who gaue this large interpretation of *Ius Diuinum*, whereas *Diuines* carie it no further, then to that which *God hath commanded or forbidden*, as *Azorius* tels vs) this cannot bee so strong and constant, and inflexible a Rule, but that the diuers objects of *sense*, and images of the *fancie*, and wayes of *discourse*, will alter and vary it. For though the first notions which wee haue by the light of nature are certaine, yet late conclusions deduced from thence are not so.

If you pretend *common consent* for your ground, and *Criterion*, by which you know this truth, and so giue it the name of *Catholicke Doctrine*; and say that *Faith* is to be bound to that, and *Martyrdome* to be indur'd for Faith, you must also remember, that that which is so call'd *Catholicke*, is not onely a common consent of all persons at one time, but of the *Catholicke Church* euer. For, *Quod vbiq; quod semper*; is the measure of *Catholicke Doctrine*. And can you produce Authors of any elder times, then within sixe hundred yeares, to haue concurr'd in this

*Responso ad
Docto. Venet.
proposit. 5^a. § ad
rationes.*

*To. 2. l. 4. c. 18. §
Deinde.*

*Novit. de Indic.
N^o. 41.*

*Marsilius contr.
respons. Bellarm.
Ad Gener. In-
quisitor. venet.*

*Barclaius de po-
test. pont. c. 2. in
princip.*

And in these later times, is not that Squadron in which *Nauarrus* is, of persons and voyces enow, to infringe all reasons which are grounded vpon this *vniverfall consent*? He proclaimes confidently, *That the Pope, take him despoiled and naked, from all that which Princes haue bestowed vpon him, bath no temporall power, Neque supremam, neque mediam, neque infimam.* Doe not some *Catholiques* confesse, that they are readie to swear to the integrity of the *Romane faith*, according to the Oath of the Councell of *Trent*, and yet protest against this temporall iurisdiction? And doth not another *Catholique* say, *That when a lay man sweares Obedience to the Pope, according to that Oath of Pius the fourth, it must be restrained, in his vnderstanding, onely to his spirituall power*? Herein therefore is no *vniverfall consent*.

And are not they which seeme to maintaine this *temporall power*, so diuided amongst themselves, that in a *mutinie*, and *ciuill dissention*, they rather wound one another, then any third *enemie*, when they labour more, to ouerthrow the way, by which this *temporall iurisdiction* is claimed; then to establish the certaintie of the matter it selfe? And though such things as appeare to vs, *euidently*, and *presently* out of the *Scriptures*, binde our assent, and beleefe, though wee may dispute about the way and manner, (as no man denies the *conception* of our *blessed Lady*, though it be disputed, whether shee were conceiued with original

nal sinne, or without it) And though those things which appeare to vs out of the first *intrinsique light of Nature* and reason, claime the same authoritie in vs (as no man doubts whether he haue a soule or no, though many dispute whether we haue it by *infusion* from God, or by *propagation* from our parents) yet in things further remoued, and which are directed by more wheelles, and suggestions, and deducements, we cannot know certainly enough (for so great a vse, as to testifie them in this fashion, as we speake of) that they are, except we know first *how*, and in *what manner* they are. As if a man be conuented before a *Iudge*, (especially when he is bound in conscience not to answer, except he be his competent *Iudge*, as you teach, when *Ecclesiastique* persons are called to *Secular* tribunals) he cannot be sure that man is his competent *Iudge* except he know first, whether he haue that authority, as *Ordinary*, or by *speciall Commission*. Though therefore in this point in question, for a pious credulity, and generall intention to aduance the dignity of the Church of *Rome*, a *Catholique* may haue an indigested and raw opinion, that this power is in the Pope, yet when he examines himselfe, and calls himselfe to account, he must first know how it is, before he can resolue, that it is. And though he may erre in the manner, by which he beleecues it to be in him, yet certainly he must arrest himselfe vpon some one of those waies, by which the

Pope

Pope is said to haue that Iurisdiction, or else hee doth not answere his conscience, that askes him how he knowes it? and if his conscience doe not aske him, he is in too drowsie and stupid a fit to be a Martyr.

Since therefore all his authority must be *Direct* or *Indirect*: *Ordinary* or *Extraordinary*: as he is *Pope* or not as he is *Pope*, whosoever will seale with his blood the auerment of this Iurisdiction, auerres one of these waies, how it comes to him: Which being so, he cannot iustly be called a *Martyr*; since he only is a *Martyr*, whom *all the Church* esteemes to be so. And he which should die, for maintenance of *Direct* power, should neuer be admitted into such a *Martyrologe*, as the fauourers of *Indirect* power should compile; nor these, into the other. And if two should come to execution together, vpon *occasion* of denying this *Oath*, of which one refused it, because hee thought the *Pope Direct* Lorde, the other *Indirect*, if they forbore hard words to one another at that time, doubtlesse in their consciences they would impute to one another, the same errors, and the same falshoods, of which they inter-accuse one another in their bookes, and neither would beleue the other to be a true *Martyr*. And might not a dispassioned and equal spectator apply to them both severally, that Rule of the law, *That to that, which is forbidden to be had by one way, one may not be admitted by another?*

Espe-

Especially since a *Lawyer* which hath written on that side, takes the advantage of this Rule, against Princes, when he saies, *That they haue no Iurisdiction vpon Clergie mens goods, because this were indirectly, to haue iurisdiction vpon their persons, which being,* saies he, *forbidden to be had one way, may not be permitted another.* It was saide to Pompey, when hee wore such a scarfe about his legge, as Princes wore about their head, *That it was all one in which place he wore the Diademe, and that his Ambition appeared equally in either.* And so ought this indirect power, though it pretend more tameness, and modestie, auert men, as much as the other: for *Belarmine* can finde as good an Argument for *Peters Supremacie*, out of *Christs washing his feete*, as his appointing him to kill and eate, which is, saies hee, the office of the Head. So that from head to foote, all arguments serue his turne.

But to turne a little back to this point of knowledge, since the conscience is by *Aquinas* his definition, *Ordo scientie ad aliquid*, and an Act by which wee apply our knowledge to some particular thing, the Conscience euer presumes Knowledge: and we may not, (especially in so great dangers as these) doe any thing vpon Conscience, if we doe it not vpon Knowledge. For it is not the Conscience it selfe that bindes vs, but that law which the Conscience takes knowledge of, and presents to our vnderstanding. And as no ignorance excuses vs if it be of a thing which wee ought

Vgotini de Validit. censura. Ca. 3.

De pont. l. 1. c. 2. §. Decima et cap. 22. §. Decima septi.

l. 9. 79. Ar. 13. Conclus.

Carbo. summa summar. To. 1. par. 1. c. 12. Secundum.

to know, and may attaine to: so no misconceiued knowledge bindes our conscience in these dangers, if it be of a matter not *pertinent* to vs, or to which wee haue no such certaine way of attaining, that we can iustly presume our Knowledge to be certaine.

For though in the questions raised by Schoolemen of the *Essence* and *Counsails* of God, and of the Creation, and fall, and Ministerie of *Angels*, and such other remoued matters, to the knowledge whereof, God hath afforded vs no way of attaining, a man may haue some such knowledge, or opinion, as may sway him in an indifferent action, by reasons of conueniencie, and with an apparant *Analogie*, with other points of more euident certainty: yet no man may suffer any thing for these points, as for his *Conscience*, because, though he haue lighted vpon the truth, yet it was not by any certaine way, which God appointed for a constant and Ordinarie meanes to finde out that truth.

And if this *refusall* of the Oath, and *implication* of a power to depose the King, be a matter *pertinent* to vs, that we are bound to know it, (*As all men in generall are bound to know the principles and elements of the Christian faith, and the generall precepts of the law, And euery particular man is bound to know, those things which pertaine to his state and office*) Then euery Subject which doth not know this, is in an
inexcusa-

Carbo. *summa*
summar. To. 2.
par. 1. c. 2. §. *Ter-*
tium.

inexcusable and damnable ignorance; which was the case of as many, as did at first, or do yet, allow the taking of the oath. Or if it be not so immediat to vs, as those principles of faith; or as the duties of euery particular man (for though we know naturally that Princes must be obeyed, yet, you wil say, som cases may occur, in which we may not obey) then there must be some certaine way for vs to attaine to the knowledge thereof by discourse & industrie, if we may aduenture these dangers for it, and we may not aduenture them, till we haue by that industrie sought it out. For, if we shall say, that somethings are to be held by a man, *De fide*, of which he shall still be vnder an inuincible ignorance, though he bestow and employ all possible diligence, (as it is said of *Cyprian*, that hee did erre in matter of faith, after he had vsed all possible industrie) then contrarie opinions in matter of faith may be iust causes of *Martyrdome*, and yet one of these opinions must of necessitie bee *Hereticall*. For if *Cyprian* were vnder an inuincible ignorance, he was bound to doe according to his *erroneous conscience*, since he had no way to rectifie it. So that he must haue died for his *Conscience* in that case, that is, for such an opinion, as all his *Aduersaries* were bound to die for the contrarie.

But since this seemes incongruous and absurd, the other opinion will stand safe and vncontrouled, that our *Conscience*, whose office is to apply

*Ibid. c. 3: S-
Tertium.*

our *knowledge* to something, and to present to vs some law that bindes vs in that case, cannot binde vs to these heauy incommodities, for any matter, but that, which wee therefore belecue that wee know, because there are certainly some meanes naturally and ordinarily provided for the knowledge thereof; and that wee haue vsed those meanes.

Now, in a man; in whom there are all these iust *preiudices* and *prescriptions*, That *Nature* teaches him to bey him that can preferue him, That the *Scriptures* prouoke him to this obedience, That the *Fathers* interpret these *Scriptures* of *Regall power*, That subsequent acts, and *Experiencé* teaches, *Regall power* to be sufficient for that end; what can arise, strong enough to defeate all these, or plant a *knowledge* contrary to this, by any euidence so neere the first *Principles*, as this is grounded vpon?

If it were possible that any thing could be produced at last, by which all these reasons should be destroyed, yet, till that were done (which is not yet done) both the priority and birthright of the reasons and rules of nature, which are on that side (for Rules are elder then the exception) and the dangers which would ouertake, and entrap, and depresse such as refused the Oath, must preuaile against any thing yet appearing on this part: for thus farr the *Casuists* agree, as in the better opinion,
That

That although that which they cal *Metum iustum*, which is, *such a feare as may fall vpon a constant man, and yet not remoue his habite of Constancy*, doth not excuse a man from doing any *Euil*, yet that is meant of such an *Euill*, as is *Euill* naturally, and accompanied with all his circumstances: for, though no such feare can excuse me in an absolute deniall to restore any thing, which was committed to my trust, yet I maybe excused from deliuering a sword committed to me, if I haue such a iust feare, that the owner will therewith offend me or another. And they account not onely the feare of death, to be this *iust feare*, which may excuse in transgressions, in any thing which is not *naturally euill*, but the feare of *Torture*, *Imprisonment*, *Exile*, *Bondage*, *Losse of temporall goods*, or the greater part thereof, or *infamy*, and *dishonour*. And not onely when these are imminent vppon our selues, but vppon our wiues and children: And not onely when a law hath directly pronounced them, but when the State threatens them, that is, is exasperated and likely to proceed to these inflictions. And though *Canonists* are more seuered and rigid in the obseruation of their lawe, yet the common opinion of *Diuines* is, *That this iust feare excuses a man from the breaking of any humane lawe, whether Ciuill or Ecclesiastique*: and that none of those lawes binde vs to the obseruation therof, in *danger of death*, or these *distresses*, except in this case, that these *punishments*

are threatned to vs, because we will not breake the law in contempt and despite of that authority, which made the law: for then no feare can excuse vs, because the obedience to Superiour authority in general, is *morall and naturall*; and therefore the power it selfe may not be contemned; though in case of this *iust feare*, I may lawfully thinke, that that power which made the law, meant not to binde me in particular, in these heavy inconueniences.

To apply this to our present purpose, since this Oath is not Naturally Euill, so as no circumstance can make it good (for then, it would haue appeared so at first, and the Pope himselfe could by no *Indult* or *Dispensation* tolerate it, which, I thinke, they will not lay) nor offered in contempt of the Church of Rome, or in such sort as it should be a *signe of returning to our Religion*, or abandoning the Romane profession, but onely for the Princes security, certainly though the refusall thereof were commanded by any law of humane constitution, and so it became Euill, because it was Forbidden, yet in these afflictions, certainly to be endured by the letter of an expresse law, by every Refuser, and in this bitterness and exasperation of the whole State, against that whole Partie, and the cause of Catholiques, the taking of the Oath were so excusable, as the refusing thereof could not be excused. For in such a *iust Feare*, euen *Diuine Positive Law* looses her hold and obligation, of which
 sort

fort Integrity of Confession is by all helde to be ; and yet such sinnes may be omitted in confession , as would either Scandalize the Confessor , Endanger the penitent, or Defame a third person. In which the Casuists are so generally concurrent, that wee neede no particular authorities.

And in the matter of the greatest importance, which can be in that Church, which is the Election of the Pope, and an assurance, that he whom they acknowledge for Pope , is true Pope, which Comitolius (a Iesuite as much more peremptorie then therest of the Iesuites , as they are aboue all other Friars) sayes , ^a To be an Article of Faith , and that we are bound to beleue the present Pope to be Christs Vicar , with a Diuine and with a Catholicke Faith, and that all Decrees of Popes , which annull all Elections , if they appeare after , to haue beene made by Simonie ; intend no more , but to declare that G O D will neuer suffer that to be done , or disconer it presently (in which opinion , that matter of fact, should so binde our Faith , hee is (for any thing which I remember to haue read) singular, and I had occasion before to name ^b one great Doctor of his owne Religion , directly contrarie to him in the very point.) In these Elections , I say, which induce (by his Doctrin) a Diuine faith, and necessarily , such a probable , and morall certitude , that it were sinne in them , who are vnder the obedience of that Church , not to obey the

Tractat. 7. Theol. de Interd. Pauli 5. propos. 5^a.

^a Comitoli. respons. Moral. l. 1. q. 99.

^b Simancha Enchirid. Judic. Tit. 5. nu. 3.

*⁹ Azor. Iesuit.
Moral. par. 2. l.
4. c. 2. S. Sexto.*

the iust Decrees of the present Pope, or quarrell at his Election: The Councell of Constance, (as ^c another Iesuite vrges it) hath decreed that this iust feare of which we speake, Doth make void any such Election of the Pope. And that, If after the Cardinals are deliuered of that feare, which possessed them at the Election, they then ratifie and confirme that Pope, yet he is no Pope, but the Election void: So farre doeth this iust feare (which cannot be denied to bee in your case) extend, and vpon so solemne, and solid Acts, and Decrees is it able to worke, and prouide vs a iust excuse for transgressing thereof.

And in a matter little different from our case, Azorius giues the resolution; That if an hereticall Prince commaunds his Catholicke Subiectes to goe to Church, vpon paine of death or losse of goods, if hee doe this onely because he will haue his Lawes obeyed, and not to make it *Symbolum Hereticæ prauitatis*, nor haue a purpose to discern therby Catholickes from Hereticks, they may obey it. And the case in question fals directly and fully within the rule: For this Oath is not offred as a Symbole or token of our Religion, nor to distinguish Papists from Protestants, but onely for a Declaration and Preservation of such as are well affected in Ciuill Obedience, from others which either haue a rebellious and treacherous disposition already, or may decline and sinke into it, if they bee not vphelde and arrested with such a helpe, as an Oath to the contrary. And therefore

fore by all the former Rules of *iust feare*. & this last of *Azorius*, though there were an eident prohibitory act, against the taking of the Oath, yet it might, yea it ought to be taken: For, agreeable to this, *Tolet cytes Caietans* opinion, with allowance and commendations, *That the Declaration of the Church, that subiects may not adhere to their King, if he be excommunicated, extends not to them, if thereby they be brought into feare of their lives, or losse of their goods.* For in Capitall matters; saies your great Syn-dicator, it is lawfull to redeeme the life, *per fas & nefas.* which must not haue a wicked interpretation; and therefore must be meant, whether with, or against any humane lawes; which he speakes out of the strength and resulstance of many lawes and Canons there allea'dged. And therefore it can neuer come to be *matter of Faith*; that subiects may depart from their Prince, if this *iust feare* may excuse vs from obeying, as these Authors teach; for that neuer deliuers vs in matters of so strong obligation as matter of Faith, from which no feare can excuse our departing.

To conclude therefore this Chapter, since later propositions, either *Adulterine*, or *Suspicious*, cannot haue equall authority, and credite, with the first, and radicall trueth, much lesse blot out those certaine and eident Anticipations imprinted by nature, and illustrated by Scriptures, for ciuill obedience, since the Rules of the *Casuits* for

Defence of Eng-
lish Cathol. ca. 4.

Err. de Puteo fo
327. & fo. 778.

electing opinions in cases of *Doubt*, and *perplexity* are vncertaine and flexible, to both sides, since that *Conscience*, which we must defend with our liues, must be grounded vpon such things, as wee may, and doe not onely know, but know *how* we know them, since these *iust feares* of drawing scandal vpon the whole cause, and afflictions vpon euery particular Refuser, might excuse the transgression of a direct law, which had all her formalities, much more any opinions of *Doctors* or *Canonists*, I hope we may now pronounce, That it is the *safest*, in both acceptations, both of *spirituall safety*, and *Temporall*, and in both *Tribunals*, as well of conscience, as of ciuill Iustice, to take the Oath.

CHAP. IX.

That the authority which is imagined to be in the Pope, as he is spirituall Prince, of the Monarchy of the Church, cannot lay this Obligation vpon their Consciences: first because the Doctrine it selfe is not certaine, nor presented as matter of faith: Secondly because the way by which it is conueyed to them, is suspicious and dangerous, being but by Cardinall Bellarmine, who is various in himselfe, and reprov'd by other Catholiques of equall dignity, and estimation.



We may bee bold to say, that there is much iniquity, and many degrees of Tyranny, in establishing so absolute and transcendent a *spirituall Monarchy*,

by

by them, who abhorre *Monarchy* so much, that though one of their greatest Doctors, to the danger of all Kings, say, ^a *That the Pope might, if hee thought it expedient, constraîne all Christians to create one temporall Monarch over all the world: yet they allow no other Christian Monarchy vpon Earth, so pure and absolute, but that it must confesse some subiection and dependencie. The contrarie to which*
^b *Bellarmino saies, is Hereticall; And yet there is no Definition of the Church, which should make it so. And hereby they make Baptisme in respect of Soueraintie, to bee no better then the bodie in respect of the soule. For, as the bodie by inhærent corruption vitiates the pure and innocent soule, so they accuse Baptisme to cast an Originall seruitude and frailtie vpon Soueraintie: which, hauing bene strong and able to doe all Kingly offices before, contracts by this Baptisme a debilitie and imperfection, and makes Kings, which before had their Lieutenancie and Vicariate from God, but Magistrates and Vicars to his Vicar, and so makes their Patents the worse by renewing & confirming.*

2 Nor doe they only denie *Monarchie* to Kings of the Earth, but they change the state and forme of government in *heauen* it selfe; and ioyne in *Commission* with God, some such persons, as they are so farre from being sure that they are there, that they are not sure, that euer they were heere. For their excuse, that none of those inuocations

^a *Fran. a Victor. Relect. de potest. Civi. Nu. 14.*

^b *Respons. ad Doct. Venet. propos. 1. S. Prima hæc.*

which are vsed in that Church, are so directly intended vpon the Saints, but that they *may* haue a lawfull interpretation, is not sufficient. For words appointed for such vses, must not only be so conditioned, that they *may* haue a good sense, but so, that they may haue no ill. So that to say, *That God hath reserved to himselfe the Court of Iustice; but giuen to his Mother, the Court of Mercie,* And that a ^a desperate sicke person was cured by our Lady, when he had no hope in Physicians, nor much in God, how soeuer subtrill men may distill out of them a wholesome sense, yet vulgarly and ordinarily they beget a beliefe, or at least a blinde practise derogatorie to the Maiestie, and Monarchie of God.

3 But for this *spirituall Monarchie* which they haue fansied, I thinke, that as some men haue imagined, and produced into writing, diuers *Idas*, and so sought what a *King*, a *Generall*, an *Orator*, a *Courtier* should be, So these men haue only *Idæated* what a *Pope* would be. For if he could come to a true and reall exercise of all that power which they attribute to him, I doubt not, but that *Angell*, which hath so long serued in the place of being the particular *Assistant* in the *Conclauē*, (for, since they affoord a particular *Tutelar Angell* to euerie *Colledge* and *Corporation*, And ^a to the *race of Flies* and of *Fleas*, and of *Ants*, since they allowe such an *Angell*^b to euery *Infidell Kingdome*; ^c yea to *Antichrist*, ^d yea to *Hell it selfe*, it were verie vnequall

^a *Smercius in Epitaph. Patani.*
Nulla erat in Medicis spes, neque multa Deo.

Victorellus de custodia Angelorum.

^a Fol. 16.

^b Fol. 133.

^c Fol. 121.

^d Fol. 17.

quall to denie one to this place,) This *Angell*, I say, would be glad of the roome, and become a *Suiter* to the *holy Ghost*, to name him in the next *Conclau*. For he should not onely enlarge his *Diocesse*, and haue all the lower world vnder him, but hee shall haue those two principall *Seraphims* which euer attend the *Pope*, *Michael*, and *Gabriel*; (for, that *Gabriel* is the second, *Victorellus* produces two very equall witnesses, *The Romane Litanie*, and *Tasso'es Hierusalem*.) And all the particular *Angels* of all spirituall *Societies*; And (because also (as he saies) he is *Temporall Lord*) all the *Archangels*, and *Principalities*, which gouerne particular estates, shall concur to his *Guard* and assistance.

4. As *Nero* had an officer *A voluptatibus*; So, it seemes, haue the *Popes*, *A titulis*. And flatterers haue alwaies a *Complacencie* and *Delight* in themselues, if they can bestow a *stile* and *Title* vpon a great *Prince*, because therein they think they contribute something to his *greatnesse*; since *Ceremonie* is a maine part of *Greatnesse*, and *Title*, a great part of that. And now they had obserued, that all the chiefe *Titles* of the *Pope* had been attributed to others, and were in their *Nature* and *use* communicable; For all the *Apostles*, and all the *Disciples* of *Christ*, are called *Vicary* *Christi*; And this name will not serue his turne, if it were peculiar to himselfe. For, as his *Victoria* teaches vs, ^a *This Vicariate doth not enable him to doe all thinges which*

Fo. 104.

Fo. 105.

Fo. 106.

Aquin. contr. Gent. cap. 20.

^a *Franc. a Victor. de potest. Pape et Concil. S. Ad Quintum.*

are not expressly forbidden him (as some doe thinke) but onely such things as are expressly graunted vnto him, and therefore his claime by that Title will be too strict. And the name of *Vniuersall Bishop*, was giuen to *Cyprian*, when hee was stiled, *Totius orbis Præses*. And in that sense it may iustly bee giuen; For as a *Physician* or *Chyrurgion*, which hath taken into his Cure any one part of a mans body, either corrupted, or in danger of being so, may iustly be said to looke to, and preserue the body of such a man; So that *Bishop* which gouernes well one Church is therein a *Bishop* of the whole Church, & benefits the whole mystical body therof, by reason of the strong relation, & indissoluble cōnexion of all the parts, with one another, and to the head.

5. And for that stile of *Pontifex Maximus*, which either is not due to the Pope, or else is so sublime and transcendant a name, as *Bellarmino* could bring it within no *Rule* nor *Predicament*, when hee makes vp the *Canon* of the Popes *fifteene Titles*, by all and every one of which, hee sayes, his *Primacie is evidently collected*; They saw it giuen to *Athanasius*, in *Ruffinus*. And the name of *Pope* was so communicated, that not onely every *Bishop* was called a *Pope*; but *Cyprian*, *The Pope*. *Quem Christiani suam Papam vocant*. In the estimation of which name, they haue often fluctuated and wa- uered. For, almost for nine hundred yeeres, they afforded it to all: Then they restrain'd it to the

Bishop

*Hiero. de locis
Hebra.*

*De Pont. l. 2. c.
31. § Argumen-
tum.*

L. 2. c. 26.

*Hiero. Epist. ad
Chromat. Par. 2.
l. 4.*

*Agor. Mor. Instit.
c. 4. § Porro.*

Bishops of Rome, to which purpose^a *Biel* vpon the *Canon of the Masse*, cites diuers *Canons*, though farre from the matter.

6. And euer since the *Reformation* of the Church was couragiously begun, and prosperously and blessedly profecuted, they hauing beene call'd *Papists* for their implicite relying vpon the *Pope*, lest their owne Argument against vs, *That to bee denominated from any person, is a marke of Heresie*, should be retorted vpon themselues, they haue in all Dedications and publike Acts, as much as they can, forborne, and declin'd that name *Pope*, and still vsurped, *Summus Pontifex*, and *Pontifex Maximus*. And yet being stil vrged and followed, and hauing no escape, but that the name of *Papists*, stickes to them, and by their Rules imprints some markes of *Heresie*; though *Bellarmino*, a little ashamed of the name *Papist*, say; *That onely the Lutherans, and a few neighbour Countreyes call them so*: Yet that late *Carmelite* that hath defended *Lypsius*, sayes confidently. *We are Papists; we confesse it; and we glory in that Name*.

7. And this name of *Pope*, they are the rather content to take to him againe, because they thinke that we grudge him that name. For so that *Councelleur* of the *Parliament of Burdeaux*, which in his *Historie of the progresse and decay of Heresie*, hath taken occasion to speake of the affaires of *England*, in which, because no man should doubt of the

trueth

^a Lect. 23. Dist. 96 In Scripturis, &c. 6. q. 1. Sacerdotes, &c.

Bellar. de Eccles. milit. l. 4. c. 4.

Ibidem § At iniquum.

^a *Anastaf. Cochelet. Palestrin. bono. f. 9.*
^b *Fe. 6.*

Florimond. de Remond. l. 6.

trueth therof, he professes to follow *Sanders*, and *Ribadeneyra*, (by whome a Morall man may as well be instructed for matter of Fact, as a Christian might be by *Arrius* or *Mabomet*, for his Faith) sayes; *That Henrie the eight, made it Felonie to call the holy Father Pope, or to reade that name in any Booke, and not to blot it out.*

8 Having therefore found such easinesse, and flexibility in all olde Names, they haue provided him now of this name *spirituall Prince*; in a larger sense, then that great Prince, whom they call *Præstegian* assumes it (for that name signifies *Apostolique*, and *Christs Vicegerent*, in his owne Kingdomes) or then *Christ* himselfe ever assumed, or the *Holy Ghost*, by the Prophet *Esay*, reckoning vp his most glorious titles, euer attributed to him; and yet in that place of *Esay*, both his eternall Kingdome by his filiation, and his euerlasting Kingdome of glory, inchoated in his resurrection, and his Kingdome of grace in our consciences, are evidently to bee discerned: For, though there be mention of *Principality*, yet it is said, *Principatus super humeram eius*, which your *Doctor* expounds of *carying the Crosse*; and that he shall be *Princeps pacis*, which is *Intrinsicall*, saies the same *Expositor*, & belongs to the Conscience. But this *Doctrine* which must so settle and affirme a Catholique conscience, that it must binde him to die, and entitle him to *Martyrdome*; hath no touch, nor tincture

Brancheda Orati. ad Imp. de mut. st. Imper. fo. 18. Esay. 9. 6.

Lyra.

cture of either of these Principalities, of *Patience*, or of *Peace*; but all therein is *Anger* and *Warre*, not onely with that sword of two edges, of the *Word* and *Censures*, which is his, but with two swords; which now we shall see how he claimes.

9 The Pope represents Christ to vs (saies Bellarmine) as he was, whilst he liued amongst men: nor can we attribute to the Pope any other office, then Christ had, as he was a mortall man. And in this Capacitie, saies he, Christ neither had the execution, nor the power of any temporall Kingdome. And that therefore, if the Pope, as a King, can take from any King the execution of his place, he is greater then Christ; and if he cannot, then he hath no Regall power. Thus hee disputes against those which entitle the Pope to a Direct, and Ordinary Iurisdiction ouer Princes.

10 And the same reasons and groundes, by which he destroies that opinion, will destroy his; which is, That as Christ was, so the Pope is, spirituall prince, ouer all men, and that by vertue of that power, he may dispose of all temporall things, as hee shall iudge it expedient to his spirituall ends.

11 For first, against that opinion of Ordinarie Iurisdiction, hee argues thus; If it were so, it would appeare out of the Scriptures, or from the Tradition of the Apostles: but in the Scriptures, there is mention of the keyes of Heauen, but none of the Kingdomes of the earth; nor doe our Aduersaries offer any Apostolique Tradition. Will not you then, before you receiue

De pont. l. 5. c. 4
§. Superest.

ibid. § Sed iam.

§. Ceterum.

Ca. 3. §. Gregorius.

ca. 4. §. ut
igitur.

ca. 3. §. Eadē

so deepe impression of *Bellarmines* doctrine, as to pay your liues for maintenance thereof, tell him, That if his opinion were true, it would appeare in *Scripture*, or *Apostolique tradition*? And shal poore and lame, and slacke arguments coniecturally and vnnecessarily deduced from similitudes and comparisons, and decency and conueniency binde your iudgements, and your liues, for reuerence of him, who by his example counsels you, to cal for better proof? wil you so, in obeying him, disobey him, & swallow his conclusions, & yet accuse his fashiõ of prouing them? which you do, if when he calls for scriptures against others, you accept his positions for his sake, without scriptures.

12 Another of *Bellarmines* reasons against Ordinary Iurisdiction, is, That *Regall authority* was not necessary nor of vse in *Christ* to worke his end, but superfluous and vnprofitable. And what greater vse, or necessity can the Pope haue of this *Extraordina-rie* authority (which is a power to work the same effects, though not by the same way) then *Christ* had, if his ends be the same which *Christs* were? and it appeares that *Christ* neither had, nor forswore vse of either, because he neither exercised nor instituted either. For, that is not to the purpose, which *Bellarmine* saies, that *Christ* might haue exercised that power if he would, since the Popes authority is grounded vpon *Christs* example; and limited to that: For *Christ* might haue done many thinges which

Ca. 4. S. confirmatur.

Ca. 4. S. Uti gitor

which the Pope cannot do ; as conuering all the world at once, instituting more sacraments, and many such : and therefore *Bellarmino* argued well before, *that it is enough for him to proue, that Christ did not exercise Regall power, nor declare himselfe to haue it which Declaration only, and practile, must be drawn into Consequence, and be the precedent for the Pope to follow.*

13 The light of which Argument, *that the Pope hath no power, but such as Christ exercised, hath brought so many of them to thinke it necessarie to proue That both Christ did exercise Regall authority in accepting Regall reuerence vpon Palme-Sunday, and in his corrections in the temple, And his indgement in the womans case which was taken in Adulterie. And that S. Peter vsed also the like power, in condemning Ananias and Saphira, and Simon Magus.*

14 In another place *Bellarmino* saies, That *S. Paul* appealed to *Casar*, as to his Superiour Iudge, not onely *de facto*, but *de Iure*; and that the *Apostles* were subiects to the *Ethnique Emperours*, in all temporall causes, and that the law of *Christ*, deprives no man of his right, which he had before. And lately in his *Recognitions* he departs from this opinion, and denies that he was his Iudge, *de Iure*. If his first opinion be true, can these consist together, that he which is subiect in temporall causes, can at the same time and in the same causes be superiour? Or that he ouer whom the Emperour had supreme tempo-

Ca. 3. § Gregorius.

Maynardus de prius. Eccles. Ar. 7. N. 5. 6. 9.

Idem. Ar. 8. n. 3. 5

De pont. l. 2. c. 29. § Respond. primo

rall authority, should haue authority ouer the Emperour in temporall causes? and what is there in the second opinion, that should induce so strong an Obligation vpon a conscience, as to die for it; Since the first was better grounded (for, for that he produced Scriptures) and the second is destitute of that helpe, and without further search into it, tels vs, that neither the Doctrine, nor the Doctor are constant enough to build a Martyrdom vpon.

15 Thus also *Bellarmino* argues, to our advantage (though he doe it to proue a necessity of this power in the Church) *that euery Common-wealth is sufficiently provided in it selfe, to attaine the end, for which it is instituted.* And, as we said before, the end of a Christian Common-wealth, is not onely Tranquility (for that sometimes may be maintained by vnchristianly meanes) but it is the practise of all morall vertue, now explicated to vs, and obserued by vs, in the exercise of Christian Religion; and therefore such a Common-wealth hath of it selfe, all meanes necessary to those ends, without new additions: as a man consisting of bodie and soule, if he come from infidelity to the Christian Religion, hath no new third essentiall part added to him, to gouerne that body, and soule; but onely hath the same soule enlarged with a more explicite knowledge of her duey.

16 *Bellarmino* also tels vs, *That in the Apostles time,*

Ca. 7. § Secunda
ratio.

Ca. 6. § Ita
propius.

time, these two powers were seperated, and to all the Temporall was in the Emperour, as all the Ecclesiasticke in the Apostles and that Hierarchie. By what way then, and at what time came this Authoritie into them, if it were once out? For, to say, that it sprong out of Spirituall Authoritie, when there was any vse of it, were to say, that that Authoritie at Christs institution had not all her perfections and maturity, and to say, that it is no other but the highest act, and a kinde of prerogative of the spirituall power, will not reach home. For you must belecue and die in this, that the Pope as spirituall Prince, may not onely dispose of temporall matters, but that herein hee vses the *temporall sword*, and temporall iurisdiction.

17 But when Bellarmine saies, That this supreme authority resides in the Pope, yet not as he is Pope, And that the Pope, and none but he, can depose Kings, and transfer Kingdomes, and yet, not as Pope, I professe that I know not, how to speake thereof with so much earnestnesse, as becomes a matter of so great waight. For other Princes, when they exercise their extraordinarie and Absolute power, and prerogative, and for the publique good put in practise sometimes some of those parts of their power, which are spoken of in Samuel, (which to many men seeme to exceede Regall power) yet they professe to doe these things as they are Kings, and not by any other authoritie then that.

1.5. C. 6.

1. Sam. 8. 11.

De Pont. l. 4. c.
15. §. At in.

18 And if there be some things which the Pope cannot doe as Pope, but as *chiefe spirituall Prince*, this implies that there are other *inferiour spirituall Princes*, which are *Bishops*: (for so *Bellarmino* saies, *That Bishops in their Diocesses are Ecclesiastique Princes.*) And haue *Bishops* any such measure of this *spirituall principality*, that they may do somthings by that, which they cannot doe, as they are *Bishops*:

19 All *Principalties* maintaine their being by these two, *reward, & punishment*. How lame then and vnperfect is this *spirituall principality*, which can afford but one halfe? For it is onely then of vse, when the Pope will punish, and correct a King, by *Deposing* him: for all *Rewards & Indulgences* in this life, and in the next, hee conferres and bestowes, as hee is *Pope*, and needs not this Title, to doe any good which is in his power. And for correcti^ons and punishments, all which we are sure he can lawfully doe, which is, to inflict Church censures, vpon those who are vnder his *spirituall obedience*, he doth as he is *Pope*, and needs not this *principaltie* for that vse neither.

De Concill. 1.
c. 18. §. Dico.

20 But for irregular actions, and such as occasion tumult and sedition, he must be a *spirituall Prince*. For, saies *Bellarmino*, *Though the Pope as he is president of a generall Councell*, (and he is that, as he is *Pope*) ought to follow the greatest number of voyces in making *Decrees*. yet as he is *chiefe Prince*, hee is

not

not bound to doe so, but may follow the lesser number. And yet scarce constant to himselfe, he sayes, That this libertie belongs to the Pope, because he hath the assistance of the holy Ghost: Now the Pope, as Pope, hath the assistance of the holy Ghost, (for else his Determination in Cathedra, in matters of faith, were not by his Ordinarie, and Direct power,) and therefore as Pope hee may follow the fewer voyces in a Councill, and as Pope (or no way) he may depose Princes.

21 For as, though they seeme to place more power, or dignitie, in *Pontificatu*, then in *Apostolatu*, because the Popes date their *Rescripts*, from the time of their *Election* to their *Coronation*, thus, *Anno Apostolatus primo*, &c. and seale but with halfe the seale, but after their *Coronation*, they begin to call their gouernment *Pontificatum*: yet all the authority which they haue, is certainly in them from their *Election*, because saies the *glosse*, that conferres *presulatum*: so they haue fancied & imagined a *Principatum* aboue all these, yet certainly all the authoritie they haue, is as they are *Popes*. Which serued them to doe mischiefe enough, before this new title was inuented. And to say, that they haue authoritie, as they are *Popes*, to do some acts, as they are not *Popes*, is such a darke, and mistie, and drowisie Doctrinne, as it is the fittest and most proportionall *Martyrdome* in this businesse, for a man to dreame that he died for it.

*Reg. Juris in 6.
C. fin. glos. verb.
Pontificatus.*

22 For it is strange that these men can discern and distinguish in the same *office*, betweene the Pope, and a spirituall Prince, when as *Philip* the last King of Spaine, could not distinguish betweene the *Person* and the *Office* of the Pope: for being in so much forwardnesse, that he had giuen the *D. of Alua* Order to besiege *Rome*, because *Paul* the fourth had brought into *Italy* an Armie of *French*, to intest the Kingdome of *Naples*, and being solicited by the *Venerians*, to desist from offending the Pope, though hee answered, *That his preparations were not against the Pope, but against Peter Caraffa his subiect, and a Rebell*, yet when the *Venetians* replied, *that if he could seperate Caraffa from the Pope, they would intercede no farther, else they would giue the Pope their assistance*, the King, saies a Catholique writer, gaue ouer, *because he saw it impossible to distinguish them.*

23 And as the *Doctrine* it selfe is too inexplicable, for any man to aduenture thereupon his life, or such dangers as the lawe esteemes equiualent to this purpose, which are, *all such damages as induce a iust feare*: So is the Channell and way by which it is deriued to vs, so various, and muddy, as that also should retard any man, from such a Preiudice, and such an Anticipation of the resolution of the Church herein as it is, to seale with life, that which no man yet knowes, how the Church will determine. For, in *Bellarmino*, who hath

*Lelio medici
contr. i. Venetia.
Sopra il fonda
2. fo. 194.*

hath got the reputation to be the principall of this faction (though I confesse he found the foundation of it, and his best Arguments for it, in our Couatriman *Sanders*, out of whom and *Stapleton* and a few more, that Church hath receiued more strength, then from the late writers of all other Nations,) his authority and credit is not onely infirmed and impaired, in that, *Baronius*, a man of as much merit of the Church, and rewarded by her, with the same *Dignitie*, is of a contrarie opinion, but also, because auerring, *that his opinion is the opinion of the Diuines, and the other onely of Canonists, Diuines themselves*, (for such *Baronius* and *Bozius* are) haue more then others oppugned it.

24 And so that new Order of the *Congregation*, of which both they are, beeing (as I said before) laid for a stumbling block, that the world, which in such a rage of Deuotion ranne towards the *Iesuites*, might be arrested a little vpon the contemplation of an Order which professed *Church-knowledge*, as the other did *state-knowledge*, hath exceeded the *Iesuites* in their owne Art, of flattering and magnifying the Pope. For they haue maintained his *Direct* and *Ordinarie* power, whereas the other haue but prouided him a new and specious Title. And so not only such as *Carerius* layes the imputation of *Impious Politician* vpon *Bellarmino* and all his followers in this point, And bitterly *Anatimatizes Bellarmine* by name, and main-

Titelo libri.

*De Pent. l. 2. c. 8.**l. 2. c. 11.**l. 5. c. vlti.**Barclaius de
pot. Pap. c. 1. §.
mibi.**Cap. 3. in Princ.
et ca. 40.*

taines this power to be in the Pope, either as Pope, or not as Christs Vicar, But Bozius also calls these men *nouos Theologos*, and sayes, *They teach doctrine evidently false, and such as fights against all Truth.* And another Catholique writer, though hee impugne both these opinions, of Bellarmine, and Baronijs, yet he protests, that the opinion which Bellarmine calls the *Canonists* opinion, is the more probable, and defensible: because, saies hee, *that opinion is not against the order of Nature; that the Pope should exercise such a power, which they maintaine to be directly granted to him: but that opinion, which they call the Diuines opinion, is against Nature, since it admits the exercise of such an Authority, as is neither by name granted, nor necessarie to the ends of the Church: And therefore, saies this Catholique, though the Diuines ouerthrow the Canonists, yet they proue not their owne opinion.* And in another place he saies, *That though Bellarmine haue giuen as much to the Pope, as honestly he could, and more then he should haue done, yet he was so farre from satisfying the Pope herein, that for this opinion the Pope was very neere condemning all his workes, as, saies he, the Iesuites themselues, haue tolde mee.*

25 VVhich disposition of enclining to the *Canonists* opinion, appears still in the Popes, who accept to well the bookes of that purpose, that the greatest part of those Authors, which I haue cited in this booke, of that matter, are dedicated

to

to the late Popes. So that, that Doctrin, which is so much denied in the *substance* and *Essence* thereof, that all wayes of the *existence* thereof are peremptorily denied, hath not yet receaved concussions enow from the Church, to nourish a conscience to such a strength, as *Martyrdome* requires. For that, which their great *Doctōr Franciscus a Victoria* pronounces against his *direct Authority*, we may as safely say against that & the *indirect*, This is the strongest prooffe that can be against him, *This Authority is not proved to be in the Pope, by any meanes, and therefore he hath it not.* To which purpose he had directly said before, of the *direct Authority*, *It is manifestly false, although they say that it is manifestly true; And I beleue it to be a meere deuise, only to flatter the Popes. And it is altogether fained, without probability, Reason, Witnesse, Scripture, Father, or Diuine.* Onely some *Glossers of the law*, poore in fortune and learning, haue bestowed this authority vpon them. And therefore, as that *Ermit* which was fed in the Desert by an Angell, receaved from the Angell withered grapes, when hee said his prayers, after the due time, and ripe grapes when he obserued the iust time; but wilde sower grapes when he preuented the time, so must that hasty and vnseasonable obedience to the Church, to die for her Doctrin, before she her selfe knowes what it is, haue but a sower and vnpleasant reward.

De potest. Eccles. Sect. 6. Nu. 4.

Ibid. Nu. 2. et 3.

Alvarez specul. vtri. Dignit. ca. 33. Nu. 4.

CHAP. X.

That the Canons can giue them no warrant, to aduenture these dangers, for this refusall: And that the reuerend name of Canons is falsly, and cautelously insinuated, and stolne vpon the whole body of the Canon law, with a brieve Consideration vpon all the bookes thereof; and a particular suruay, of all those Canons, which are ordinarily cyted by those Authours, which maintaine this temporall Iurisdiction in the Pope.



O this spirituall Prince, of whom we spoke in the former Chapter, the huge and vast bookes of the Canon law, serue for his *Guarde*. For they are great bodies loaded with diuers weapons of *Excommunications, Anathems, and Interdicts*, but are seldome drawn to any presse or close fight. And as with temporall Princes, the danger is come very neere his person, if the remedie lie in his guard, so is also this spirituall Prince brought to a neere exigent, if his title to depose Princes must be defended by the *Canons*. For, in this spirituall warre which the *Reformed Churches* vnder the conduct of the *Holy Ghost*, haue vndertaken against *Rome*, not to destroy her, but to reduce her to that obedience, from which at first she vnaduisedly strayed, but now stubbornly rebels against it, the *Canon law* serues rather to stoppe a breach, into which men vse to cast as well *Straw and Feathers*, as *Timber and Stone*, then to main-

maintaine a fight and battell.

2 This I speake not to diminish the Reuerence or slacken the obligation which belongs to the ancient *Canons* and *Decrees* of the Church; but that the name may not deceiue vs; For, as the heretiques *Vrsalius*, and *Valens*, got together a company at *Nice*, because they would establish their Heresies, vnder the name of a *Nicene* Councell, (which had euer so much reputation, that all was readily receiued; which was truly offered vnder that name) so is most pestilent and infectious doctrine, conuayed to vs, vnder the reuerend name of *Ecclesiastique Canons*.

3 The body of the *Canon law*, which was called *Codex Canonum*, which contained the Decrees of certaine auncient Councils, was vsually produced in after-Councils for their direction, and by the intreaty of popes, admitted and incorporated into the body of the *Romane* and *Imperiall* law; and euer in all causes, wherein they had giuen any *Decision*, it was iudg'd according to them, after the Emperours had by such admittance giuen them that strength.

4 And if the body of that law, were but grown and swelled, if this were a *Grauidnes*, & *Pregnancy* which she had conceiued of *General Councils* law fully called, and lawfully proceeded in; and so she had brought forth children louing and profitable to the *publique*; and not onely to the *Mother*,

CARRANZA. SUM.
Concil. fo. 92.

(for how many *Canons* are made onely in fauour of the *Canons*?) all Christian Princes would be as inclinable to giue her strength, and dignity, by incorporating her into their lawes, and authorising her thereby, as some of the *Emperours* were. And had the *Bishops* of *Rome* maintained that purity, and integrity of Doctrine, and that compariblenesse with Princes, which gaue them authority at first; when the *Emperours* conceiued so well of that Church, as they bound their faith to the faith thereof (which they might boldly doe at that time) perchance Princes would not haue refused, that the adiections of those later *Popes* should haue beene admitted as parts of the *Canon law*: nor should the Church haue beene pestred, and poisoned with these tumors, & excrescences, with which it abounds at this time, and swelles daily with new additions.

5 In which, if there bee any thing which bindes our faith, and deriues vpon vs a *Title to Martyrdome*, if we die in defence thereof (as there are many things deriued from *Scriptures* and *Obligatory Councels*) the strength of that band rises so much from the nature of the thing, or from the goodnesse of the soile, from which it was transplanted to that place, that though we might be *Martyrs*, if we defended it in that respect, yet wee should loose that benefit, though it be an euident and Christian truth, if we defend it vpon that reason,

Cod. de Sum.
Trinit. l. x.
Cunctos

son, That it is by approbation of the Pope inserted into the body of the Canon law; which is a Satyr, and Miscellany of diuers and ill digested Ingredients.

6 The first part whereof, which is the *Decretum* compiled by *Gratian*, which hath beene in vse aboute foure hundred yeares, is so diseased and corrupt a member thereof; that all the Medicines, which the learned *Archbishop Augustinus*, applied to it, and all that the seuerall *Commissioners*, first by *Pius the first*, then by *Gregory the thirteenth*, haue practised vpon it, haue not brought it to any state of perfect health, nor any degree of conualescence.

7 But though that *Bishop* say, That *Gratian* is not worthy of many words, though in his dispraise, yet because he tels vs, That the ignorant admire him, though the Learned laugh at him; And because hee is accounted so great a part of the *Canon Law*, as euen the *Decretall Epistles* of the Popes are call'd, *Extra* in respect of him, as being out of the *Canon Law*, it shall not be amisse to make some deeper impressions of him.

8 Thus farre therefore the *Catholicke Archbishop* charges him, To haue beene so indiscreete and precipitate, that he neuer stood vpon *Authoritie* of *Bookes*; but tooke all, as if they had beene written with the finger of *God*, as certainly as *Moses Tables*; And hee is so well confirm'd in the opinion of his negligence, that he sayes, He did not onely neuer Iudge and waigh, but neuer see the *Councils* nor the *Registers* of *Popes*, nor
the

De Emendat.
Grat. l. 1. Dial. 1.

Ibid.

L. 2. Dial. 8.

L. 1. Dial. 4.

L. I. Dial. 19.

L. I. Dial. 16.

the workes of the Fathers: And therefore sayes hee, There is onely one remedy left, which is, *Una litura*. And in another place, That there can bee no vse at all made of this Collection, but that a better must be attended, out of the Originals.

L. I. Dial. 3.

Ibid.

9 But if his errour were onely in *Chronologies*, as to giue Pope *Nicholas* a place in the Councell of *Carthage*, who was dead before; Or in *Arithmeticke*, as when purposely he enumerates all the Councels, to make the number lesse by foure. If this weaknesse had onely beene, that he was not able to spell, and so in a place of much importance, to Read *Ephesus* for *Erphesfurd*, *Hierome*; for *Ieremie*, and *Hereticke* for *Henrie*, and a hundred such; If he had stopp'd, either at mistaking of true Authors, as to cite out of *Saint Peter*, that which *Saint Paul* sayes (which libertie his *Glosser* extends farther, and therefore cites a whole sentence, for *Scripture*, which is no where) Or if he had sta'nd at imagining words out of false Authors, as to cite the Councell of *Geneua*, and *Macharius* the Pope, which neuer were, (as he and the *Palea* doe) there were an open way for him, as it is said in that *Dialogue*, to say with the Apostle, *Quia ignorans feci*.

Ibid.

I. Dial. 4.

Ibid.

Dist. 43. si quis.
verb. postulat.

L. I. Dial. 4.

L. 2. Dial. 8.

I. Tim. 1. 13.

De pent. Do. 7. 1
potest fieri.

10 But we also finde malignitie and danger to our cause, in his *Falsifications*. For, to dignifie the Sea of *Rome*, hee cites *Ambroses* wordes thus, *Non habent Petri hereditatem, qui non habent Petri sedem*, which in *Ambrose* is obseru'd to be, *Petri sedem*.

dem. And to establish the exemption of Clergie men from secular Iustice, hee cites this out of a Councell now a thousand yeeres past, *Clericum nullus presumat pulsare apud Iudicem Sæcularem*; Whereas the words of the Councel are *Clericus nullus presumat*. And so the Councell layes a Commandement vpon the Clergie, but *Gratian* layes it vpon the Layetic.

11 Which falsitie, *Binius*, citing the Councell aright, and *Gratians* words also right in the Margine, forbeares to obserue or reprehend, and dissembles the iniurie done to the world therein. But *Bellarmino* hath delt herein with more obnoxiousnesse, and lesse excuse, then *Binius*; because hauing no reference at all to *Gratian*, hee cites the words out of the Councell it-selfe; and hauing said, *That Councell pronounces in this point more clearely, in these words*; He cites the words, falsely, and corruptly as *Gratian* did before.

12 And as for such iniquities as these, we haue reason to decline *Gratian*, as iniurious to vs. So also in Charitie towards them, which are caried with an implicite Faith in *Canons*, in which name *Gratian* is enwrapped, we are bound to tell you how vnworthy he is, to bee relied vpon by you. For in the point of the *Emperours* Electing the *Pope*, hee hath spoken so dangerously, that *Baronius* is forced to giue this censure vpon him, *Gratian*, out of too much credulitie, improuidently writ out a most ma-

29 nifest

11. q. 1. Clericum
Ex Conc. Agath.
Can. 32.

Tom. 2. fo. 306.

De Clericis l. x. c.
23 S. Tertia.

Baron. To. 9.
Ann. 774. n. 13.
D. ff. 65 Hadri-
ani. s. Et Diss. 63
In Synodo.

nifest imposture, and inserted that, as a most strong Decree, all which, with the Author thereof, should rather haue beene hissed away, and pursued with execrations, which also he saies of another place in Gratian, to the same purpose; and accuses him of mutilating the famous lawes of Charles the Great, called Capitularia.

To. 9. Anno 801.
fo. 622. v. l. q. i.
Volumus.

Dist. 31. quoni-
am.

13 With like danger to the Romane Sea, hee cites a Canon of a Greeke Councell, whose sense he apprehended not, in the matter of mariage of Priests; for he saies, that that Canon was grounded vpon the Apostles Canons; and yet it is contrarie to the Canons of the Romane Church. So that of this place, that Archbishop of whom I spoke before, exclaimes, who can endure this? and that by no meanes it may be receaued.

li. 1. Dial. 3.

14 And not onely in matters of fact (though that be the right legge vpon which the Romane Religion, (especially in Crowne Diuinitie) doth stand) doth Gratian deceaue you, but euen in such things as are matters of faith: both naturally, and so, common to all men; As when he allowes that there may be perplexities in euill, and so in some cases a necessitie of sinning, and then, sayes he, the remedie is to choose the lesse euill; as also of that which is matter of faith, especially to the professors of your Religion, which is the necessitie of Orall Confession: for, hauing produced authorities on both sides, whether it be necessarie or no, he leaues

it

Dist. 13. Duo
Mala. And
Nern.

De penitent.
Dist. 1. Quam-
uis in fina.

it as indifferent to the Reader, to allow & choose which opinion he likes best.

15 And because the *Glosse* is now by some thought, to be of equal authoritie with the *Text*, it is not an inconuenient way to eneuuate both, by presenting some of the vanities and illusions of that. And though I will not in so serious a businessse, insist vpon such thinges, as might make sport and moue laughter, yet these few I may be excusable to let fall in this place. When *Gratian* speaks of that *Parable* of the *lost sheepe*, and saies, out of the *Gospell*, that the 99 were left in *Deserto*; *id est*, sayes the *Glosse*, *In Cælo, quod Diabolus per peccatum deseruit*. Which besides the detortion, detroyes vtterly the purpose of our *Sauour*, in that *Parable*. And so when *Gratian*, out of a *Councell* cites an *Act* to be done, in *Ecclesia Romanorum, id est*, saies the *Glosse*, *Constantinopolitanorum*.

16 In many places *Gratian* saies, that ^a *Dioscorus* had not erred, *in fide*; which being euidently false, for ^b he followed and defended *Eutyches* his *Heretic*, the *glosse* remedies it thus, *Non in fide, id est, non in fide tantum*. And out of his fauour to *Priests*, where *Gratian* sayes out of *Bede*, *That Priests must alwaies abstain from their wives*, the *glosse* saies, *Semper, id est, Horis debitis*. And when out of the *Nicene Councell* it was produced, *That a Prelate might haue in his house no women, except his mother, or sister, or such fit persons, as might auoid su-*

Q 9 2 spiuion,

Enc. 15. 4.

Dist. 5. Quia
sanctitas. verb.
In Deserto.

24. q. 2. Sane pro-
fertur. Verb.
Item.

^a Dist. 22. in tan-
tum. in fine. 24.
q. 2. Sane pro-
fertur.

^b Dist. 15. Cano-
nes. et glos. ver.
Defensorum.

Dist. 31. Sacer-
dotibus. ver.
semper.

Dist. 33. Inter-
dit. verb. Ido-
neas.

Dist. 34. Q^uad-
runda. m. ver. si-
ma.

Fid. Vidua.
ver. multorum.

Dist. 68. scit.
ver. scit.

Alb. Gent. de lib.
Jur. c. 2.

Dist. 13. D^{no}
mala.

spition, that is, sayes the glosse, *His mens viues*. And when *Laufred* a young lusty *Bishop*, and a great huntsman, was defamed also for immoderate familiarity with his owne daughter, the glosse sayes, *It was not for any euill, for they were too neere in blood, but because he kissed her so much openly, and put his hand in her bosome.*

17 And lastly, to stay you no longer, in this ill aire, where the text saies, *Meretrix est, quæ multorum libidini patet*, the glosse brings this indefinite number to a certaine, and saies, that that name belongs to her, *when shee hath lyen with 23000. men.*

18 And as these Authors in whom there are these aspersions, and such weedes as these, are therefore vnworthy, that either the Popes approbation should fall vpon them, or that any obligation should be throwne vpon our consciences, from their authoritie: so is it impossible, that any such approbation should include them both; for the glosse doth sometimes (when no reconciliati- on can serue him) depart from *Gratian* with some disdain; as when he sayes, *Superficialis est Argumentatio Magistri*: and sometimes in choler; as one notes him to say, *Fateor plane te mentitum, Gratiane*: And sometimes hee doth positiuely teach the iust contrarie to *Gratian*, in matter of faith; as in the Doctrine of *perplexities*, which wee noted before.

19 How dangerous therefore it is to confide in
Gratian

Gratian, we see already, & may have further light, by observing, That *Bellarmino* saies, that in a main point of Canonick Scriptures, *Gratian* was deceiued, by trusting a false copie of *Saint Augustines* workes: And as *Bellarmino* saies here, that *Gratian* was deceiued, so *Gratian* deceiued him; for in that Canon which we cyted before, of the exemption of Clergy men, either *Bellarmino* was a direct falsifier of the *Council*, or an indiscreet & credulous swallower of *Gratians* errorrs; which in his Recognition he refuseth not to confesse in another matter, whē he retracteth some things which he spoke vpon the credit of *Gratian*, & there repents & recāts thē.

20 But you and *Bellarmino* may easily be misled by him, since euen a Pope himselfe was brought into a false perswasion by his error. For, till of late, all the copies of the *Decretum*, in that famous Canon, *Sancta Romana*, which distinguishes Canonick from Apocryphall writings, in stead of the wordes, *Sedulij opus, Heroicis versibus descriptum*, had these wordes, *Hereticis versibus*. Which saies a Catholique authour, induced not onely many wise men, but euen pope *Adrian 6.* to a perswasion, that al Poetry was Hereticall; since *Gelasius* a Pope, and Author of that Canon, though he praised *Sedulius* his worke, in that place, yet because it was writ in verte, he calls them *Hereticos versus*.

21 Of them therefore which will binde their faith to the *Canons*, and aduenture these dangers

De Concil. autor.
l. 2. c. 13. § Sed
obijciunt.

Dist. 19. In Ca-
nonicis.

Dist. 15.

Pierius de
Barb. sacerdo.
S. Et videte.

*Dist. 75. quod a
patrib. gloss. ver.
12bb. 11.*

*Respo. ad Georg.
Sohn. de Anti-
christ. I. bes. 15.*

for that faith (as the Canonists say, that Saturday and Sunday is all one, *fictione Canonica* so wee may say, that they are but Martyres *fictione Canonica*; and that not onely a Martyr, and a Selfe-murderer, but a Martyr and a Traytor, may be all one, *Fictione Canonica*. And by such fiction, that English Priest *Bridge-water*, which calls himselfe *Aquipontanus*, o-uerturning and re-enueling his name with his conscience, may be beleued, when he saies, *That those Priests which were executed vnder Queene Elizabeth, died pro inficiatione pontificatus feminei*: But their malice was not because she would haue bin a Priest, but because she would not be a Sacrifice to their Idolatry, nor Ambition; nor open her heart to their enchantments, nor her throate and sides to their poisons and swords.

22 The next limme in this great body of the Canon law, after the *Decretum*, is the *Decretall*; set out by *Gregory* the ninth, who was Pop^e about the yeare one thousand two hundred thirty. And as the *Decretum* pretends to bring to all purposes, sentences of Fathers, and Canons of Counsells; So this pretends principally the *Rescripts* and *Decretall* letters of Popes. So also, doe all the other bookes, which were set out after, in supplement of this: as that, which is called *Sextus*, set forth by *Boniface* the eight, who was Pope, An^o. one thousand three hundred: and the *Clementines*, which *Clement* the fift set out, who was Pope within sixe yeares

yeares after: and those *Extravagants*, which beare the name of *Iohn* the two and twenty, within ten yeares of *Clement*: and those which are called *common Extravagants* because they come from diuers Popes: and to these is added not long since the booke called *Septimus Decretalium*.

23 And thus this fat law (for so *Ciilians* say of that, that it is *Crassa equitas*; which is a praise beyond desert, though they speake it in diminution & scorn) grows daily so fast, that as any corruption can get entertainment in a grosse body, so I doubt not but this, or the next age, shall see in their *Octaves* and future *Volumes*, not onely many of their letters, yet for shame concealed, but at *Henry* the thirds death, canonized in the body of this law. For though they haue denied it with some earnestnesse, yet they haue also confest, that if it were such as it is said to be, it admits a good interpretation.

24 But for these bookes, though they haue more credit with them then the *Decretum* hath, I will ease my selfe of that labour, which I tooke in that booke, in presenting particular defects and infirmities, both because we haue *Bellarmines* confession, *That there are many things in the Decretall Epistles, which doe not make a matter to be Deside., but onely doe declare, what the opinions of the Popes were in those causes,* and because a *Catholique* authour of whom we spake before, hath obserued, that the compiler

De Pont. l. 4. c.
14. § Respond.
nee.

*Picrius de Bar-
ba sacerdos Hoc
in genere.*

*De vit. & hon.
cleri. Clericus.*

compiler of the Decretals, by leauing out a word, in a Canon of a Councell of *Carthage*, hath occasion'd the Church euer since, to doe directly against the purpose of that Councell, in shauing the heads of *Priests*. For whereas the Councell is cited by him, *Clerici nec Comam Nutriant nec barbam*, by occasion whereof, many subsequent orders were brought in, for *Shauing*, and transgressors seuerely punish'd, it appeares that he left out in the end, the word *Radant*, which vtterly changed the precept into the contrary. These Canons therefore, of so sickely and weake a constitution, that any thing deiects them, cannot preuaile so much vpon our consciences, as to imprint and worke such a confidence in them, and irremouableness from them, as to maintaine them with the same maner of testimonie, as we would doe the words of God himselfe.

25 For, howsoeuer they depart from them, and seeme somewhat negligent of the *Canons*, when we make vse of them to our aduantage against them, yet they affright and enthrall the tender consciences of their owne *Disciples*, with nothing more, then the name of *Canons*, to which promiscuously they ascribe all reuerence and assent, without distinguishing to them, which are *Gratians*, and which are *opionate*, and which *Decretall*, for all together are approoued and confirmed. And therefore the *Canons* themselues not
only

only inflict an *Anatheme* vppon any Lay-man, which shall so much as dispute vpon, the text, or any one *Iod* of the Epistle of Pope Leo, which is in the *Canons*, but also pronounce it *blasphemy* against the holy Ghost, to violate a Canon willingly, because they are made by the holy Ghost. And *Bellarmino* also, writing against a *Doctor* which had defended the *Venetian* cause, against the Popes Censures, saies, That it is a grieuous rashnesse, not to be left unpunished, that he should say, The *Canons*, as being but *Humane* lawes, cannot haue equall authority with *Diuine*. For this (saies *Bellarmino*) is a contempt of the *Canons*, as though they were not made by the direction of the holy Ghost. And yet these *Canons* which that *Doctor* intimated, were but two, and cyted but by *Gratian*, and concerned onely Exemption of Clergie men from secular Iudges.

26 And so *Parsons* when he is to make his advantage of any Sentence in *Gratian*, vses to dignifie it thus, That it is translated by the Popes into the Corps of the Canon law, and so not onely allowed and admitted, and approued; but commended; and commanded; and as he addes after, Canonized and determined for *Canonicall* law, and authorized and set forth for Sacred and Authentickall, by all Popes whatsoeuer: For they continue still that practise which *Frederic* the Emperour obserued in his time, when they interdicted his Kingdome of *Sicily*, *Offundunt bibulis auribus Canones.*

Dist. 15. sancta Romana.

25. q. 1. Violatores.

Respons. ad Docto. Thcolo. proposit. tertia § Tertia hec.

Marsilij defen. Docto. Ca. 5. § Errat. XI.

Treat. of mitig. Ca. 7. n. 42.

Nu. 43.

Nu 43

Petr. de vineis. Epist. 4. l. 1.

27 And when they list to vrge a *Canon*, any litle rag torn or fallen off from thence, must bind the Church *de fide*, as a cathedrall, and Decretall resolution: for so saies he, that made the Notes vpon *Cassianus*, excusing *Origen*, *Chrysostome*, & some other Fathers, for inclining to *Platoes* opinion of allowing some vse of lies, in wise men, That it was lawfull till the Church had defined the contrary: But now, saies he, the Pope hath decreed it. And how hath he decreed it? In a letter vpon a question of *Vsurie*, the Pope saies, ^a Since the Scriptures forbid lies, euen for defense of any mans life, much lesse may vsury be permitted. But, if in this question of lying, the band did not arise out of the euidence and truth of the matter it selfe, but relied vpon the authority of the Popes declaration, and decision, can such a ragge casually and incidentally fall into a letter of another purpose, by way of comparison, binde the whole Church, *De fide*? when as, though *Sixtus 4.* had so much declared himselfe to fauour the opinion of our Ladies conception without originall sinne, that he had by one Canon instituted a particular *Festiuall* thereof, and appointed a particular *Office* for that day, with many *Indulgences* to the obseruers thereof; yet the fauourers of the contrary opinion, forbore not for reuerence of that Canon, to preach publicquely against that Doctrine, till some yeares after, he forbad it vnder paine of *Excommunication*, by another Canon; that any
should

Cassianus lug-
duni. Ann. 1606
fo. 740.

^a De *Vsuris* super
eo.

^b *Extrau. Com.*
De reliqui. cum
per excessa.

^c *Ibid. Graue.*

should affirme that she was conceaued in originall sinne; and yet, ^d this is not esteemed as yet for all this, to be decreed as a matter of faith in that Church; yea, it is so farre from it, that after all these solemnities and preiudices of that Pope, yet the Commissioners of Sixtus the fift, and Gregory the thirteenth (appointed to expunge all dangerous passages in the Canons) in the Glosse vpon that ^e Canon, which reckons all the festiuall daies which are to be obserued, haue left these words vntouched, *The Conception of our Lady is not named, because it ought not to be kept, though in England, and some other places it be; And the reason is, because she was conceaued in originall sinne, as all but Christ, were.* And after, the Iesuite, of whom I spoke before, had refreshed that Doctrine, *That a Confession of a person absent, made by letters, was Sacramentall,* and Clement the eight, was so vehement against it, that by a solemne decree he condemned it, *for false, rash, and scandalous at least, and commaunded, that no man should speake of it but by way of condemning it, and excluded euen dumbe men from this benefit, yet another Iesuite since, a great Doctor perplexorum, findes escapes to defend that Doctrine from beeing Hereticall.*

28. So that, though in trueth there goe verie many Essentiall formalities to such a Decree as bindes the conscience, *De fide*, yet these men when they need the Maiestie of a Canon, will euer haue

^d Vistorell. de Custod. Angl. fo. 99.

^e De Consecra. Dist. 3. Pronunciandam Glos. ver. Natiuitas.

Comitalus Resp. Mor. lib. I. q. 16.

fetters in all corners, to holde all consciences which offer to slip or breake from them, and still oppresse them with waights, and with Moun-
taines of *Canons*. Which way, the *Canonists* doe not only approue as the most conuenient to hold men in that *Religion*, because the *Canons* are more easily varied, and flexible, and appliable to occasions, then the *Scriptures* are, but also (because ordinarily the *Canonists* haue no other learning) they think the way by *Canons*, to be the fittest means, to reduce them whom they call *Heretiques*. For so sayes one of them, in his booke to the present *Pope*, (with much acutenesse, certainty, and subtilty,) *The Canons may well be alleadged against Heretiques; because they alleadge Scriptures, and they cannot know Scriptures, by any other way then Canons.*

29 But besides, that I haue giuen you sufficient light, to look into the deformity and corruption of the *Canons*, (which, *G O D* forbid any should vnderstand me to meane of *Canons*, in that sense and acceptation, that the Ancients receaued it, which is, of the *Constitutions* of *Orthodox* *Councils*, for I take it here, as your *Doctors* do, & as your *Confessors* doe, for the whole body of the *Canon law*, extant) before I enter into the suruay of those particuler *Canons*, which vsually are obtruded in this point of the *Popes temporall Supremacie*, I will remember you briefly, of some of those reasons and occasions, (such as may be fittest to

vn-entangle your consciences, and deliuer them from perplexities) in which the *Canons* doe not binde vs to their obseruation.

30 Of which, one of the most principall and important is, That *Canons* doe neuer binde, though they be published and knowledge taken of them, except they bee receaued, and practised in that Country. So saies *Gratian*, *Laves* are instituted, when they are published, but confirmed, when they are put in practise. And therefore, saies he, none are guilty of transgressing *Telesphorus Decree*, that the Clergie should fast fiftie dayes, because it was neuer approved by practise. No more doth the Decree of *Alexander* the third, though vnder excommunication, That in Armies there should bee abstinence, for reuerence of certaine dayes, binde any man, because it was not practised: which opinion *Nauarre* also followes; and a late *Canonist* writing to this Pope, calls it, *Singularem, et Magistralem, et a toto mundo allegatum*. And vpon this reason the Councill of *Trent* bindes not yet in some Countries, in neither Tribunall of conscience, or the outward censures of the Church, because it is not receaued.

31 And can you finde that any such *Canons*, as enable the Pope to depose a Prince, haue beene admitted by our Princes, and practised as ordinarie and currant law? Or can you finde any *Canon* to this purpose, with the face and countenance of a law, made by the Popes in reposed & peace:

Dist. 4. In iuris.

De tregua et pace C. 1. Treguas. gloss. ver. frangere.

Manual. C. 23. Nu. 41.

Vgolini. resp. ad 7. Theolo. S. 1. Nu. 9.

able times, and deliuered quietly as a matter of Doctrine and conscience, and so accepted by the Church and state? For if in *temporall Scismes*, and differences, for *temporall* matters; betweene the *Popes* and other Princes, the Popes to raise or maintaine a party against their enemies, haue suffered seditious *Bulls*, and *Rescripts* to passe from them, to facilitate and effect their enterprises then in hand, this is farre from the nature of a law, and from being accepted and *practised*, and so iustified, as it may be drawne into consequence, and haue power and strength to binde the conscience.

32 And as *acceptation* giues life to law, so doth *disuse*, or *custome* to the contrarie abrogate it. And howsoeuer a superstition toward the *Canons*, may still be preferued in some of you, yet the generall state, that is, the same authority, by which those *Canons* were receaued before, which euer had anie strength here, hath disused them, & pronounced against so many of them, as can fall within this question, that is, *Such as bee derogatorie to the Crowne*. For, if these lawes bee not borne alieue, but haue their quickning by others *acceptation*, the same power that giues them life, may by *desertion* withdraw their strength, and leaue them inualid.

33 And thus much seemed needfull to be said in the first part of this chapter, that you might see how

Azer. To. 2. l. 7.
C. 3. S. Quares.
Vgotini. ubi supra.

how putrid and corrupt a thing it is, which is offered to you vnder the reuerend name of *Canons*; And that though this *Canon law* be declined, and extenuated when we vrge it, yet euery Sentence thereof is equall'd to *Diuine Scripture*; and produced as a *definition* of the Church, when it may worke their ends vpon your consciences, which, for diuers reasons issuing out of their owne rules, should now be deliuered from that yoake.

THE SECOND PART.

FOR the second place in this Chapter, I reserued the consideration and suruay of those *Canons* which are Ordinarily vsurped for defence of this *temporall Iurisdiction*: In which my purpose is not, to amasse all those *Canons* which incline toward that point, of which condition those which exempt the Clergy from secular Iurisdiction, and very many other, are, but onely such as belong more directly to this point, to which the *Oath* stretches, That is, whether the Pope may depose a Soueraigne Prince, and so we shall discern whether your consciences may so safely relie vpon any resolution to be had out of the *Canons*, that you may incurre the dangers of the law, for refusall thereof.

2 Of which Canons, though I will pretermitt none, which I haue found to haue beene vr-
ged, in any of their Authours, I will first present
those *Fower*, which are alwaies produced with
much confidence and triumph: Though one *Ca-
tholique* Author, which might be aliue at the ma-
king of the *Clementines* (for he liued and flourish-
ed about 1350, and *Clement* the fift died not much
before 1320.) haue drawen these foure *Canons* into
iust suspition: for thus he saies of them, *The Pa-
stors of the Church putting their Hooke into another
mans Haruest, haue made foure Decretals, which, God
knowes, whether they be iust or no: But I do not beleene
(yet I recall it if it be erroneous) that any of them is a-
greeable to Law, but I rather beleene that they were put
forth against the libertie of the empire.*

3 The first is a letter of *Innocent* the third,
who was Pope about 1199. to the *Duke of Caringia*
the occasion of which Letter, was this; *Henry*
the son of *Frederic* the first, of the house of *Suenia*,
succeeding his Father in the *Empire*, had obtained
of the Princes of *Germany*, to whom the Election
belonged, to chuse as Successor to him, his sonne
Henry: but hee being too young to gouerne,
when his father died, they tooke thereby occasi-
on, though against their Oath, to leaue him; be-
ing also desirous to change the stocke, and chuse
an Emperour of some other race; By this meanes
was Duke *Bertholdus*, by some of the Princes ele-
cted;

*Albericus in
Dictionar. ver.
Electio.*

*De Electio &
Elect. potest.
Venerabilem.*

cted; but resign'd againe to *Philip* brother to the dead Emperour, in whom the greatest number consented. But some of the other Princes had called home out of *England*, *Otho* of the house of *Saxony*, and elected him. Hereupon arose such a *schisme*, as rent that country into very many parts: And then *Innocent* the third, an active and busie Pope (for it was he which so much infested our King *Iohn*) sent his *Legate* into those parts, vpon pretence of composing those differences. And being in displeasure with the house of *Suenia* for the Kingdome of *Sicily*, which was in their possession, but pretended to by the Church, his Legate disallowed the election of *Philip*, and confirmed *Otho*. But some of the Princes ill satisfied with the Legates proceeding herein, complained thereof to the Pope; in aunswere whereof the Pope writes to one of them, this Letter. In which, handling his Right of *confirming* the elected Emperour, though he speake diuers things derogatorie to the dignity of *Princes*, discoursiuely, and occasionally, yet is not this letter such a *Decree*, as being pronounced *Cathedrally* in a matter of faith, after due consultation, should binde posteritie, but onely a direction to that person, how he ought to behaue himselfe in that businesse.

4 The Letter may be thus abridged; *We acknowledge the right of the Election to be in the Princes, especially because they haue it from the Apostolicke See,*

Sj

which

which transferred the Empire vnto them: But, because we must consecrate the Person elected, we must also examine his fitnessse. Our Legate therefore did no Acte concerning the Election, but the person elected. Wee therefore repute O T H O Emperour; For, if the Electors would neuer agree, should the Apostolicke See alwayes be without a defender? We haue therefore thought it fit, to warne the Princes, to adhere to him. For there are notorious impediments against the other: as publicke Excommunication, persecuting the Church, and manifest periurie. Therefore wee commaund you to depart from him, notwithstanding any Oath made to him, as Emperour.

5 And is there any matter of Faith in this Decretall? Or any part thereof? Is it not all grounded vpon matter of fact, which is, the Translation of the Empire which is yet vnder disputation? Doe not many Catholicke writers denie the verie act of *Transferring* by the Pope; And saye, That the people being now abandoned and forsaken by the *Easterne Emperours*, had by the law of Nature and Nations, a power in themselues to choose a King? And doe not those which are more liberall in confessing the *Translation*, denie that the Popes *Consecration*, or *Coronation*, or *Vnction*, infuses any power into the Emperour, or works any farther, then w^l en a Bishop doeth the same ceremonies to a King? Is it not iustly said, that it the Emperour must stay for his Authoritie, till the

P ope

Pope doe these acts, he is in worse condition, by this increase of his Dominions then he was before. For, before he was *Emperour*, and had a little of *Italy* added to him, there was no doubt but that he had full iurisdiction, in his owne *Dominions* before these Ceremonies; and now hee must stay for them.

6 And may not the Popes question in this letter, be well retorted thus, *If the Pope will not crowne the Emperour at all, shall the Empire euer lacke a head?* For the Pope may well be presumed to be slacke in that office, because he pretends to be *Emperour* during the *vacancie*. But besides that an ouer earnest maintaining of this *that the Emperour had no iurisdiction in Italy, before these Ceremonies*, would diminish and mutilate the patrimonie of the Church, of which a great part was conferred and giuen by *Pipin*, before any of these ceremonies were giuen by the pope, the glosser vpon the *Clementines*, is liquid & round in this point; when he sayes, *That these ceremonies, and the taking of an Oath, are nothing; and that now, Resipiscente mundo, the world being growne wiser, there must be no longer struiuing for both swords.*

7 For those *notorious impediments*, which the Pope objects in this letter, against *Philip*, if they were such as made him *incapable* of Election, then there was a *Nullity* in the choise, and the Pope did nothing but declare that; which may of en

fall out in states, which elect their Princes, because there are many limitations, but in Successorie princes, it cannot hold: but if these were not such impediments, by the lawes which gouerned the Electors, they became not such, by this Declaration. For one of them, which is *manifest periuurie*, the pope himselfe was some cause of his continuing therein. For the oath was made to his brother, in the behalfe of his young Nephew, who should haue beene *Emperour*. And now the Pope had not onely disabled him, but all the other Princes, from keeping that oath, by electing or confirming another *Emperour*:

8 But if all which the Pope sayes in that letter, shall not onely bee strong enough to binde the Election, but to binde the consciences of posterity, as matter of faith, his last reason against *Philips* election, must haue equall strength with the rest, which would bee of dangerous consequence; for it is, *That if after his Father had beene Emperour, and his Brother, he also should succede, the Empire would passe from Election to succession, and none should be assumed but of one house; Either then it is matter of faith, that three of one family may not succeed in an Electiue state, or, as this is, so all the rest are but arguments of inconueniencie & vnfitnes.*

9 And this abloluing this *Duke*, to whom he writes, of his Oath, is but of an Oath made *Rati-
one Regni*, to him who neuer had the Kingdome:
and

and therefore that power of absolving, cannot by this *Decretall* be extended to such *Oathes*, which are acknowledged to haue bene iust, when they were made, as being made to lawfull and indubitable Princes. And certainly (for though you dare not heare, yet wee dare speake trueth,) the whole purpose in that act, of the Pope, was corrupt, and farre from intention of making peace. Of whose profit by reason of that dissention one of your owne *Abbats*, sayes, *That there was scarce any Bishoprick, or Parish Church, which was not litigious, and the Suite brought to Rome, Sed non vacua Manu, And so he proceedes, Gaude, Mater nostra Roma, because all flowes to thee, aperiuntur Cataracte thesaurorum. Reioyce for the iniquitie of the Sonnes of men; Jocundare de Adiutrice tua Discordia. Thou hast now that which thou didst alwaies thirst. Sing thy song, because thou hast overcome the world, not by thy Religion, but the wickednesse of men, for men are not drawne to thee by their owne Deuotion, or by a pure Conscience, but by the doing of manifolde wickedneses, and by buying the Decision of their Suites and Causes.*

10 The second Canon vsually produced, and noted by *Albericus* (as I said) to be against *Iustice*, issued vpon this occasion. When *Orto* whom the former Pope had established against *Philip*, became vnthankfull to the Pope, hee also was excommunicate: and *Frederick*, the Sonne of the

Uspersens. fo.
1198.

*De Sent. et re
iudic. in 6. Ad
Apostolica.*

first *Frederick*, to whom the Princes had sworn in his Cradle, was elected and crowned; with whom also, because hee would not goe into the holy land, and expose the Kingdome of *Sicily* to their Ambition, the Popes fell out, and excommunicated him thrice. And when a generall Councell was gathered by *Innocent* the fourth, for the reliefe of the holy land, the Pope himselfe proposed Articles against the *Emperour*. Whose Aduocate *Thaddæus* promised all, which might conduce to peace and Reformation on his Masters behalfe. This satisfied not the Pope, but he asked for *Sureties*: and when the Kings of *England* and *France*, were offered, the pope refused them, vpon pretence, that if the Emperour should remaine incorrigible, the Church should by this means raise more heauy enemies to it selfe. Then *Thaddæus* proceeded to excuse his Maister, in all the particular obiections, and desired that hee might be personally heard, but to that the pope replied, *If he come I will depart, for I doe not yet finde my selfe fit and ready for martyrdom*. Yet the *English* which were there, extorted a fortnights leasure for the *Emperours* comming: but he not daring or disdainng to come, the pope proceeded to this sentence of *Deprivation*; which, sayes the Relater thereof, *He thundred out terribly, not without the amazement and horrour of all the hearers and by-standers*. And *Thaddæus* protested vpon it, *This day*

Binius To. 3. par.
2. fo. 1482.

day is a day of wrath, and of calamity and miserie.

II So this Bull proceeded from a distempered Pope, and at a time when hee was not assisted with the *Holy Ghost*, for he was not in a readines to suffer *Martyrdome* for him. And where the *Inscription* saies, it was *Presenti Concilio*; the Margin notes, that it is not said *approbante Concilio*, though it asigne this for the reason, least the Pope should seeme to neede the Councell.

12 So that, though it reach full as farre as *Pius* the fift his Bull against our late *Queene* (for it *deprives*, it *absolues* Subjects; and it *excommunicates* all adherents) yet it hath nothing by which it should be called a *Canon*, or lawe to direct and gouerne posterity; for there might be as much infirmity in this act of *Depriving*, as in the former of *Excommunicating*; yea it was subiect to much more error then that acte of spirituall iurisdiction, which hath beene lesse questioned: yet in the preamble of this sentence, the pope saies of those former sentences, *If the Church haue iniured him in any thing, she is ready to correct her selfe, to reuoke, and to make satisfaction.* So that it may be, the pope erred in both these acts.

13 Nor doe those wordes which are in the *Inscription*, *Ad perpetuam rei Memoriam*, giue it the strength of a precedent, and obligatorie *Canon*, but rather declare out of what shoppe it came, since that is the ordinary stile of the *Romane Court*, and
not

not of the *Canons of Councils*. Nor can it euer be deduced by any consequence, out of this *Sentence*, That the *Pope* hath the same power ouer other *Soueraigne Princes*, as he exercised there against the *Emperour*; because hee proceeded against him (though viciously and iniuriouly, and tyrannically) by colour of a *Superiority* claimed by him, and then not denied by the *Emperour*, but testified by diuers *Oathes of Fidelity* to him, which cannot be extended against those princes, which admit no dependency vpon him, by any reason contained in this *Sentence*.

14 By the third of these foure principall *Rescripts*, *Clement* the fifth annuls a *Iudgement* made by the *Emperour Henry* the seventh, against *Robert* king of *Sicily*, whom as a subiect of the *Empire*, the *Emperour* had declared a *Rebell*, and depriued him of his *Kingdome* and absolved his subiects of their obedience. And the reasons why the *Pope* interposes himselfe herein, are not grounded vpon his power, as he is *Pope*, or as he is *spirituall Prince*, but meerey as he is a *temporall Prince*. For first he saies, *The King of Sicily held that Kingdome of the Church; and the Pope, who was thereby his ordinary iudge, ought to haue beene called to the iudgement; And that the Emperour could not take knowledge of faults committed at Rome, as those, with which that King was charged, were laid to be: Nor his Iurisdiction and power of citation extend into the territory of the Church*

*Clement. de Sen-
tent. & re iudic.
paſtoralis. Anno
1306.*

Church where that King was then residing: nor he bee bound vpon any Citation, to come to a place of so certaine danger.

15 It is not therefore for this part of the Decretall, that either they alleadge it so frequently, or that Albericus laid that marke vpon it, that it betrayed the authority of the Emperours; for in this particular case; I should not bee difficult to confesse, some degrees of Iustice, in prouiding that the Sentence of the Emperor should not preuaile, where naturally and iustly it could not worke; especially the pope proceeding so mannerly, as to reuoke it after the Emperors death; and as the Glosse saies, *Ad tollendum murmur Populi*, who grudged that the Emperor should dispose of them, who were the subiects of the Church.

16 But the danger is in the last clause, which is, *We out of the Superiority, which without doubt we haue ouer the Empire, and out of that power, by which we succeed therein, in a vacancy, and by that power which Christ gaue vs in Peter, declare that iudgement to bee void, and reuoke all which hath bene done thereupon.* For the first part of which Clause, touching his Superiority ouer the Emperor, if he had any (which, as many good authors denie, as affirme it,) he had it by contract betweene the Emperor and the Church; and he neither can, nor doth claime that, at least not all that which hee pretended in the Empire, in other princes dominions; for where

T c

doth

doth he pretend to succede in a *Vacancy*, but in the *Empire*? And if he had that right, *Iure Divino*, it would stretch to all other places: And if it be by *Contract*, that cannot be but conditionall and variable in it selfe, and not to be drawn into example to the preiudice of any other prince. And for his last title, which is the power deriued by *S. Peter* to him, because in this place he extends it no further but to a defence of *S. Peters patrimony*, and onely by declaring a *Sentence* to be void, which otherwise might scandalize some of his subjects, we haue no reason to exagitate it in this place, nor haue you any reason to assure your consciences, by the instruction or light of this *Canon*, that that power extends to any such case, as should make you, in these substantiall circumstances, of great detriment, refuse this Oath.

17 The fourth *Canon*, which is, the *Clementine* of the diuers Oathes sworne by the *Emperours* to the *Popes*, though it be euer cited, and be by *Albericus* iustly accused of iniustice: yet it can by no extension worke vpon your conscience. For the purpose thereof is but this; That differences continuing betweene the *Emperour* and the *King of Sicily*, and the *Pope* writing to reconcile them, he vseth this as one induction, That they had both sworne *Fidelity* and *Allegeance* to him. The *Emperor* answered, That he vnderstood not that Oath, which he had taken, to be an Oath of *Allegeance*: And therefore
the

*Clement. de Iure
iurando unica.*

the Pope, after the *Emperours* death, in this *Decretall* pronounces, That they are *Oathes of fidelities and Alleageance*, and that whosoever shall be created *Emperour*, shall take those *Oathes*, as such. But, to leaue it to the *Lawyers*, (whole tongues, and pennes are not silenced by this *Decretall*,) to argue whether they be oathes of *Alleageance*, or no, and imposed by the pope essentially, so as the *Emperour* had no jurisdiction without them (the first being a *Constitution* of the *Emperour Otho*, and not of the pope (if it be rightly cited by *Gratian*) The second but an oath of *Protection* of the Church, and the pope, And the third, only of a pure and intire observing of the *Catbolique* faith) who can presse an argument out of this *Canon*, though it were wholly confessed and accepted as it lies, that the pope may depole a king of *England*? For *Bellarmino* informes your consciences, better then any of those *Confessors*, who auert you from the oath, by this, and such *Canons*, That the *Empire* not depending absolutely vpon the *Pope*, but since *Charlemains* time, this *Oath of Alleageance* is taken of the *Emperour*, because the *Pope* translated the *Empire* vpon him. And whether this be true or false, in the latter part of translation, yet his reason and argument discharges all other supreme princes, ouer whom the pope hath no such pretence.

18 Hauing passed through these foure, wee will consider those *Canons*, which are in *Gratian*,

Dist. 63. Tibi
Danno.

De Pontif. l. 5.
C. 8. S. septimum.

Dist. 96. Con-
stantinus.

to this purpose. The first whereof may iustly be the *Donation of Constantine*. Which though it be not *Gratians*, but inserted, by the name of *Palea* (of whom, whether hee were a man of that name, a Scholler of *Gratian*, or whether he called his Addition to *Gratian*, *Paleas* in humility, the *Canonists* are like to wrangle, as long as any body will read them) yet it is in the body and credit of *Canon law*.

19 Towards the credit of this *Donation*, there lackes but thus much; to make it possible, That the *Emperour* had not power, to giue away halfe his Empire, and that that *Bishop* had not capacite to receiue it, And but thus much of making it likely, That the Church had no possession thereof, but that it remained still with the Successors of the Emperours: for if it had these degrees of *possibility* or *credibility*, & did not speake in barbarous language discording from that time, nor in false Latine vnworthy of an Emperours Secretarie, nor gauethe pope leaue to confer orders vpon whom he would, nor spoke of the Patriarchate of *Constantinople*, before it had either that *Dignity*, or that *Name*, I should be content, as I would in other fables, to study what the Allegory thereof should be. But since the Pope can liue without it, And *Azarius* tells vs, that though the *Donation* bee false, yet the Pope hath other iust titles to his estates, (though, by his leaue, he hath no such title,

To 2. l. 4. c. 19.
et 20.

as will authorize him to depose Princes, as Soueraine Lord ouer all the Westerne Kings, as they pretend by this, if it were iustificable) I will leaue it as they doe, as a thing too suspicious and doubtful, to possesse any roome, but that which it doth in *Gratian*. Onely, this I will adde, that if the power of the Emperour were in the Pope, by vertue of this Donation, yet wee might safely take this Oath, because this Kingdome hath no dependance vpon the Empire.

20 The next that I finde alleadged, (to keepe this Order, as they lie in *Gratian*) is a sentence taken out of *S. Augustine*, by which you may see how infinite a power, they place in the Pope: His words are: *If the King must bee obeyed, though hee commaund contra Societatem, yea, it is contra Societatem, if he be not obeyed, because there is a generall contract in humane Societies, that Kings must be obeyed; how much more must we obey God, the Governour of all Creatures?*

And do they which alleadge for the Popes Supremacy ouer Princes, intend the Pope to be Governour of all Creatures? Doth he gouerne Sea, and Elements? or doe they thinke that the will and commandements of God are deriued to vs onely by the way of the Pope? or why should not wee thanke them, for producing this *Canon*, since it is direct, and very strong for Kings, and for the Popes, it is but common with all other Ma-

*Dist. 9. Que
contra.*

gistrates, who must be obeyed, when God speaks in them, or when they speak not against God?

Dist. 10. *leg.*

21 In the tenth *Distinction*, one Pope by the testimony of two other popes, saies, *That the Ecclesiastique Constitutions must be preferred before the Emperours laws*: And the cases mentioned there, are, the constituting of a Metropolitane, & the dissolving of a Mariage, vpon entering into Religion; to which, I say, that these cases, by consent of the Emperours, were vnder their iurisdiction. And if you gather a generall rule by this, of the force of *Canons* about *Ciuill* lawes, you proceede indirectly, accepting the same persons, for *Parties*, *Iudges*, and *Witnesses*: and besides it is not safe arguing from the Emperour to another absolute Prince, nor from the authority, which *Canons* haue in his Dominions, to what they should haue in all.

Dist. 21. *Omnes.*

22 In the 21. *Distinction*, A Pope writing to a Bishoppe of *Milan*, tells him, That the dignities and preheminences of Churches, must be as the Bishoppe of Rome shall ordaine, because Christ committed to *Peter*, which hath the keyes of eternall life, *Iura terreni simul & Caelestis Imperij*. But if he meane by his *Terrenum Imperium*, the disposing of the dignities and preheminencies of Churches one aboue another in this world: Or if he meane by it, That he hath this *Terrenum Imperium*, as he hath the keyes of heauen, that is to binde and loose

loose finnes by spirituall censures and Indulgen-
ces of absolution, in which capacity he may haue
authority ouer the highest secular Princes; for any
thing contened in this Oath, this *Canon* wil do vs
no harme. But if hee meane that Christ gaue him
both these authorities together, and that thereby
he hath them as *Ordinary Iudge*, then *Bellarmino*
and all which follow the Diuines opinion of in-
direct power, will forsake him; and so may you
by their example.

23 After, another Pope, *Gelasius* writes to *Ana-*
stasius the Emperour, comparing Secular and Ec-
clesiastiquedignity: And he saies, *You know that you*
depend vpon their iudgement: but this is, saies the
Glosse, *in spirituall matters.* And because this *Canon*
comes no neerer our question, then to iustifie in
the Pope a power of excommunicating Princes,
(for it assumes no more then *Ambrose* exercised
vpon *Theodosius*) I will stand no longer vpon it.

Dist. 96. Duo
sunt.

24 And these be the *Canons*, which out of the
Distinctions, I haue obserued to be scattered a-
mongst their Authours, when they teach this do-
ctrine: for any that preferres *Priest-hood* before
Principality, seemes to them to conduce to that
point. Now I will follow *Gratian* in his other
parts where the first is, the *Canon Nos si incompe-*
tenter, which is very often vryed, but it is so faire
from including this power of *Deposung*, that it
excludes it; for, allowing the *Priest* power to Re-
pre-

20. 7. Nos si.

prehend, and remembering former examples of Excommunication, hee addes, *Nathan* in reproofing the King, executed that office, in which he was Superiour to him, but he vsurped not the Kings office, in which he was inferiour; nor gaue iudgement of death vpon him as Adulterer, or murderer.

9. q. 7. Episcopo.

25 In the seventh Question of the ninth Cause, from the Canon *Episcopo*, to the end of that Question, there are many sayings, which aduance the dignity of the *Romane* Seate, and forbidde al men to hinder Appeals thither, or to iudge of the popes Decrees: But all these were in spirituall causes, and directed to spirituall persons, and vnder spirituall punishments. Onely, in the Canon *Fratres* the king of *Spaine* seemes to be threatned, but it is with Excommunication onely. And all these Canons together, are deliuered by one Pope of another, In whome, saies the Glosse, *It is a familiar kinde of prooffe, for one Pope to produce another for witnesse, as God did proue the sinnes of Sodome, by Angels.*

Ca. patet. ver.
Innocentius.

And as there is much iniustice in this manner of the Popes proceeding, so is there some tincture of blaspemy, in the maner of iustifying it, by this Comparison.

15. q. 6. Alius.

26 The Canon *Alius*, which droppes out of euery penne, which hath written of this Subiect, is the first wherein I marked any Pope to speake of *Deposing*; In this, *Gelasius* writes to *Anastasius*; a Pope to an Emperour, that Pope *Zachary* his pre-

predecessor, had deposed the King of France, because he was unfit for so great a power. But the Glosser doth the Pope good seruice, and keeps him within such a conuenient sense, as may make him say true; For, saies he, He deposed, that is, *Hee gaue consent to them which did depose*, which were the States of that Kingdome; which he saies, out of the Euidence of the history; for he is so farre from coarcting the Popes power, that wee may easily deprehend in the *Glosse*, more fraud and iniquity, then arrogance and tyrannie in the Pope. For, saies he, *the unfitnesse of the French King, was licentiousnesse, not insufficiency to gouerne, for then the Pope ought to haue giuen him an assistant.* To proue which, he cites two other Canons; In which places it appeares, That to Bishoppes vnable by reason of age, to discharge their functions, the Pope assigns *Coadiutores*, and by this the *Glosser* might euict, that he hath the same Ordinary authority to dispose of *Kingdomes*, as of *Bishoprickes*. This Canon therefore doth onely vnfaithfully relate the act of another Pope, and not determine nor decree any thing, nor binde the conscience.

27 In the same *Question*, there is a Canon or two, in which our case is thus farre concern'd, that they handle the Popes authority in *Absoluing* and *Dispensing* from Oathes: And the first is cyted often and with great courage; because besides the word *Ab omnibus iuramentis*, & *cuiuscunquemodi obligati-*

7. q. 1. *quomodo
petyssi.*

15. q. 6. *Autho-
ritatem & c.*

onibus absoluiamus, there followes, *persue the with the spiritnall and materiall sword*. But when we consider the case and the History, this power will not extend to our cause. For the Pope thereby doth giue liberty to some *Bishops*, to recouer by iust violence, such parts of the *Church Patrimonie*, as were taken away from them, and doth dispence with such oathes as they had beene forced to take, by those which iniuriously infested the Church. Yet I denie not but that the *glosser* vpon this *Canon* is liberall enough to the Pope, for he sayes, *hee hath power to dispence against the law of Nature, & against the Apostle*.

Ibid.

28 After this, followes that solemne and famous *Canon* of *Gregory* the seuenth, *Nos sanctorum*. Of whom, since he had made a new rent in the body of the Church, (as Authors of his own Religion (if he had any) professe,) it is no maruaile that he patched it, with a new ragge in the body of the *Canon law*. Thus therefore he saies, *Insisting vpon the statutes of our predecessors, by our Apostolique authority, wee absolue from their Oath of Allegiance, all which are bound to persons excommunicate; And we vtterly forbid them, to beare any Allegiance to such, till they come to satisfaction*. But to whom shall these men be subiect in the meane time? To such a one as will be content to resigne, when so euer the other will aske forgiuenesse? *Ambition* is not an ague; it hath no fits, nor accesses,

cesses, and remittings; nor can any power extinguish it vpon a sodaine warning. And if the purpose of Popes in these deposings, were but to punish with temporarie punishment, why are the Kingdomes, which haue been transferred by that colour, from *Hereticall* Princes, still withheld from their *Catholique* Heires?

29 But who these predecessors, of whom the Pope speaks in this letter, were, I could neuer find. And it appeares by this, that this was an *Innovation*, and that he vsed *Excommunication* to serue his own ends, because in another Canon he sayes, *That many perished by reason of Excommunications; and that therefore he being now overcome with compassion, did temper that sentence for a time, and withdraw from that band, all such as communicated with the excommunicate person, except those by whose Counsaile, the fault was perpetrated, which induced the Excommunication.* And this, sayes the glosse, he did, because he saw them contemne excommunication, and neuer seek *Absolution*; for all those whom he exempts by this Canon, were exempt before his time by the law it selfe. So that where he sayes *Temperamus*, it is but *Temperatum esse ostendimus*; and hee did but make them afraid, who were in no danger, and make them beholden to him, whom the law it selfe deliuered. And of this Canon in speciall words^a one of their great men sayes, *That it binds not, where it may not be done, without great damage of the subiect.*

11. q. 3. Quoniam.
am.

Ver. Quoniam.

Ver. Temperamus.

^a D' Auila Par.
2. Ca. 6. Disp. 11.
Dub. 90

15. q. 6. *Juratis.*

30 Of his Successor, almost immediate, (for *Victor* the third lasted but a little) I finde another Canon, almost to the same purpose; for he writes to a *Bishop*, to forbid the Souldiers of an *Earle*, who was excommunicate, to serue him, though they were sworne to him. For, sayes he, *They are not tied by any authority to keepe that alleageance, which they haue sworne to a Christian Prince, which resists God and his Saints, and treads their precepts vnder his fecte.* But in this man, as *Gregories* spirit wrought in him, whilst he liued, for he was his Messenger to publish the Excommunication against the *Emperour* in *Germany*, so *Gregories* ghost speaks now; for all this was done to reuenge *Gregories* quarrell; though in his owne particular hee had some interest, and reason of b^xterneffe, for he had beene taken and ill vsed by *Henry* in *Germany*.

Binius. To. 3. par. 2. fo. 1293.

q. 7. *Generali.*

31 In the 25 Cause there is a Canon which tafts of much boldnesse; *What King so euer, or Bishop, or great person, shall suffer the Decrees of Popes to be violated, Execrandum Anathema sit.* But these (for in this Cause there are diuers Canons, for the obseruing of the Canons) are for the most part such imprecations, as I noted before, *Gregory* the first to haue made for preleruation of the priuiledges of *Medardus* Monastery, and some other of the same name (of which kinde also *Villagut*, hath gathered some other examples;) And at farthest, they extend but to *excommunication*; and are pronounced

by

De rebus Eccles. restitu. par. 2. l. 3. c. 5. N. 17.

by the Popes themselves, and are intended of such *Canons*, as are of matters of faith, that is, such as euen the Popes themselves are bound to obserue; as appeares here, by *Leo* the fourths *Canon*, *Ideo permittente*. And here I will receiue you from *Gratian*, and leade you into the *Decretals*, whom they iustly esteeme a little better company.

32 To proue the Popes generall right, to interpose in all caules (which seemes to conduce to the Question in hand) they cite often this case falling out in *England*; which is, ypon seuerall occasions three or foure times intimated in the *Decretals*. It was thus: *Alexander* the third, writes to certaine Bishoppes in *England*, to iudge, as his *Delegates*, in a *Matrimoniall* cause. And because the person whose legitimation was thereby in question, was an heire, and the Mother dead, and the Pope thought it not fit, that after her death, her marriage should bee so narrowly looked into; since it was not in her life, therefore he appoints, *That possession of the land should bee giuen first, and then the principall point of the marriage proceeded in*. And by this they euict for him a title in temporall matters *Accessorily*, and *Consequently*. But if they consider the times, they may iustly suspect vniust proceeding; For it was when *Alexander* the third did so much infest our King *Henry* the second. And it seemes he did but trie by this; how much the King would endure at his hands; for when

*Qui filij sunt
legit. Causam
que. C. 4. & c. 7
& De offic. De-
leg. ca. 17.*

he vnderstood that the king tooke it ill, then came another Letter, related also in the *Canons*, wherein hee confesseth, that *that matter appertaines to the King, and not to the Church*, And therefore commaundes them to proceede in the matter of the marriage, without dealing with the possession of the land.

Tit. cod. per venerabilem.

33 Another *Canon*, not much vrged by the defenders of *direct* Authoritie, but by the other faction, is a Letter of *Innocent* the third. In which Letter, I beleue the Pope meant to lay downe, purposely and determinately, how farre his power in *Temporall* matters extended. For it is not likely, that vpon a Petition of a priuate Gentleman, for Legitimation of his Children, who doubted not of his power to doe it; the Pope would descend to a long discourse and prooffe out of both testaments, and reasons of conueniencie, that he might doe it, and then in the end, tell him, hee would not, except hee meant, that this Letter should remaine as euidence to posteritie, what the Popes pover in *Temporall* causes was. Let vs see therefore what that is which he claimes.

34 A Subiect of the King of *France*, who had put away his Wife, desires the Pope to legitimate certaine Children which he had by a second wife. And, it seemes, he was encouraged thereunto, because the Pope had done that fauour to the King of *France* before: The Pope answers thus, *By this,*

it

it seemes, that I may graunt your request, because I may certainly Legitimate to all spirituall capacities, and therefore it is Verisimilius, & probabilius, that I may doe it in Temporall. And, sayes he, It seemes that this may be prooued by a similitude, because hee which is assumed to bee a Bishop, is exempted thereby from his fathers iurisdiction; and a slave deliuered from bondage, by being made a Priest: And, hee addes, In the patrimonie I may freely doe it, where I am supreme Prince: But your case, is not the same as the Kings was, not only for spirituall considerations, which are, That he was lawfully seperated, and pretended neereneesse of blood, and was not forbid to marrie againe, and your proceeding hath beene without colour, and in contempt of the Church. But the King, who had no Superiour in Temporall matters, might without doing wrong to any other, submit himselfe to our iurisdiction; But you are knowne to be subiect to another. Thus farre hee proceeded, waueringly, and comparatiuely, and with conditions and limitations.

35 And least this should not stretch farre enough, he addes; Out of the Patrimonie in certaine causes, wee doe exercise Temporall iurisdiction casually, which the Glosse interprets thus, That is when wee are requested: And the Pope hath said before, That he which makes this request, must be one that hath no Superiour: And in this place he sayes, That this may not be done, to preiudice anothers right. But after this, vpon a false foundation, that is, an errour in their

Ver. certis.

Transla-

17. 12.

Translation (where in *Deuteronomie*, Death being threatned to the transgressour of the sentence, *Of the Priest and Iudge*, they haue left out the *Iudge*) he makes that state of the Iewes, so falsely vnderstood, to be a Type of *Rome*, and so *Rome* at this time to be Iudge of all *difficulties*, because it is the seate of the high Priest. But he must be thought more constant, then to depart from his first ground and therefore must meane, *When superiour Princes, which haue no other Iudges, are in such doubt, as none else can determine, Recurrendum est, ad sedem Apostolicam*; that is, they ought to do it, rather then to go to the onely ordinary Arbitrator betweene Soueraigne Princes, the sword.

36 And when such Princes doe submit their causes to him, in such cases hee declares himselfe by this *Canon*, to be a competent Iudge, though the matter be a ciuill businesse, and he an Ecclesiasticall person: and though he seeme to goe somewhat farther, and stretch that typicall place in *Deuteron*, to agree with *Rome* so farre, that as there, so here, he which disobeyes, must die, yet hee explains this death thus, *Let him as a dead man, be separated from the Communion, by Excommunication*. So that this *Canon* purposely enacted to declare temporall authority, by a Pope, whom none exceeded in a stiffe and earnest promoting the dignity of that Sea, procedes onely by *probabilities*, and *verisimilitudes*, and *equivalencies*, and endes at last with

Excom-

Excommunication; and therefore can imprint in you no reason to refuse this Oath. For out of this Canon, doth Victoria frame a strong argument, That this most learned Pope doeth openly confesse, by this Canon, that he hath no power ouer the King of France in Temporall matters.

37 Another Canon of the same Pope is often cited, by which, when the King of England complain'd, that the King of France had broken the Peace, which was confirm'd by Oath, the Pope writes to the Bishops of France, That though he intende not to iudge of that Title, in question, which appertaines not to him, yet the periurie belongs to his cognisance: and so, he may reprove, and in cases of Contumacie, constrain, *Per distractionem Ecclesiasticam*, without exception of the persons of Kings: And therefore, sayes he, If the King refuse to performe the Articles, and to suffer my Delegates to heare the cause, I haue appointed my Legate, to proceede as I haue directed him. What his Instructions were, I know not by this; but beyond *Excommunication*, you see by the Text, he pretends not: Whatsoeuer they were, this is certaine, That the Princes of those times, to aduantage themselues against their enemies, with the Popes helpe, did often admit him, to doe some acts against other Princes, which after, when the Pope became their enemy, themselues felt with much bitternesse. But in this Canon, hee disclaimes any Iurisdiction to iudge of Titles: which

those Popes tooke to themselves, who Excommunicated our late *Queene* (if *Parsons* say true, That they had respect to the iniustice of her Title, by reason of a Statute) and all those Popes must doe, which shall doe any act, which might make this Oath vnlawfull to you.

Noncrit. GRAHEM

38 In the title *De Sent. Excom.* there are two *Canons*, which concernes onely *Excommunication* of *Hereticke*s, and intringers of *Ecclesiasticke Immunitie*, and are directed but to one particular place. Which, though they can impose nothing vpon your conscience against this Oath, may yet teach you not to grudge, that a State which provides for her securitie by Lawes and Oathes, expresse it in such words, as may certainly reach to the principall purpose thereof, and admit no euasions. For so these *Canons* doe, when they Excommunicate, *All, of all Sexe, of any Name, Fauourers, Receiuers, Defenders, Lawmakers, Writers, Gouernours, Consuls, Rulers, Councillours, Iudges, and Registers of any statutes, made in that place against Church liberties.*

*De prescriptio-
nibus.*

39 That the *Canons* haue power to abrogate *Ciuill lawes* of *Princes*, they vse to cite the Canon *Quoniam omne*, made by *Innocent* the third, who hath made more *Canons* then halfe of the *Popes* before him. And if this doe not batter downe, yet it vndermines all secular power. For they may easily pretend, that any *Lawe*, may in some case
occasion.

occasion sinne. This Canon hath also more then Ordinary authority, because it is made in a generall Concell: thus it saies, *Absque bona fide, nulla valeat præscriptio, tam Canonica, quam ciuilis*: And this, saies Bellarmine, doth abrogate an Imperiall lawe, by which prescription would serue, so that it begann *Bona fide*, though at some time after, he which was in possession, came to know, that his title was ill, but the Canon law requires that he esteeme in his conscience, his title to be good, all the time, by which he prescribes. But by this Canon, that particular Imperiall lawe is no more abrogated, then such other lawes as cannot be obserued without danger of sinne, which includes not onely some Ciuill Constitutions, but also some other Canons; For your Glosser saies, *That the Canon derogates from all Constitutions, Ciuill and Ecclesiastique, which cannot be obserued without deadly sin*: that is, it makes them guilty *in foro interiori*. He addes, *That he doth not beleue, that the Pope did purpose by this Canon, to preiudice the ciuill lawes, nor that the wordes are intended of ciuill and secular law, but that by those wordes, Tam ciuilis, quam Canonica, the Pope meanes, that a prescriber Male fidei, is guilty in conscience, whether it be of a matter Secular or Ecclesiastique*. For (saies hee) though some say, the Pope meant to correct the law herein, yet this correction is not obserued in *Iudicio Seculari*. And therefore (saies hee) I doe not beleue, that the Pope himselfe is bound to iudge according to this Canon,

De Pont. l. 3. c. 8.
S Itaque.
Ex Cod. De
prescriptionibus.

Ver. Nota quod

ver. Tam Canonica.

where he hath temporall iurisdiction, because hee hath that Iurisdiction from the Emperour: therefore the Imperiall law standes still, and is not abrogated by this Canon, though of a generall Councell.

Caplicct.

40 This Pope also by a Canon in the title de Voto, hath gone the farthest of any, which haue fallen within my obseruation: for a King of Hungary, which had made a vowe to vndertake a warre for Hierusalem, preuented by death, imposed the execution thereof vpon his yonger sonne, who binding himselfe to performe it, with the armie wh ch he leuied for that purpose, in pre- tence, troubled his brother in his Kingdome: To him therefore Innocentius writes, *That except he doe forthwith performe the vow, he shall be excommunicate and deprived of all right to that Kingdome; and that the kingdome, if his elder brother die without issue, shall deuolue to his yonger brother.* But all these threatenings, except that one of Excommunication, were not thundered by the Pope, as though hee could inflict them, out of his authority, but he remembers this ill-advised Prince, *that except he performe the will of his father, he looses his inheritance by the law:* Which the Glosse in this place, endeouours to proue, and to that purpose cytes, and disputes some of the lawes in that point.

Verb. priman-
dam.De Maior. &
Obedient.

41 The Canon *Solita*, though it be euery where alleadged, and therefore it importanes me to mention it, reaches not to our question, for it

is onely a Reprehension made by a Pope, to a Greeke Emperour, because hee did not afford his Patriarch of Constantinople dignity enough in his place. And he els him, that he mistakes S. Peters meaning, in his Epistle, where he teaches obedience to Emperours; For, saies he, he writ but to those which were vnder him, and not to al; and he did prouoke them to a meritorious humility, not informe them of a necessary Duety; For, saies he, if that place shall be vnderstood of Priests, and literally, then Priests must bee subiect to Slaues, because it is *Omni Creatura*, neyther (saies he) is it said, *To the King, absolutely Precellenti*, but *tanquam precellenti*, which was not added without cause. For (saies the Glosse) *this word, Tanquam, is Similitudinarium, non expressiuum veritatis*; So that S. Peter doth not call the king Superiour in truth, but as it were Superiour; as I noted the Cardinals to subscribe Letters to persons of lower ranke, *Vester vti frater*. And that which followes, of the punishment of euill doers, and praise of God, is not (saies he) that the King hath power of the sword ouer good and euill, but onely ouer them, which because they vse the sword, are vnder his iurisdiction. Then proceedes he to magnifie Priesthood, because Ieremie, to whom Commission was giuen ouer Nations was descended of Priests: and because the Sunne, which designes Priesthod, is so much bigger then the Moone: with so many more imperinencies, and barbarismes, and inconsequences, that I wonder why he, who summ'd it, should so

1. Pet. 2. 13.

Vcr. Tanquam

pecially say of this Canon, that it is *Multum Allegabile*.

42 In the Canon *Grauem*, *Honorius* the third writes to certaine Prelates, whose Church had receiued much detriment by a Noble man, *That since he hath continued contemptuously vnder Excommunication two yeares, if vpon this last monition he refuse to conforme himselfe, they should discharge those Churches from their obedience to him, and denounce those which ought him alleageance, to be discharged thereof, as long as he remained Excommunicate.* But it appears not here, whether hee were a *Subject* of the *Romane Church* or no; And yet appears plainly that he was no *Soueraigne*, and therefore no precedent in our case, in which there could not easily be restitution giuen to any, after another were in possession.

43 In the next volume of the law, which they call *Sextus*, I have noted in their Authours but one *Canon*, which comes within any conuenient distance of this point, which is a Letter of *Innocent* the fourth to the Nobility of *Portugall*, by which, vnder paine of *Excommunication* hee communds them, to receiue the kings brother, as *coadiutor* to that king, *Notwithstanding any Oath of Alleageance, or resistance of the King; So that they preserued the right in the King, and in his children, if he shall haue any: Which, being but matter of fact, doth not constitute a rule, nor binde consciences,*

espe-

*De Supplend.
neglig. prelat.
Grandi. in sexto.*

especially when for the fact it selfe, the note saies in that place, *That the Pope ought not to haue interposed himselfe in that businesse.*

44 In the *Extravagants* of Pope *Iohn* the two and twentieth, there is one *Canon* which would take great hold of consciences obliged to that Sea, but that it procedes from a Pope infam'd for heresie, and claimes that *Iurisdiction*, which it there inculcates, in the right of being *Emperour*, at that time, when the throne, by the death of *Henrie* the seuenth, was vacant. Thus it sayes, *Since it is cleare in law, and constantly obserued of olde, that in a vacancy of the Empire, because then there can be no recourse to any Secular Judge, the Iurisdiction, Governement, and Disposition of the Empire deuolues to the Pope, who is knowne to haue exercised all these therein by himselfe, or others: whereas diuers continue the offices of the Empire, without our Confirmation, we admonish all vnder Excommunication, euen Kings, to leaue off those titles; and if they doe not so, within two moneths (how could hee prophesie so long a vacancie?) Wee will Excommunicate the persons, and interdict the Dominions of them all, Etiam superiores et inferiores Reges, and proceede with them, spirituallly and temporally, as we shall farther see to be expedient. And wee absolue all men, of all Oathes, by which they were bound to them. But, as I said before, this right of inflicting temporall punishment hee claimes as Emperour; and the spirituall punishments are threat-*

*Literâ, b. in
Margine.*

Si fratrum.

threatned to no other, nor in any other Capacity, then as they are *officers of the Empire*, of which then hee imagines himselfe *supreme Prince*, and so he is enabled to doe all those acts, vpon any Prince which depends vpon the *Empire*, which he might doe *Ordinarily* in the *Patrimony*; and all, which the Pope and the Emperour together might doe vpon any Prince, which vsurped the titles and dignities of the *Empire*, without the Emperours approbation.

45 In the *Common Extrauagants*, that which they call *ynam Sanctam*, made by *Boniface* the eight, Anno 1302. hath the greatest force of all: both because it intends to *proue* and to *Decree* a certaine proposition, *That it is of the necessitie of Saluation to be subiect to the Pope*, and also because it determines it with *Essentiall* and *formall* words, belonging to a *Decree*, *Declaramus*, *Definimus*, *Pronunciamus*. And though in the body and passage of the *Decree*, there are sometimes arrogations of *Secular Jurisdiction*, by way of *argument*, and *conueniencie*, and *Probable consequence*; yet is there nothing drawne into the *definition*, and *Decree*, and thereby obligatorily cast vpon our *Consciences*, but onely this, *That a Subiection to the Pope is, of the necessitie of Saluation*. For, sayes the glosse, *it was the intention of the Pope in this Decretall, to bring reasons, examples, and authorities, to proue that Conclusion*. So that, as if it pleased him to haue said so *definitiuely*,

nitively, without arguing the case, the Decretall had beene as perfit and binding, as it is after all his reasons, and argumentation: so doe not his Reasons bind our reason, or our faith, being no part of the Definition, but leaue to vs our liberty, for all but the Definition it selfe.

46 And a Catholique which beleeueth by force of this Decretall, That he cannot be saued except he obey the Pope, is not bound to beleeueth there. fore, that these words of S. Iohn, *There shall be one sheepe-fold, and one sheepeheard*, are meant of a Subiection of all Christian Princes to the Pope, as this Decretall, by way of Argument, sayes; but he may be bold, for all this, to beleeueth an elder Pope, that this is spoken of ioyning Iewes and Gentiles in one faith; or Theophilact, That this proueth one God to be the sheepeheard of the olde and new Testament, against the Maniches. Nor is he bound, because this Decretall saies it by the way, to beleeueth that the words in Saint Luke, *Behold here are two swords, to which Christ did not answer, It is too much, but it is enough*, doe proueth the spirituall and temporall swords to bee in the disposition of the Church; but he is at liberty for all this, to beleeueth Chrysostome, That Christ by mentioning two swords in that place, did not meane, that they should possesse swords, (for what good (sayes he) could two swords doe?) but he forwarnd them of such persecutions, as in humane iudgement would neede the defence of swords. Or he may beleeueth Ambrose, That

10. 16.

Grego. Homil.
14.

Citat. Ema. Sa.

22 38.

51.

L. 10. Com. in
Lucam.

Luc. 2. 35.

Ema. Sâ.

De Pont. l. 5. c. 5.
Secundo.

Jer. 1. 10.

these two swords, are the sword of the Worde, and the sword of Martyrdome: of which there is mention in S. Luke, *A sword shall passe thorow my soule*, So that these swords arme them to seeke the truth, and to defend it with their liues: or hee may beleue S. Basil, who saies, *That Christ spoke Prophetically, that they would encline to vse swordes, though in dede they should not doe so*. Both which expositions of Chrysostome and Basil, a Iesuite remembers, and addes for his owne opinion; *That Christ did not confirme two Swords to the Church, by Saying, It is enough, but onely, because they could not vnderstand him, he broke off further talke with them, as we vse when we are troubled with one, who vnderstands vs not, to say, T is well, T is enough.*

47 For Bellarmine is our warrant in this case, who saies, *That those wordes intimate no more, but that the Apostles, when persecution came, would be in as much feare, as they who would sell all to buy swords: and that Pope Boniface did but mystically interpret this place.*

48 And as the exposition of other places there cited by Boniface, and his diuers reasons scattered in the Decretall, tal not within the Definition thereof, nor binde our faith; so doth it not, that those wordes spoken by God to Ieremy, *I haue set thee ouer the nations, and ouer the Kingdomes, and to plucke vp, and roote out, to destroy and to throw downe, to build and to plant, are verified of the Ecclesiastique power,*

er, though he say it. But any *Catbolique* may boldly beleue that they were spokē only to *Ieremy*, who had no further Commission by them, but to denounce, and not to *infiict* those punishments. For it were hard, if this Popes Mysticall expositions should binde any man (contrary to his oath appointed by the *Trent Councell*) to leaue the *vnanimē consent of the Fathers in expounding these Scriptures*: and so an obedience to one Pope should make him periured to another. The last *Definiton* therefore of this *Decretall*, which was first and principally in the purpose and intention of this Pope, which is, *Subiection to him*, is matter of faith to all them, in whom the Popes *Decrees* beget faith, but *temporall Iurisdiction* is not hereby imposed vpon the conscience, as matter of faith.

49. But because this *Canon* was suspiciously penn'd, and perchance misinterpretable, and bent against the kingdome of *France*, betweene which state, and the Pope there was then much contention, so that therefore it kept a ieaious watch vpon the proceeding of that Church, *Clement* the first, who came to be pope within foure yeares after the making of this *Canon*, made another *Decree*, *That by this Definition or Declaration of Boniface, that Kingdome was not preiudiced, nor any more subiect to Rome, then it was before the making of that Decree.* And though it was not *Clements* pleasure to deale cleerely, but to leaue the *Canon of Boni-*

Extrav. Com. de privileg. Mernit.

face, as a stumbling block to others, yet out of the whole *History* this will result, to vs, that if this *temporall Iurisdiction*, which some gather out of this *Canon*, were in the *Pope*, *Iure Diuino*, hee could not exempt the kingdome of *Fraunce*; and if it were not so, no *Canons* can create it. But euen this exemption of *Clement* proues *Bonifaces* acte to be *Introductory*, and new, for what benefite hath any man by being exempted from a *Declaratorie* law, when for all that exemption, hee remains still vnder the former law, which that declares: So that nothing concerning *temporall Iurisdiction* is defined in that *Canon*; but it is newly thereby made an *Article of faith*, that all men must vpon paine of damnation be subiect to the *Church* in *spirituall causes*; from which *Article* it was necessary to exempt *France*, because that kingdome was neuer brought to be of that opinion.

50 And in the last Volume of the *Canon law*, lately set out in the Title, *De Rescrip. & Mand. Apost.* there is one *Canon* of *Leo* the tenth, and another of *Clement* the seuenth, which annull all *Statutes* and *ciuill constitutions*, which stoppe *Appeales* to *Rome*, or hinder the execution of the *Popes bulles*; and inflict *Excommunication*, and *Interdicts* the *Domini- ons* of any, which shall make or fauor such *Statutes*. But because these *Canons* doe not define this, as *matter of faith*, I doubt not but the *Catholiques* of *Eng- land* would bee loath to aduenture the daungers which

*Licet felici.
Rescriptorum.*

which our Lawes inflict, vpon such as seeke Iustice at Rome, which may be had here: And they doe, though contrarie to these *Canons*, in continuall practise, bring all their causes into the Courtes of Iustice here, which, if the *Canons* might preuaile, belong'd to Rome.

51 And these be all the *Canons*, which I haue mark'd either in mine owne reading of them, or from other *Authors* which write of these questions; to bee cited to this purpose. Those which concerne *Ecclesiasticke immunitie*, or the Popes *spirituall power*, I omitted purposely: And of this kind which I haue dealt withall, I doubt not but some haue escaped me. But I may rather be ashamed of hauing read so much of this learning, then not to haue read all.

52 Heere therefore I will conclude, that though to the whole body of the *Canon Law*, there belong'd as much faith and reuerence, as to the *Canons* of the old Councils, yet out of them, you can finde nothing to assure your consciences, that you may incur these dangers for refusall of the Oath. Nor may the Pope bee presum'd to imagine, that he shal re-establish himself in any place, which hath escaped, and deliuered it selfe from his vsurpations, by any *Canon Law*, except he be able to vse that *Droit du Canon*, which *Montmorencie* the French Constable, perswaded his King to vse against a Towne which held out against him.

CHAP. XI.

That the two Breues of Paulus the first, cannot giue this assurance to this Conscience; First, for the generall infirmities, to which all Rescripts of Popes are obnoxious; And th. n. for certaine insufficiencies in these.



Hough that which hath bene said in the former Chapter of the *Decretal* Letters of Popes, extend also to these *Breues*, since they are all of the same elements and complexion, and subject to the same diseases and infirmities: Yet because these two *Breues*, may bee said to haue bene addressed directly and purposely to giue satisfaction in this particular businesse, they may challengemore obedience, and lay a more Obligation then those other *Decretals*, which issuing vpon other occasions, do not otherwise concerne the question in hand, then by a certaine relation, and consequence, and comparison of the circumstances which produced them, with the circumstances which begot these *Breues*.

2 It seemes that the Pope when hee would restraine the subiects of Princes, and keepe them short, when he would cut off there naturall and profitable libertie of obeying *Ciuill* Lawes, when he would fetter and manacle them in perplexities, and make them doe lesse then they should, to the losse

losse of life, and liberties, he is content to send his *Breues*; But when he will swell and blow vp Subjects with Rebellion, when he will fill them with opinions, that they may resist the entrances, or interrupt the possessions of Princes, when hee will haue them doe more then they should doe, then come forth his *Buls*. For they say their *Buls* are so called out of the tumor, and swelling of the *Seale*; And the other, because they are dispatch'd vnder a lesse *Seale*, *Sub Annulo piscatoris*, are therefore called *Breues*; For, in temporall busineses of forraigne Princes, his Letters are euer defectiue, or abundant; they command too much, or too little.

*Anto. August. de
Emend. Grat. l. 2
Dial. 2.*

*Tholoza. Syntag.
l. 15. c. 4. n. 10.*

3 And as the Popes haue euer bene abstinent in declaring and expressing in certaine and euident tearmes, *how they haue this temporall Iurisdiction*, least hauing once ioynde issue vpon some one way, all men should bende their proofes against that, and being once defeated, they could be admitted to no other plea, then themselues had chosen to adhere to, and relie vpon. So haue they abstained as much from giuing any binding resolution, in the question, *how farre the ciuill lawes of Princes doe binde the subiects conscience*. For *Nauarrus* testifies of himselfe, and of *Caietane*, and others, that it was much desired of the *Councell of Trent*; that it would haue defined something certainly in that point: for the want of this definition brought him

*Manual. c. 23.
Nu. 48.*

De vi et Pot.
leg. human.

him to contradict himselfe, and to hang in a perplexed suspence, and various change of opinions, fittie yeares; and at last to resolue, *That Ciuill lawes doe not binde the consciences, ad Mortale, in some such cases, as Carninus, his Catholique Aduersarie, saies, It is Heresi proximum, and Temerarium, and sometimes Hereticum to say so.*

Ca. 8.

Par. 1. C. 1.

C. 3.

4 If therefore we shall follow in this point *Carninus* his opinion, who deliuers as the most common and most probable, yea, necessarie Doctrine, *That because Ciuill lawes are no more to be called Humane lawes, then Ecclesiastique are, (for so also Nauarrus confounds the names) and that in power of binding, Humane lawes, that is, Ciuill, and Ecclesiastique, are equall to Diuine law, because in euery iust law the power of God is infused, And therefore, Diuinitas ista (as he calls it) inheres in all lawes, & to transgresse them is sin, And not only because the Maiestie of God, who quickens and inanimates this law, by a power deriued vpon his Lieutenant, is violated thereby, but euen in respect of the matter and Subiect, which is in euery law, that is, The common good, and tranquility, and to offend against that, is to offend against rectified Reason, and therefore since, This opinion, I say, being receiued as true, and so this law which commaunds this oath, made by a lawfull power, and for the publique Good, and generall tranquility, being in possession of the Subjects Consciences, and binding them vnder*
danger

danger of Mortall sinne, whatsoeuer can warrant any man to transgresse this law, must haue both *Authority*, and *Evidence* enough, to assure the Conscience, which till then is bound thereby, that either for some *Substantiall*, or for some *formall* Defect, this was neuer any law, or that it is *Abrogated*, or that the persons of Catholiques are *exempted* from it.

5 And haue these *Breues* of the Popes gone about to giue your Consciences, as good reasons against the oath, as you were possessed withall before, for it? Are you as sure that these *Breues*, or that any *Breues* can binde your Conscience in this Case, as you were before, that the law could? And are you as sure that there are *Breues*, as that there is a law?

6 If the *statute* which enacts a *Subsidie*, which by the Kings acceptation becomes a law, and so bindes the Conscience, should so esteeme the refusall of the payment of his taxation in any person, to bee an argument of disloyalty, as to make it capitall to refuse it, would you thinke that if such a *Breue* as these are, should tell you, that you might not pay it, without detriment of Christian faith, you might die as *Martyrs* for refusall thereof?

7 If such a *Breue* should forbid you to suffer your children to bee wards, to deliuer land escheated, or confiscate, to disobey the Kings

emprest when hee leuies an Armie, or any such act due by conscience to his lawes; should this worke so vpon you, as to make you incurre the penalties of lawes, or suspicion of ill affected subjects? Nor can you say, that these are meere temporall matters, and therefore remoued from his Iurisdiction; for all sinne is spirituall, and hee is Iudge what is sinne.

8 How weake a ground for *Martyredome*, and how vnsufficient to deuest a conscience of an obedience, imposed in generall by nature, and fastned with a new knot by an expresse law, are such sickly and fraile *Breues*, as the smallest and most vndiscernable error, euen in matter of forme doth annihilate? for first, in the Title of *Constitutions and Rescripts* of Popes (which is alwaies the next Title to that of the *Trinity and Catholique Faith*, in all the bookes of the *Canon law*, except those bookes which haue no Title of the *Trinity & Catholique faith*) there appeares very many Reasons by which a *Breue* may bee of no force.

9 *Alexander the third*, writing to an *Archbishop of Canturbury*, giues a rule of large extent; That in these kinde of letters (that is, such as proceede vpon information, as our case is) this condition; If the request be vpon true grounds, is euer vnderstood, though it be not expressed. And writing to the *Archbishoppe of Rauenna*, he saies, If at any time we
Write

Extra. de Rescript. ex parte.

Ibid. Si quando.

Write such things to you, as exasperate your minde, you must not bee troubled; but diligently considering the quality of the businesse, whereof we write, either reuerently fulfill our commana, or pretend by your Letters a reasonable cause why you cannot: for we will endure patiently, if you forbear to performe that, which was suggested to vs. by euill information. And so doth that title abound with Interpretations, Limitations, and Reuocations of such Breues.

10 And not onely Delegate Iudges, and such persons as haue an inward knowledge, of errour in the cause which moued the Pope to write, haue power to iudge these Breues, to bee inualid, and of no force, but euery Schoole-master. For Lucius the third, by a Rescript of his forbids any credit to be giuen to any Rescript, in which there is false Law: to which also the Glosse adds, That it vitiaties a Breue, if the Pope speake to any one man in the plurall number; or call a Patriarch or a Bishop sonne.

Ibid. ad Audientiam.

Ver. Manifestū.

11 And, as many Omissions, and many Adiectiōns in the body of the Breue, eyther in matter, or in forme, doth annull it, So would it make any considerate conscience to doubt, whether such a Breue can warrant the expence of blood, or incurring other Capitall dangers, that obserues, how often the Breues which haue issued vpon best consideration, and assistance of Counsell, haue beene reuoked; not vpon new emergent matter, but vpon better knowledge of the former. Of which

it seemes to me to be of good vse, to present one illustrious and remarqueable example.

12 *Eugenius* the fourth, hauing first by one *Bull* dissolued the Councell held at *Basil*, and transered it to another place, the Councell for all that proceeding, the Pope by a second *Bull*, annuls all which that Councell had yet, or should after Decree; and this, by the Councell, and Assent of the Cardinals. After this, the Councell cytes him, and all his Cardinals, vpon whom it inflicts confiscation, and other penalties, if they forbear to come. And then the Pope by a third *Bull* annuls that decree of Citation, and excommunicates al persons, euen Kings and the Emperour, if they execute vpon any, that Decree of the Councell. And then he publishes a fourth *Bull*, by which he answers all obiections made against him by the Councell, and hauing so established his owne innocence, he annuls all acts made in preiudice thereof, and this also with assent and subscription of the Cardinals. And at last he sends out a fift *Bull*, in which hee takes knowledge; that his first *Bull* of dissoluing the Councell, had occasioned many grieuous dissentions, and was like to occasion more, and therefore now, he Decrees and Declares (by the Councell and Assent of his Cardinals still) not only that the Councell of *Basil* should from thenceforth be good and lawfull, but that it was so, when that *Bull* came, and that it had beene so from the time of the beginning thereof.

And

And so in expresse wordes, hee annuls his annulling of it: and he reuokes two former *Bulls*, and pronounces them *Irritas, Annullatas, Cassatas*; by the first whereof he had disabled the Councell, and by the second had excommunicated *Princes*, which should execute that, which he pronounces now to be iust: and of the other *Bull* he saies, *It proceeded not from him, nor by his knowledge, though it were testified by the Cardinals, and endorsed formally by his Secretary.* And euen this last *Bull* of so many *Renocations, Annihilations, and Terquier/sations* was not thought strong, nor out of the danger of being reuoked againe, till the Councell accepted it, and ratified it by applying the *BULL* and *Seale* of the Councell to it.

13 So is it familiar in the Popes, not for the variety of iust occasion, but for personall hate to their predecessors; to annull the acts of one another. So *Stephen the sixth or seuenth*, abrogated *Omnēs ordinationes, of Pope Formosus, and digged him vp, and cut of some of his fingers, and cast him into Tyber, and made all to whom he had giuen Orders, take new Orders againe.* And next yeare *Pope Romanus* abrogated all *Stephens Acts*; and within seuen yeare after, came *Sergius*, who refreshed the hate against *Formosus*, and beheaded his body; which I wonder how he found, since *Pope Stephen* had so long before cast it into *Tyber*.

14. And in a matter so mainly concerning

Carauz. fo. 414.

Binus. To. 3. par. 2. fo. 1047.

Carren. Ibid.

Jd. fo. 415.

faith, as amongst them, an Authentique translation of the Bible, is, betweene the Edition of *Sixtus* the fift; and the Edition of *Clement* the eight; there is so much difference, euen in absolute and direct *Contradictions*, as he which reads the severall *Breues*, by which those two Editions are authorized; both hauing equall justifications of the present Editions, equal absolutions from oathes for admitting any other, equall imprecations and curses, for omitting these, may well thinke that that is a weake and litigious title to *Martyrdome*, which is grounded vpon the Popes *Breues*, which he himselve, when he sends them, knowes not whether they be iust or no.

15 For, as they haue forbidden many lawfull things, and offered to destroy the lawes themselves, so haue they allowed and authorized manie things, which our owne Reason, and discourse, and Experience, can conuince of falsehood.

16 It is the common opinion that *Eugenius* the third, confirmed *Gratian*. Of whom, we may be bolde, out of that learned *Bishop* which hath made animaduersions vpon him, to say, That he knew neither things nor words, mistooke matters and names, erred in places, and times, and had neither seene Fathers, Councils, nor Rolls. And though this *Bishop* seeme not to beleeue that *Eugenius* did confirme him, yet hee confesses, That hee

hee which doth beleue such a confirmation, is bound thereby to beleue as many errorrs, as are in Gratian. For, it seemes we haue no longer liberty to doubt, after such a confirmation: as it will follow euidently out of Bellarmines fashion of arguing, when he sayes, *We are bound to obey the Pope, when hee institutes a festiuall of a Saint; yet we are neuer bound to doe against our conscience; and therefore we may no longer doubt it; but wee must make his Decree our conscience.* So that if either *Eugenius* confirmed it before, or *Gregory* the thirteenth since, our liberty is precluded, and we must credulously, and faithfully swallow, not onely all the vnwholsome, and insipid negligences, ignorances, and barbarismes of *Gratian*, but all the bitter and venomous mixtures to *Christs* merit, and all the blasphemies and diminutions of his Maiestie, which *Boniface* the ninth, and *Martin* the first, haue obruded to vs, by approuing and confirming by their *Bulls*, the *Reuelations of Saint Brigid*; for so sayes *Paleotus* they haue done.

17 These heauie inconueniencies, and dangerous precipitations into errorrs, being foreseene by some of the ancient Schoolemen, out of their Christian libertie, and prudent estimation of the Popes Authoritie, they haue pronounced this infallibilitie of iudgement, to bee onely then in the Pope, *When he doeth applie all Morall meanes to come to the knowledge of the trueth;* As, hearing both parties,

De purg. l. 1. c. 9.
Altera.

Histor. de Sacr.
Sin. lone. Par. 1.
Epist. lector.

parties, and waighing the pressures and afflictions, which he shal induce vpon them whom he inflames against their Prince, and proceeding mildly and dispassionately, and not like an interested person, and to the edification, not destruction of them, whom onely he esteemes to be his Catholicke Church,

*De libert. Eccles.
l. 2. c. 9.*

18 And this seemes so reasonable, that though the *Iesuite Tamerus* at first cast it away, as the opinion onely, *Quorundam ex Antiquioribus Scholasticis*, yet afterwards hee affords an interpretation to it; but such a one, as I think any *Catholique* would be loth to venter his *Martyrdome* thereupon, if he were to die for obedience to a *Breue*. For thus he saies, *In euery matter, when a Hypotheticall proposition is made, of the condition whereof we are certaine, then the whole proposition must not be said to be Hypothetically and Conditionally true, but absolutely.* And this he exemplifies by this Proposition: *If Christ doe come to iudgement, there shall be a resurrection; which proposition is absolutely and not conditionally true, because we are certaine that Christ will come to Iudgement: And so he saies, That it is the meaning of all them who affirme that the Pope may erre, except he vse ordinarie meanes, onely to inferre, that hee dooth euer vse those meanes, without all doubt and question.* But with what conscience can this *Iesuite* say, *That this was the meaning of these Schoolemen, when in the same place it appeares, that the purpose of those Schoolemen,*
was

was to bring the Pope to a custome of calling Councils, in determining waighty causes; for when they say, *He may erre except hee vse Ordinarie meanes*, and they intended generall Councils for this ordinary meanes, can they bee intended in saying so, to meane that the Pope did euer in such cases vse *Generall Councils*, when they reprehended his neglecting that ordinary meanes, and laboured to reduce him to the practise thereof?

19 And though most of these infirmities incident to *Breues* in generall, doe so reflect vpon these two *Breues* in question, that any man may apply them, yet it may doe some good to come to a neerer exagitation and trial, of the necessary obligation which they are imagined to impose. It is good *Doctrine* which one of your men teaches; *That enen in lawes, euery particular man hath power to interpret the same to his aduantage, and to dispence with himselfe therein, if there occurre a suddem case of necessity, and there be no open way and recourse to the Superiour.* The first part of which *Rule* would haue iustified them, who tooke the oath before the *Breues* (though they had had some scruples in their conscience) by reason of the great scandall to the cause, and personall detriment, which the refusall was likely to draw on.

20 Nor can the *Catholiques* be said, to haue had as yet recourse to their *Superiour*, when neither their reasons haue beene answered or heard, which

thinke the oath *naturally* and *morally* lawfull, nor theirs who thinke, that in these times of imminent pressures and afflictions, all inhibitions ought to haue beene forborne, and that any thing which is not ill in it selfe, ought to haue been permitted for the sweetning and mollifying of the state towards them.

21 Their immediate *Superiours* here in *England* haue beene in different opinions, and therefore a recourse to them cannot determine of the matter: And for recourse to the *Pope*, the partie of *Secular Priests* haue long since complained, that all waies haue beene precluded against them. And if they had iust, or excusable reasons to doubt, that the first *Breue* issued by *Subreption*, they had more reasons to suspect as many infirmities in the second, because one of the reasons of suspecting the first, being, *That their Reasons were not heard*, but that the *Pope* was mis-informed, and so misledde by hearking to one partie onely, the second *Breue* came, before any remedy or redresse was giuen, or any knowledge taken of the complaint against the first.

22 Certainly I thinke that if he had had true information, and a sensible apprehension, that the suffering of his party in this Kingdome, was like to be so heauie, as the lawes threatned, and a pertinacy in this refusall, was likely to extort, hee had beene a lauish and prodigall steward of their liues.

liues, and husbanded their bloods vnthriftilly, if he had not referued them to better seruices heereafter, by forbearing all *inbibitions* for the present, and confiding and relying vpon his power of absolving them againe; when any occasion should present it selfe to his aduantage, rather then thus to declare his ambitions, and expose his seruants and instruments to such dangers, when by this violence of his, the state shall be awakened to a ieaious watchfulnes ouer them.

23 It is not therefore such a disobedience as contracts, or induces sinne (which it must be, if it be matter enough for *Martyrdome*) not to obey these *Breues*, though thus iterated; for it is not the adding of more *Cyphars* after, when there is no *figure* before, that giues any valew, or encrease to a number. *Nauarrus* vpon good grounds, giues this as the Resulstance of many *Canons* there by him alleadged, *That it is not sinne in a man not to obey his Superiour, when hee hath probable reasons to thinke, that his Superiour was deceiued in so commanding; or that he would not haue giuen such a command, if he had knowne the truth.* And can any *Catholique* belecue so profanely of the Pope, as to thinke, that if hee had seene the effects of the *powder treason*, every Church filled with deuout and thankfull commemorations of the escape, every *Pulpit* iustly drawing into suspicion, the *Maisters* which procured it, and the *Doctrines* wherewith they

Man.C.23.N.
38.

Man.C.23.N.
38.

were imbued, every vulgar mouth extended with execrations of the fact, and imprecations vpon such as had like intentions, every member of the *Parliament* studying, what clauses might be inserted for the Kings security, into new lawes, and the King himselfe to haue so much moderated this common iust distemper, by taking out all the bitternesse and sting of the law, and contenting himselfe, with an oath of such obedience as they were borne vnder, which if they should refuse, there could be no hope of farther easinesse, or of such as his Maiestie had euer shewed to them before, Might any *Catholique*, I say, beleue, that the Pope if he had seene this, would haue accelerated these afflictions vpon them, by forbidding an Act, which was no more but an attestation of a morall truth, that is, ciuill obedience, and a profession, that no man had power, to absolve them, against that which they iustly auered to be such a Morall & indelible truth? Might he not reasonably and iustly haue applied to the Pope, that which *Anselmus* is said to haue pronouced of God himselfe, *Minimum inconueniens est Deo impossibile*, and concluded thereupon, that it was impossible for the Pope to be Author of so great inconueniences?

24 And if the Popes *Breues* were not naturally conditioned so, that in cases of enormous detri-
ment and inconuenience, to the cause and persons,
the

Citat. Theod.
Nem. Nem. v. no.
Tract. 4. Ca. 9.

the rigour thereof might be remitted, since in such occurrences, the reason of those *Breues* doth evidently cease, which is euer, vnderstood to be the aduancement of the Romane Church; And if in all cases, all *Breues* must haue their full execution vnder the paines and penalties inflicted therein, the *Catholiques* of *England* are in worse condition by some former *Breues* of the Popes, then the offending and violating these two later, can draw them into. For (to omit many of like, and worse danger) That generall *Rescript* of *Clement* the seventh, which I mentioned before, pronounces, *That not onely by the Bulla Cæna, all such are excommunicated though they be Princes, as hinder the execution of the Apostolique letters, or such as giue such hinderers any Counsaile, helpe, or fauours directly, or indirectly, publicquely, or secretly, or by any colour or pretence,* (which words will reach to all those, who haue refused, or doubted and disputed these *Breues*) *but also that the Kingdomes and places, where those offenders are remaining, are interdicted;* And then in the rigour of this *Breue*, how can the *Priests* exercise their functions heere in *England*, if the *Bulla Cæna*, and a locall interdictt oppresse it.

25 And by such seruile obedience to *Breues*, as this is all such *Catholickes* as haue relieu'd & succor'd themselues, with that weake distinction of the *Court of Rome*, and the *Church of Rome*, shall

loose and forfeit all the aduantage which that afforded them; For, when they shall bee pressed with numbers of *Veniall Indulgences*, and of ambitious *Buls*, and vsurpations vpon the right of other Princes, they shall not bee able to finde this ease, to discharge all vpon the *Court of Rome*, if the *Church of Rome* make it matter of Faith to obey the *Rescripts of the Court of Rome*, which produce these enormities. For since the *Pope* is the *Church*, how can you diuide the *Church* from the *Court*? Since, either as the *Court* is *Aula* or *Curia*, the *Pope* is the Prince, and as it is *Forum*, he is the Iudge, and the Ordinarie. And since all those *Buls*, which are loaded with censures, or with *Indulgences* proceede from him as he is the *Church*, (for those powers are onely in the *Church*) how can you impute to his act any errout of the *Court*?

26 It was whilst *Nero* continued within the limits of a good and a iust Prince, that *Tacitus* said of him, *Discreta fuit domus a Repub.* but when hee stray'd into *Tyrannie*, it was not so. Nor is the *Court of Rome*, any longer distinguished from the *Church of Rome*, if the *Church* iustifie the errouts of the *Court*, and pronounce, that hee which obeyes not that *Court*, is not in that *Church*, as it doeth in *Excommunicating* all them, which obey not the *Rescripts* and *Breues* of *Popes*.

27 So that when *Bellarmino* vnderooke to aunswere all, which had beene objected out

of

Annal. 13.

Append. ad lib.
de Pont.

of Dante, and Bocace, and Petrarche, against Rome, it was but a lasie escape, and a round and Summariedispatch vpon wearinesse, to say, that all that was meant of the Court of Rome, not of the Church; and therefore it was a wise abstinence in him, not to repeate Petrarchs words, but to recompense them by citing other places of Petrarch in fauour of the Romane Church. For though Petrarch might meane the Court, by the name of Babilon, and by imputing to it Couetousnesse and Licentiousnesse, yet when he charges Rome with Idolatrie, and calls it the Temple of Heresie, can this be intended of the Court of Rome?

28 The disobedience to Popes (in whome no moderate men euer denied some degrees of the leauen and corruption, of such passions and respects as vitiate all mens actions) was not alwayes esteem'd thus hainous, though in matters neerer to the foundations of Faith, then these which are now in question. The famous dissention betweene Pope Stephen and Cyprian, is good euidence thereof. For though now they say, That the Pope did not pronounce, *De fide*, against rebaptization, but onely say, that it might not bee vsed: And that he did not Excommunicate Cyprian, but onely say, that he ought to be excommunicate; yet this is as farre as the Pope hath proceeded with you: and after he had done thus much, Bellarmine saies, it was lawfull for Cyprian to differ from him: because hee thought

*Bell. de Pont. l. 4.
c. 7. S. tertia ratio*

*Foid. S. &
per hoc.*

thought that the Pope was in a pernicious error. And though Cyprian is neuer found to haue retracted either his *Doctrine* of rebaptization, or his *behaviour* to the Pope, yet the seuerest Idolaters of that Sea, haue neuer denied him a roome amongst the blessed *Saints* of the purest times.

29 And though they are for their aduantage content to say now, that Cyprian was neuer excommunicated, yet it is not denied by *Baronius*, but that *Ignatius* the Patriarch of *Constantinople* was, and that he died excommunicate; and resisted to the end of his life, the Popes *Rescripts*, by which hee was commaunded to leaue all the Countrie of *Bulgaria* to the iurisdiction of the Church of *Rome*. But this (saies *Baronius*) he did not out of any displeasure to the Pope, but to defend the iurisdiction of his Church, as he was bound by oath, vnder the danger of damnation: for his purpose was not to take away anothers right but to keepe his owne.

30 And was not this your case, before the *Breues* came? Is not ciuill obedience either really or by intention and implication sworne by euery subject to the King in his birth, and after? and do you not by this last oath defend, not onely the Kings right, as you are bound, vnder danger of damnation, but your owne libertie, who otherwise must bee vnder the obedience of two Masters? and haue these two *Breues* made your case to differ so much from his, that that which was law-

To. 10. Anno
878. N. 41.

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lawfull to him, may not be so to you? when as to you the *Breues* haue onely brought a naked and bare commandement, without taking knowledg of your allegations: but the Pope gaue *Ignatius* three seuerall warnings; and disputed the case with him: and tolde him *that by the records at Rome, it was euident, and that no man was ignorant, that that region belong'd to the Romane Church, and that Ignatius his pretences to it, because the enemy had interrupted the Romane possession were of no force; which he proues by a Decree of Pope Leo, and diuers other waies:* Yet for all this, *Ignatius* held out, endured the excommunication, and died vnder that burden, and yet God hath testified by many miracles; the holinesse and sanctitie of this reuerent man.

31. *Dioscorus* the Bishop of *Alexandria*, exceeded al these passiue disobediences and contempts of the Popes, and proceeded to an *Actiue* excommunication of the Pope himselfe: and yet for all this, it is said of him, *Non errauit in fide*. And what opinion was held of our Bishoppe *Grosthed*, that his disobedience to the Pope despoiled him not of the name of *Catholique*, a late *Neophite* of your Church hath obserued.

32. For the Pope is subiect to humane errors, and impotencies; and when a great sword is put into a weake hand, it cannot alwaies be well gouerned; And therefore when *Bartholinus* an advocate in the Court of *Rome*, a bolde and wittie man,

Dist. 22. In tantum & 24. q. 2. Sane profertur.

Higgon. fo. 32.

Theodor. a Nicm de Scrip. l. 1. c. 42

man, had aduentured to conuay secretly certaine questions, in which he declared his owne opinion affirmatiuely; amongst which, one was, *That if the Pope were negligent, or insufficient, or head-strong to the danger of the Church, the Cardinals might appoint him a Curator and Guardian, by whom hee should dispatch the affaires of the Church, his reasons are said to haue preuailed with excellent Masters in Theology, and Doctōrs in both lawes, and that many Cardinals adbered thereunto, till the Pope comming to the knowledge thereof, imprisoned six of the Cardinals, and confiscated their estates.*

33 But if, as it is forbilden vnder Excommunication, to make any Comment vpon one Canon which concernes the priuileges of the Franciscans; (which were the best labourers in the Popes Vineyard, til the *Iesuits* came) so it were forbidden vpon like penaltie, to interpret the Popes Breues, yet no such law can take away our natural libertie, nor silence in vs these dictats which nature inculcates, *That against the end for which it was instituted, no power can be admitted to worke.* For from your Syluester wee learne, *That the Popes precepts binde not, where there is vehement likelyhood of trouble or scandall.* And so he puts the iustifying and making valid the Popes Breues, to the iudgement of considerate men, though parties.

34 So also is it said there, *That it is not the purpose nor intention of the Church to bee obeyed in such dangers.*

Nazar. Manual.
c. 27 p. 147.
Clem. Eximi. Tit.
de verb. signif.

Ver. Obedientia.

dangers; For auoydance of scandall, is *Diuine law*, and to be preferred before any commaund of a Pope, which is but *Humane law*: for *Diuine positiuē law* yeeldes to this precept of auoyding scandall, as Inoted before, in the integrity of confession, where some sinnes may be omitted, rather then any scandall admitted. And therefore their great *Victoria* complaines iustly of great inconueniences, ^a *If all matters should be left to the will of one man, who is not confirmed in grace, but subiect to error: of which, saies he, I would it were lawfull for vs to doubt,* meaning that daily experience made it euident; for so hee addes in the point of Dispensations, *We see daily so large and dissolute dispensations, as the world cannot beare it.* And not long after, in the same *Lecture* he saies, ^b *We may philosophy, and we may imagine, that the Popes might be most wise men, and most holymen, and that they would neuer dispense without lawfull cause, but experience cries out to the contrary, and we see that no man which seekes a Dispensation misses it. And therefore we must dispaire if it be left, Arbitrio humano: For (saies he) the Pope must trust others, and they may deceiue him, if hee were Saint Gregory himselve.* And he addes further, *We talke as though wee needed great Engines to extort a Dispensation, as though there were not mē expectting at Rome, when any man wil come and ask a dispensation of all those things, which are provided against by the lawes: and though hee confesse, that former Popes were not so limited, as he de-*

^a De pœ. pap. & Conc. § Sed quia

^b Ibid. § præterea.

^c Ibid. § præterea.

Ibid. 87. §. quis

siers the Popes in these times, might be, it was, saies hee, because they did not presume, so easily to dispence against Councils. *Da mihi Clementes*, prouide me, sayes he, such Popes as Clement, Linus and Syluester were, and I will allow all things to be done, as they list.

° Azor. To. 2. l.
4. c. 5. §. Tertio.

35 And then since *de facto*, it may bee, and often is so, whether a Precept of the Popes, doe worke to that end for which the Church gouernment was committed to him, or no, *Naturall Reason*, sayes a^e learned Iesuite, will instruct vs. Who thereupon makes a free and ingenuous conclusion, in a question of the Popes power in making a Law, of *Electing a Successour*, That the Pope might make such a Law, if hee would, but the Church would neuer receiue it. Which how could *Azorius* pronounce, or know, but by the insinuation of naturall reason, and conueniencie; which Counsailler and Instructer, euery other temperate and intelligent, and dispassioned man, hath as well as he?

Ibid. §. Decima-
septima.

36 And so also saies *Fran. a Victor.* and as manie as speake ingenuously, That where the Mandates of the Pope, are in Destruction^e Ecclesie, they may be hindred and resisted. For in the greatest effect which can be attributed to the Popes Bulls, in these temporall affaires, which is, discharging of Subjects from their obedience, that peremptorie Canon, *Nos Sanctorum*, bindes not, except it
may

may bee done without grievous damage to the Subject, and though by the vertue of that Canon, they may forbear their obedience if they will, yet they are not bound thereby to doe it. Yea, it were vnlawfull, to denie that obedience, in cases of scandall or tumult. For so also, sayes another of your great men, *It is often expedient to obey euen an vniust law, to auoid scandall.*^a And the late vn-entangler of perplexities, *Comitolus* the Iesuite, who vnder-takes to cleare so many cases, which *Nauarrus* and many others left in suspence, when he comes to handle the question, *whether a Professor of the Romane faith, being sent into those parts where the Greeke Church obserues other rites, may goe to their seruice; in such cases as he allowes it, he builds vpon this Reason, That by the law of God, and of Nature, it is lawfull, and the Precepts of the Church, (which forbid this) doe not binde Christians, in cases of great detriment to the life, or soule, or honor, or fame, or outward things.*

37 Since therefore a *ciuill constitution*, which in power of binding, and all validities, except immutablenesse, is by your owne Authors equall to *Diuine*, had possessed your conscience, and so refreshed by a new solicitation your naturall & native *Allégeances*, so that no *Breue* could create in you a new conscience, in this case, no more then if it had forbidden Obedience to the common law, or any other statute, because it belongs not

D' Auila de censuris. par. 2. C. 6. disp. 11. Dub. 9.

Alf. Castr. de potest. leg. 1. C. 5. Docum.

^a *Comitolus. Resp. Moral. li. 1. Q. 47.*

to you to iudge what is sinne, and what conduces to spirituall ends, since by the testimonie of the Popes owne *Breues*, his *Breues* are subiect to many infirmities, and open to the interpretation of meane men, since they are often reuoked, and pronounced to haue beene void from the beginning, vpon such reasons as it is impossible for you to suspect or spie in them, when you admit them, since these *Breues* haue contributed their strength, and giuen authority, to *vaine*, and to *suspitions*, and to *false*, and to *blasphemous* legends, since the Pope is allowed, to neglect all waies of informing himselfe of the truth, in the most generall & most important matters, since recourse to your *Superiours* is not afforded, which you know both by the practises of one partie and faction at Rome, and also by effects thereof, because by the second *Breue*, the complaints against the first were not remedied, And since in such cases, the interpretation and dispensation of *Breues*, when necessitie oppresses you, belongs to your selfe, who cannot bee esteemed disobedient, for abstaining from doing such a commaund, as you doe iustly thinke to be erroneous, and that your *Superiour* would not importune it, if hee knew perfectly your condition, and estate: since their rigorous obseruation of *Breues*, might cast you vnder a *locall interdict*, and sterue you for *spirituall* food, And makes you iustifie all the errours of the

Court of Rome, by making the Court, & the Church, all one: since *Cyprian*, *Ignatius* and others, haue beene iustly reputed holy men, & Saints, though they disobeyed the precepts of Popes, made vpon more reasons, and stronger comminations, and broken with lesse excuse, then these *Brenes* may be by you: since lastly the Pope cannot by pretence of aduancing the Church serue his owne ambitions to your destruction, you may as well flatter your selfe, with specious Titles, for not swimming if you were cast into a Riuer, or for not running out of a house, if it were ready to fall vpon you, as you may thinke your selues Confessors (in your sense) for suffering the penalties of this law, or they may thinke themselues *Martyrs*, whose execution for other treasons, this Refusall may hasten.

CHAP. XII.

That nothing requir'd in this Oath, violates the Popes spirituall Iurisdiction; And that the clauses of swearing that Doctrine to bee Hereticall, is no vsurping vpon his spirituall right, either by preiudicating his future definition, or offending any former Decree.



He same office which our suerties performe for vs, at our *Baptisme* and *Regeneration*, the Lawe vndertakes at our *Ciuill* birth; For the Law is *Communi-*

Dig. Tit. 5. Le. 1.

nis sponsio Resp. And as they which were our stipulators at the Font, take care when we come to ability of Discretion, that we doe by some open declaration, as frequenting Diuine Seruice, and so communicating with the Church in the worde and Sacraments, testifye that wee acknowledge our selues incorporated and matriculated into that Christian warfare, wherein they entred our Names, So hath Law provided, that when we grow to be capable of *Good* and *Euill*, wee should make some publicke protestations of that Obedience to the Prince, which by our birth in his *Dominions*, and of his *Subiects*, wee had at first contracted. Thereupon hath it proceeded that by our Lawes at sixteene yeares of age, an Oath hath bene requir'd of euery Subiect. And besides this generall Oath, it hath in all well gouern'd Estates, bene thought necessary, that they which were assum'd to any publicke function in the State, should also by another Oath, appropriated to that calling, be bound to a iust execution of that place; And therefore it seemes reasonable which a *Lawyer* sayes, *That he which vndertakes to exercise any Office, before he haue taken the Oath, belonging thereunto, Tenetur Maiestatis*, because he seemes to doe it by his owne Authoritie. Nor might a *Souldier*, though hee were in the Tents at the time of Battell, be admitted to fight against the enemy, if he had not taken the Oath. And the *Notaries* in the *Courts* of *Rome*, if

*Per. de Pnt. de
Syndic. fo. 481.*

*Mar. Donatus
in Sueto. c. 16.*

if they delay to dispatch them, who would by *Appeale*, or otherwise bring causes into those *Courts*, are by a late *Decretall* guilty of *periury*, because being sworne to *aduance the profit of that place*, and the *Apostolique Authority*, this is accounted an interpretatiue *periury*.

In septimo Tit.
2. c. 1.

2 So also hath it beene a wise and religious custome, in matters newly emergent, and fresh occurrences, if either forraigne pretences, or inward discontentments, threatned any commotions in the State, to minister new Oathes, to all whom it might concerne; not as newe obligations, but as voluntary and publique confessions, that all the former oathes sworne in *Nature* and in *Law*, doe reach and extend to that case then in question, and that they were bound by them, to the maintenance of the peace and tranquility of the present State.

3 And at no time, and to no persons, can such *Oathes* be more necessary, then to vs now, who haue beene awakened with such drummes as these, *There is no warre in the world so iust and honourable, be it ciuill or forraigne, as that which is waged for the Romane Religion*. And especially in this consideration are *Oathes* a fit and proper wall and Rampart, to oppose against these men, because they say, *That to the obedience of this Romane Religion, all Princes and people haue yeilded themselues, eyther by Oath, vow, or Sacraments, or every one of them*.

Apolog. of Iesuit,
c. 5.

Ibid.

For against this their imaginary oath, it is best, that a true, reall, and lawfull oath be administred by vs.

4 The *Iesuites* which in their Vowve to the Popes will, haue sworne out all their obedience at once, in a *Hyperbolicall* detestation of oathes, doe almost say true, when they professe, *That they auoide an Oath worse then periury*: But though they haue borrowed this protestation of the *Esseni*, who were in so much estimation amongst the *Iewes*, yet this declining of *Oathes* wrought not vpon them, as it doth vpon the *Iesuites*; for the *Esseni* did willingly take *Oathes*, that they would attempt nothing against the *Magistrate*; out of this reason, that they beleued it hapned to no man, to be a gouernour without the pleasure of God: Since therefore the *Iesuites* abhorre such oaths, & it is a good presumption, that *Schollers* are guilty if their *Masters* were, and *sonnes* are punished, because they are iustly suspected to inherit their fathers malignity, and ill disposition; It was necessary to present such an oath, as might discouer how much of their *Masters* poison, and of their *Fathers* ill affections to this State, the *Iesuites* disciples, and spirituall sonnes had swallowed and digested.

And when an Oath is to bee conceiued and framed, which hath some certaine scope and purpose; it were a great impotencie or slackenes in the State, if it should not be able, or not dare to

Spongia pro Iesuit. fo. 79.

Severius Tribes. l. 3. c. 4. Ar. 34

Ar. 37.

Par. de Dut. de syndic. fo. 990.
Hier. Gigas de Ies. Ma. l. 3. rubr.
l. 1. q. 5. N. 4. 2.

expresse it in such tearmes, as might reach home to that purpose, and accomplish fully all that which was intended therein; especially in these times of subtile euasions and licentious equiuocations.

6 When *Paulus 4.* had a purpose to take in, and binde more sorts of men, by that oath which was framed according to the *Trent Conncell*, for them onely who were admitted to spirituall dignities, and some few others, and so to swear all those men fast to the Doctrine of that Conncel, and to the obedience of the Church of Rome, it is expresse in so exquisite and so safe wordes, as can admit no escape. For, how ignorant soeuer he be in controuerted *Diuinity*, euery one which takes that oath, must sweare, *That there are seuen Sacraments instituted by Christ*; which any of their Doctors might haue doubted and impugnd an houre before; as it appeares by *Azorius*, that *Alensis* and *Bonauenture* did of *Confirmation*, *Hugo Victor* and *Lombard* of *extreame unction*, *Hostiensis* and *Darandus* of *Matrimony*, and others of others. and he must sweare, *That he beleeuers Purgatory, Indulgences, and veneration of Reliques*: and hee must sweare, *That all things contrary to that Conncell are hereticall*. And this oath is not onely *Canonized* (as their phrase is) by being inserted into the body of the *Canon law*, but it is allowed a roome in the *Title, De Summa Trinitate, & fide Catholica*, and so

Azori^o Instit.
Mor. To. 1. l. 2.
ca 9. præcep.
prima § quoti-
cunque.

In septimo Tit.
1. ca 4.

^a Baron. res. ad
Card. Colum.
Nu. 31.

made of equall credite with that. And that^a oath by which the *Cardinals* are bound to the maintenance of the Church priuileges is conceiued in so strong and forcible wordes, that *Baronius* calls it *Terribile Iuramentum*, & saies, that the only remem-
bring of it inflicts a horror vpon his minde, and a trem-
bling vpon his body.

Cerem. sacr. Ca.
de Coron. Imp.

7 And with equall diligence are those oathes framed which are giuen to the *Emperours*, when they come to be Crowned by the Pope. For before he enters the land of the Church, he takes one oath, *Domino Papæ iuro*, that I will exalt him with all my power. And before he enters Rome, he sweares, that he will alter nothing in that *Gouernement*, And before he receiues the Crowne, he sweares, that he will protect the *Popes person* and the Church. And in the creation of a *Duke*, because hee might haue some dependance vpon another Prince, the Pope exhibites to him this oath; *I vox my reuerence and obedience to you, though I be bound to any other.*

Ibid. ca. de
creat. Duc.

Binius To. 3. Par.
2. fo. 116.

8 So did *Gregory* the seuenth exact a curious oath of the Prince of *Capua*, that he would sweare *Alleageance* to the *Emperour*, when the *Pope* or his *Suc-
cessors* should admonish him thereto, and that when hee did it, he would doe it, with reseruati-
on of his *Alleageance* to the *Pope*. And so when the *Emperour Hen-
rie* the seuenth, though he confessed that he had
sworne to the *Pope*, yet denied that hee vnderstood
that Oath to be an Oath of *Alleageance* or *Fidelity*, the
Popes

Popes haue taken order, not onely to insert the oath into the body of the *Canon Lawe*, but to enact thereby, That whosoever tooke that Oath after, should account and esteeme it to bee an Oath of Allegiance.

*Clem. de Inve
inwand.*

9 With how much curiositie and vnescapablenesse their formes of *Abiuration* vnder oath are exhibited? They thought they had not giuen words enow to *Berengarius*, till they made him swear, That the body in the Sacrament, was sensibly handled, broken, and ground with the teeth; which he was bound to swear, *Per Homouision trinitatem*. And they dressed and prepar'd *Hierome* of *Prage*, an oath, in the Councell of *Constance*, by which he must swear, *freely, voluntarily*, (or else bee burned) and *simply*, and *without condition*, To assent to that Church, in all things, but especially in the *Doctrines* of the *Keyes*, and *Ecclesiastick immunities* and *reliques*, and all the ceremonies, which were the most obnoxious matters.

*De Consecrat.
Dist. 2. Ego.*

Sess. 19.

10 But yet this seem'd not enough; And therefore, though *Castrensis* say, That there is no Law, by which he which abiures, should bee bound to abiure any other *Heresie*, then that of which he was infamed, yet hee sayes that it stands with reason, that he should abiure all. And accordingly the *Inquisition* giue an oath, in which, sayes hee, *Nulla manet rimula elabendi*; For he must swear, That he abiures all *Heresies*, and will alwayes keepe the faith of *Rome*; And that

*De infra Hereti.
Punitio. l. 1. c. 111*

he hath told all, of others, and of himselfe, and euer will doe so; And that if he doe not, he renounces the benefit of this Absolution, and will trouble the Court with no more dayes of hearing; but sayes he, *Ego me iudico.*

11 And if wee doe but consider the exacte formes, and the aduantageous words and clauses, which are in their *Exorcismes*, to cast out, and to keepe out *Diuels*, they may be good inducements, and precedents to vs, how diligent we should be, in the phrase of our Lawes, to expell and keepe out *Iesuites*, and their *Legion*, which are as craftie, and as dangerous.

12 When therefore it was obserued, that not onely most of the *Iesuites* Bookes which tooke occasion to speake either of matter of State, or *Morall Diuinitie*, abounded with trayterous and seditious *Aphorismes*, and derogatorie from the dignitie of Princes in generall; but that their Rules were also exemplified, and their speculations drawne into practise in this Kingdome, by more then one *Treason*; and by one, which included and exceeded all degrees of irreligion and inhumanity, then was it thought fit to conceiue an oath, whose end, and purpose, and scope was, to try & finde out, who maintained the integrity of their naturall and ciuill obedience so perfectly, as to sweare, that nothing should alter it, but that he would euer do his best endeouour to the preservation of the Prince, *what enimie so euer should rise against him.*

And

13 And if any of the materiall words, or any clause of the Oath, had beene pretermitted, then had not the purpose and intent of the Oath beene fulfilled; That is, no man had auerr'd by that oath, that he thought himselfe bound to preferue the King against *Allenemies*, which to doe, is meere Ciuill obedience. For though the generall word of *Enemie*, or *Vsurper*, would haue enclued and enwrapped as wel the *Pope*, as the *Turke*, when either of them should attempt any thing vpon this Kingdome; yet, as it hath euer beene the wisdom of all States, in all *Asociations* and leagues, to ordaine Oathes proper to the busines then in hand, and to the imminent dangers: So now it was most necessarie to doe so, because the malignitie of men of that perswasion in Religion, had so violently broke foorth, and declar'd it-selfe, Which happie diligence, the effect praises and iustifies enough, since it appeares, that if these particular clauses had not beene inserted, they would haue swallowed any Oath, which had beene presented in generall termes, and haue kept their Consciences at large to haue done any thing, which this Oath purpos'd to preuent.

14 Hetherefore that should desire to bee admitted to Swear, that hee would preferue the King against all his enemies, *Except* the *Pope*, or those whom he should encourage or imploy; Or that he would euer beare true Allegiance, *Vntill* the
the

the Pope had discharged him, or that he would discover any conspiracie which did happen *before* the Pope did authorize it; Or that he would keepe this Oath, *Untill* the Pope gaue him leave to breake it: this man should be farre from performing the intent and scope of an Oath, which should be made for a new attestation, that hee would according to his naturall duetie, and inborne obedience, absolutely defend the King from *All* his enemies.

15 I make no doubt but the *Iesuites* would haue giuen way to the Oath, if it had beene concei'd in generall words, of *All* obedience, against all *Persons*; for it were stupiditie to denie that to be the dutie of all Subiects. Nor would they haue exclaim'd, that spirituall Iurisdiction had beene infringed, if in such times as their Religion gouern'd here, this clause had beene added to defend the King; *Though the Metropolitan of England should Excommunicate him*. And yet by there *Doctors* it is auerr'd, that *Iure Diuino*, and *Iure Comuni Antiquo*, A Bishop may Excommunicate a King, as *Ambrose* did *Theodosius*, and that excepting onely infallibilitie of iudgement, in matter of Faith, a Bishop might, *Iure Diuino*, doe all those things in his Diocesse, which the Pope might doe in the whole Church. For, so *Bellarmino* himselfe concludes, arguing from the Popes Authoritie in all the world, to a Bishop in his Diocesse. If therefore an Oath had beene

*D' Auila de Cen-
sa. Par. 2. c. 4.
disp. 1. Dub. 4.*

Ibidem.

*De Pont. l. 5. c. 3
§ Item.*

been lawfull, for defending the King against *All* enemies, though a *Bishop* Excommunicate him, And the *Pope* haue onely by *positiue* lawes, withdrawne from the *Bishops* some of the exercise of their iurisdiction, and reserued to himselfe the power of excommunicating Princes, it is as lawfull to defend him after a *Popes* excommunication now, as it was after a *Bishops*, when a *Bishop* might excommunicate: and no man euer said, that a *Bishop* might haue deposed a King.

16 All which they quarrell at in the oath, is, that anything should be pronounced, or any limits set, to which the *Popes* power might not extend: but they might as well say that his *spirituall* power were limited or shortned, and so the *Catholique* faith impugned, if one should denie him to haue power ouer the winde and sea; since to tame and commaund these, *in ordine ad spiritu- alia*, would aduance the conuersion of the *Indies*, and impaire the *Turks* greatnesse, and haue furthered his fatherly & spirituall care of this Kingdome in 88.

17 All the substance of the oath is virtually comprehended in the first proposition, *That king lames is lawfull King of all these Dominions*; The rest are but declarations, and branches naturally and necessarily proceeding from that roote. And as that *Catholique* which hath sworne, or assented, that *Paul the first*, is *Pope* canonically elected, hath

implicitly confessed, that no man can deuest or despoile him of that spirituall iurisdiction, which God hath depofed in him, nor of those temporall estates, which by iust title his predeceffours possessed or pretended too: so that Subiect which sweares king *Iames* to bee his true and lawfull King, obliges himselfe therein to all obedience, by which hee may still preferue him in that state; which is to resist *all* which shall vpon any occasion be his enemies.

18 For if a king be a king vpon this condition, that the Pope may vpon such cause as seemes iust to him, depose him, the king is no more a *Soueraigne*, then if his people might depose him, or if a Neighbour king might depose him: For though it may seeme more reasonable and conuenient, that the Pope, who may bee presumed more equall, and dispassioned then the people, and more disinteressed then the neighbour Princes, should be the Iudge and Magistrate to depose a Prince enormously transgressing the wayes, in which his duety bounde him to walke, though, I say, the king might hope for better Iustice at his hand, then anothers, yet he is no *Soueraigne*, if any person whatsoever may make him none. For it is as much against the nature of *Soueraignty*, that it may at any time be iustly taken away, as that it shall certainly bee taken away. And therefore a King whom the Pope may depose, is but a *Depositarie*,

positarie, and *Guardian* of the *Souerainty*; to whose trust it is committed vpon condition: as the *Dictators* were *Depositaries* of it, for a certaine time. And Princes in this case shall bee so much worse then *Dictators*, as *Tenants* at will are worse then they which haue certaine leases.

19 And therefore that suspition and doubt, which a learned *Lawyer* conceiued, that the *Kings* of *France* and *Spain* lacked somewhat of *Souerainty*, because they had a dependance, and relation to the *Pope*, would haue had much reason and probability in it, (though he meant this onely of *spirituall* matters concerning religion) if that authority which those *Kings* seeme to be subiect to, were any other, then such, as by assenting to the *Ecclesiastique* *Canons*, or confirming the immunities of the *Ecclesiastique* state, they had voluntarily brought upon themselves, and the better to discharge their duties to their Church; and to their ciuill state, had chosen this way as fittest to gouerne their Church, as other waies, by Iudges and other *Magistrates* to administer ciuill Iustice.

20 So therefore his *Maiesties* predecessors in this Kingdome were not the lesse *Soueraigne* and absolute, by those acts of Iurisdiction which the *Popes* exercised here. For though some kings in a mis-deuout zeale, and contemplation of the next life, neglected the office of gouernement to

Exod. 32. 32.
R. 9. 3.

which God had called them, by attending which function duely, they might more have advanced their saluation, then by Monastique retirings (of which publique care, and preserving those which were committed to their charge, and preferring them before their owne happinesse, *Moses*, and *S^t. Paul* were couragious examples) Though, I say, they spent all their time vpon their owne future happinesse, and so making themselues almost *Clergy men*, and doing their duties, gaue the *Clergie men* way and opportunity, to enter vpon their office, and deale with matter of State; And though some other of our kings oppressed with temporall and personall necessities, haue seemed to diminish themselues, by accepting conditions at the *Popes* hands, or of his *Legates*, And some others, out of their wisdome auoiding dangers of raw and immature innouations, haue digested some indignities and vsurpations, and by the examples of some kingdomes about them, haue continued that forme of Church Gouernment, which they could not resist without tumult at home, and scandall abroad; yet all this extinguished no part of their Souerainty; which Souerainty without all question they had, before the other entred into the kingdome, intirely: and Souerainty can neither be deuested nor deuided.

21 As therefore *Saint Paul* suffered *Circumcision* as long as toleration thereof, advanced the propagation

gation and growth of the Church, when a severe and rigid inhibition thereof would have averted many tender and scrupulous consciences, which could not so instantly passe from a commandment of a necessity in taking Circumcision, to a necessity in leaving it; But when as certaine men came downe and taught, that circumcision was necessary to saluation, and so ouerthrew the whole Gospel, because the necessity of both could not consist together, then Circumcision was vtterly abolished: So, as long as the Romane Religion, though it were corrupted with many sicknesses, was not in this point become so infectious and contagious, as that it would vtterly destroy and abolish the Souerainy of Princes, the kings of England succoured, relieved, and cherished it, and attended an opportunity, when God would enable them to medecine and recouer her; but to be so indulgent to her now, is impossible to them, because as every thing is ieaious of his owne being, so are kings most of any: and kings can haue no assurance of being so, if they admit professors of that Religion, which teache, that the Pope may at any time Depose them.

A. 15.

22 We doe not therefore by this oath exempt the King from any *spirituall* Jurisdiction; Neither from often incitations to continue in all his duties; by Preaching the word; nor from confirming him in grace, by the blessed Sacrament;

Nor from discreet reprehension if hee should transgresse. We doe neither, by this oath, priuledge him from the *Censures* of the Church, nor denie, by this oath, that the Pope hath iustly ingrossed and reserued to himselfe the power to inflict those censures vpon Princes. We pronounce therein against no power which pretendes to make Kings *better* Kings, but onely against that, which threatens to make them *no* kings.

23 For if such a power as this, of deposing and annihilating Kings, bee necessarie, and certaine in the Church, and the Hierarchie thereof be not well established, nor our saluation well provided for, without this power, as they teach, why was the Primitiue Church destitute thereof? For if you allow the answer of *Bellarmino*, *That the Church did not depose Kings then because it lacked strength*, you returne to the beginning againe, and goe round in a circle. For the wisdom of our Sauour is as much impeached, and the frame of the Church is as lame, and impotent, and our saluation as ill provided for, if *Christ* doe not alwayes giue strength and abilitie to extirpate wicked kings, if that be necessarie to saluation, as he were if he did not giue them Title and Authority to doe it. Yea, all these defects would still remaine in the Church, though *Christ* had giuen *Authority* enough, and *Strength* enough, if he did not alwayes infuse in the Pope, a *Will* to doe it.

De Pont. l. 5. c. 7.
§ Quod si.

24 And where this power of deposing Princes may be lawfully exercised, as in States where Princes are *Conditionall*, and not absolute and *Soueraigne*, as if at *Venice* the State should depose the *Duke*, for attempting to alter that Religion, and induce *Greeke* errors, or *Turcisme*, or if other States, which might lawfully doe so, should depart from the obedience, and resist the force of their Princes, which should offer to bring into that State, the *Inquisition*, or any other violence to their Conscience, if the people in these States should depose the Prince, did they doe this by any *Spirituall* Authoritie, or Iurisdiction? Or were this done by such a *Temporall* Authoritie, as were *indirect*, or *casuall*, or *incident*, or springing out of the *Spirituall* authoritie, as the *Popes* riddle makes his authoritie to bee? Or must they stay, to aske and obtaine leaue of their *Clergie*, to depose such a transgressor? If therefore such a particular State, in whom the *Soueraignty* resides, haue a *direct temporall* power, which enables it sufficiently to maintaine, and conserue it selfe; such a *supreme spirituall* power, as they talk of in the *Pope*, is not necessarie for our saluation, nor for the perfection of the Church government.

25 Nor is there any thing more monstrous, and vnnaturall and disproportioned, then that *spirituall* power should conceiue or beget *temporall*: or to rise downwards, as the more degrees of heighth,

height, and Supremacie, and perfection it hath, the more it should decline and stoope to the consideration of secular and temporall matters. It may well haue some congruity with your Rules, that the Popes of Rome, in whom the fulnesse of spirituall power is said to be, should haue more iurisdiction in *spirituall* matters, then other Prelates. They may be better trusted with the *spirituall* food and physicke of the Church, and so prepare and present, the *word*, and the *Sacraments*, to vs, in such outward sort and manner, as wee may best digest, and conuert them to nouriture. They may be better trusted with the *spirituall* Iustice of the Church, and make the *cessures* thereof profitable to the delinquent, and others by his example. They may be better trusted with the *spirituall* treasure of the Church, and apply and dispence the graces, of which they haue the *stewardship*, at their discretion. They may be better credited with *canonizing* of Saints, and such acts of *spirituall* power, then others: and these are many, and great offices, to be put into one bodies hands. But that out of this power, and then onely when this power is at her fulnesse and perfection, in the Pope, there should arise and growe a *temporall* power, which in their estimation, is so poore and wretched a thing, that a boy which doth but haue his head, and light a candle in the Church, is aboue it, (for so they say, euen of the *lesser Orders*) is either

ther impossible, or to prodigious, as if (to insist vpon their owne comparilons of *spirituall* and *temporall* power) the *Sunne* at his highest glory, should be said to produce a *Moone-light*, or *golde*, after all trials and purifyings, should bring forth *Lead*.

26 Nor doe they for this *Timpany*, or false conception, by which *spirituall* power is blowne vp, and swelled with *temporall*, pretend any place of *Scripture*, or make it so much as the putatiue father thereof. For they doe not say, that any place of *Scripture* doth by the literall sense thereof, immediatly beget in vs, this knowledge, *That the Pope may depose a Prince*; but all their arguments are drawne, from *naturall reason*, and *discourse*, and *conueniencie*. So that, if either the springe which moues the first wheele, or any wheele by the way be disordered, the whole Engine is defeated, and made of no vse.

27 And in this wee will ioyne and concurre with *Azorius*, the *Iesuite*, *That though there be some things which neither the Scriptures doe in expresse words forbid the Pope to doe, nor the Canons can disable him, because hee is aboue them, yet the very law of Nature inhibites them, and provides that by no meanes they may be done; and that if the Pope should doe such a thing, there were a Nullity in the action, and the Church would neuer permit it, but doe some act in opposition against it, And all this out of this respect, That*

Ecc

natur-

To. 2. l. 4. C. 5. S.
Tertio.

naturall Reason would teach them, that the generall peace and tranquility of the Christian Common-wealth would be disturbed thereby.

28 If therefore in the point in question, wee must be directed by *naturall reason*, and dispute which is most profitable and conuenient for the peace of *Christian states*, though it may bee long vncertaine on both sides, where the victorie will fall, yet, during the suite, *Melior est conditio possidentis*. And since it is confessed, that Princes before they accepted *Christianitie*, had no *Superiour*, and nothing appears why Princes should not be as well able to gouerne Subjects in *Christian Religion*, as in *Morall vertue*, or wherein they neede an equall *Assistent*, or *Superiour*, now, more then before, or by what authoritie the Pope is that *Officer*, it is a precipitate and hastie preiudice for any man, before iudgement, to set to the seale of his blood, and a licentious and desperate extending of the *Catholique faith*, to intrude into the body thereof, and charge vpon our consciences, vnder paine of *damnation*, such an *article*, as none but the thirteenth Apostle *Iudas* would haue made, and in which their owne greatest *Doctores*, are yet but *Catechumeni*, and haue no explicite beliefe thereof: for they neither bring to that purpose, *Scripture*, *Traition*, *consent of Fathers*, *generall Counsaile*, no nor *Decree of any Pope*.

29 And, I thinke, I may safely auerre, that it will

will not constitute a *Martyrdome*, to seale with your bloud any such point heere, as the affirming of the contrary, would not draw you into the fire at Rome. Except you should be burned for an Opinion there, you cannot be reputed *Martyrs*, for holding the contrarie here. As therefore it were no *Heresie* at Rome, to denie the Popes direct power, nor his indirect, (for if it were, *Bellarmino* and *Baronius* had made vp an *Heresie* betweene them, as *Sergius* and *Mahomet* did) so is the affirmation thereof no *article of faith* in England.

30 This then being so farre from being an *Article of faith*, by what power the Pope may depose a Prince, as that it is euen amongst them which affect an *Ignorance*, but *Dubium speculatiuū*, a man may safely, and ought to take the Oath: For so a man of much authority amongst themselves doth say, *That in a doubt which consists in speculation, we doe not sinne, if we doe against it: and himselfe chuses this example, If a Souldier doubt whether the warre which his Prince undertakes be iust or no, yet in the practique parte, hee may resolve to fight at his Princes command, though he be not able to explicate the speculative doubt. And he ads this in confirmation; That where one part is certaine, and the other doubtful, we may not leaue the sure side, and adhere to the other. In his example that which hee presumes for certaine, is this, That euery man ought to defend his Prince, and the speculative doubt is, Whether the*

*Carbo summa
summarum. To.
1. Par. 1. C. 14.
S. prima.*

warre be iust or no. If this be applied to our case, euery man will finde this certaine impressiō in himselfe, that hee ought to sweare ciuill obedience to his Prince, and this will be so euident to him, that no doubt can arise, so strong, or so well commended to him, by any pretence of Reason, and deducements, as may make him abstaine from a practique duty, for a speculatiue doubt. For so, *Fran. a Victoria*, maintaining the same opinion, giues these reasons for it, *That not onely in defensive warre, but in offensive* (which is further then our case, in any probability, is like to extend to) *the Prince is not bound to giue an account to the subiect of the iustice of the cause: And therefore* (saies hee) *in doubtfull cases, the safer part is to be followed: And if he should not fight for his Prince, he should expose the State to the enemy, which is a much more grienous offence, then to fight against the enemy, though he doubt of the cause.* For if their opinion were an euident Truth, both their *Doctōrs* would be able to explicate it, and their *Disciples* would neede no explanation.

31 This Oath therefore containing nothing, but a *professiō of a morall Truth*, and a *protestation that nothing can make that false*, impugnes no part of that *spirituall power*, which the Pope iustly hath, nor of that which he is charged to vsurpe. That which hath seemed to many of them, to come neereſt to his *spirituall power*, is, that the Depo-
nent

*Fran. a Victor.
Relect 6. De Ju-
re belli. S. Tertium
Dubium.*

ment doth sweare, *That the Pope hath no power to absolve him of this Oath*. But besides, that it hath beene strongly and vncontroulably prooued already by diuers, that no absolution of the Popes can worke vpon the matter of this Oath, because it is a morall truth, I doe not perceiue, that to absolve a man from an Oath, belongs to spirituall Iurisdiction.

32 For Dispensations against a law, and absolutions from Oathes and Vowes worke onely as *Declarations*, not as *Introductions*. And that power which giues me a priuiledge, with a *Non obstante* vpon a law, or an absolution from an oath, doth not enable mee to breake that lawe, or that Oath, but onely declares, *That that law and Oath, shall not extend to me in that case*, and that if this particular case could haue beene foreseene, at the making of the law, or the Oath, neither the Oath, nor the law ought to haue beene so generall.

33 So therefore these Absolutions, are but *interpretations*, and it belongs to him who made the law, to interpret it. For without any vse of spirituall Iurisdiction, the Emperour *Henry* the seuenth, absolved all the Subiects of *Robert* king of Sicily of their oathes of Alleageance, when he rebelled against the Empire, of which hee was a *feudatarie* Prince. And though the Pope annulled this sentence, it was not because the Emperour might not doe this, but because the king of Sicily held also of

*Clem. de Sen. et
re iud. Pasto-
ralis.*

the Church, and this absolving of Subjects made by the *Emperour*, extended to the Subjects of the Church.

Dig. li. 50. Tit. 1.
Ad munic. le. fin.

34 So also the Emperours *Antoninus* and *Vereus*, when one had made an oath, that he would never come into the *Senate*, creating him such an *Officer*, as his personall attendance was necessary in the *Senate* house, by an expresse *Rescript*, absolved him of his oath. Of which kinde there are diuers other examples.

15. q. 6. Authori-
tatem. gloss.

35 And your *Canons* doe not require this *spirituall* Jurisdiction, alwaies in this Act of absolving an oath. For if I haue bound my selfe to another by an vnjust oath, in many cases I may pronounce my selfe absolved; and in others I may complaine to the Iudge, that hee may force him, to whom I swore, to absolue me of this oath. And in such cases as we are directed to goe to the Church, and the gouernour thereof, it is not for absolution of the oath; but it is for iudgement, whether there were any sinne in making that oath, or no. For when that appears, out of the Nature of the matter, arises and results a Declaration sufficient, whether wee are bound or absolved. If therefore the matter of this oath be so eident, as being Morall, & therefore constant and euer the same, that it can neuer neede his iudgement, because it can in no case be sinne, the scruple which some haue had, that by denying this power of absolving, his spirituall

rituall power is endamaged, is vaine and friuolous.

THE SECOND PART.

FROM this imputation, of impairing his *spirituall* power, euery limme and part of the oath, hath beene fully acquitted, by great, and reuerend persons, so, as it were boldnesse in me, to add to that which they haue persited; since additions doe as much deforme, as defects. Onely, because perchance they did not suspect, that any would stumble at that clause, which in the oath hath these words, *I abiure as impious, and Hereticall, that position, &c.* I haue not obserued that any of them, haue thought it worthy of their defence; But because I haue found in some *Catholiquis*, when I haue importuned them to instance, in what part of the oath *spirituall* Iurisdiction was oppugned, or what deterr'd them from taking the same, that they insisted vpon this, That it belonged onely to the *Pope* to pronounce a *Doctrine* to be *Hereticall*, and that, since there was a *Canon* of a generall *Councell* pretended for the contrary opinion, and that it was followed by many learned men, it were too much boldnesse for a priuate man, to auerre it to
be

be Hereticall, I am willing to deliuer them of that scruple.

37 It is no strange nor insolent thing with their Authors, to lay the Note of *Herésie* vpon *Articles*, which can neither be condemned out of the word of God, nor are repugnant to any Article of faith; for *Castrensis*, that he might thereby make roome for traditions, liberally confesses, *That there are many Doctrines of the Heretiques, which cannot be refelled by the testimonie of the Scriptures.* And the *Iesuite Tannerus* is not squeamish in this, when hee allowes thus much, *That in the communion vnder one kinde, and in fasts, and in feasts, and in other Decrees of Popes, there is nothing established properly concerning faith.* So that with you, a man may be subiect to the penalties, & so to the infamie, & so to the damnation belonging to an *Heretique*, though hee hold nothing against the Christian faith.

38 But wee lay not the Name of *Herésie* (in that bitter sense which the Canons accept it) vpon any opinion which is not against the Catholique faith. Which faith wee belecue *Leo* to haue described well, when hee saies, *That it is singular, and true, to which nothing can be added, nor detracted:* and we accept *S. Augustines* signification of the word *Catholique*; wee interpret the name *Catholique*, by the *Communion with the whole world*; which is so *Essentiall* & so truly deduced out of the *Scriptures*, that a man which will speake of another Church, then
the

*Aduer. Here. l. 1.
C. 5. in princ.*

*De lib. Eccles.
l. 2. C. 9. S. Secuadus.*

*Ad Leo. Aug.
Epist. 97. in
princi.*

*Epist. 48. Cont.
Rogat. et Donat.*

the Communion of all Nations, which is the name Catholique, is as much Anathematized, as if he denie, the Death and Resurrection of Christ. And what is this Essentiall truth, so evident out of Scripture, which designes the Catholique Church? Because, sayes Augustine, the same Evangelicall truth which tells vs the Death and Resurrection, tells vs also, That Repentance, and Remission of sinnes shall be preached in his Name, through all Nations. That therefore is Catholique faith, which hath bene alwaies and euery where taught; and Repentance, and Remission of sinnes, by the Death and Resurrection of Christ, and such truthes as the Gospell teaches, are that Doctrine, which coagulates and gathers the Church into a body, and makes it Catholique; of which opinion Bellarmine himselfe is sometime, as when he argues thus, *whatsoever is Heresie, the contrarie thereof is veritas fidei*; for then it must be matter of faith. And an error with pertinacie in those points onely, should bee called Heresie, in that heauiesesse, which it hath in a Papists mouth.

40 Castrensis foresaw this Danger of Recrimination, and retorting vpon themselves, this opprobrious name of Heretique, if they were so forward to impute it, in matters which belonged not tof ith, for accordingly, he saies, *They amongst vs, which doe so easily pronounce a thing to be Heresie, are often striken with their own arrow, & fall into the pit which they digged for others.* And certainly as the

39

*De Euchar. l. 3.
c. 8. §. Ac primum.*

*Aduer. Heres.
l. 1. c. 7.*

Bonofius.

In 7^o. sit. 1. c. 2.Azor. To. 2. l. 4. c.
15. §. Item eo.

Greeke Church by vsing the same stitnesse and rigour towards the *Romane*, as the *Romane* vses towards the other *Westerne* Churches, which is, not onely to iustifie their opinions, but to pronounce the contrarie to be *Herésie*, hath tamed the *Romane* writers so farre, as to confesse that they condemne nothing else in their opinion and practise of consecrating in a different bread, but that they impose it, as a necessitie vpon all other Churches, and hath extorted a Decretall from Pope *Eugenius*, That Priests in Consecrating (not onely may) but ought to follow the custome of that Church where they are, whether in leauened, or vnleauened bread, and *Innocent* the third, required no more of them, in this point, but that they would not shewe so much detestation of the *Romane* vse therein, as to wash and expiate their Altars, after a *Romane* Priest had consecrated, So if it should stand with the wisdom and charity of the *Reformed Church*, iuridically to call, all the Additions which the *Romanes* haue made to the *Catholique* faith, and for which, wee are departed from them, absolute and formall *Herésie*, though perchance it would not make them abandon their opinions, yet I thinke it would reduce them to a more humane and ciuill indifferencie, & to let vs, without imposing their traditions, enjoy our own Religion, which is, of it self, in their confession, so free frō *Herésie*, that they are forced to make this all our *Herésie*, that we will not admit theirs.

41 Yet somethings haue so necessary a consequence, and so immediate a dependance vpon the Articles of faith, that a man may be bolde to call the contrary *Hereticall*, though no *Definition* of any Councell haue pronounced it so; yea some *Notions* doe so precede the *Articles* of our faith, that the *Articles* may be said to depend vpon them so farre, as they were frustrate, if those *prenotions* were not certaine. Of that sort is the *Immortality* of the soule, without which the worke of *redemption* were euaine. And therefore it had beene a vitious tenderresse, and irreligious modesty, if a man durst not haue called it *Hereticall*, to say, that the soule was mortall, till *Leo* the tenth, in the *Laterane Councell* Decreed it to bee *Heresie*. For though *Bellarmino* in one place require it as *Essentiall* in an *Heresie*, That it haue beene condemned in a Councell of *Bishoppes*, yet he saies in another place, That the *Popes* alone without *Councils*, haue condemned many *Heresies*.

42 And this liberty hath beene vsed as well by *Epiphanius*, and *S. Augustine* in the purer times, as by *Castrensis* and *Prateolus*, in the later *Romane Church*, and of late yeares (of those which adhere to *Caluins* Doctrine, by *Danaeus*, and of *Luthers* followers, by *Schlussetbergius*; all which in composing *Catalogues* of *Heretiques*, haue mentioned diuers, which as yet no generall Councell hath condemned. So did the *Emperours* in their constituti-

In septimo l. 5.
Tit. 3. c. 8.

De Euchar. l. 3.
c. 8. § Ac primiti

De Pont. l. 4. c. 3.
§ Alterum.

ons pronounce against some *Heresies* of which no Councell had determined. So did the *Parliament of Paris* in their sentence against *Chastell* for the assassinate vpon the person of this King of France, pronounce certaine words, which he had sucked from the *Iesuits*, and vttered in derogation of Kings, to bee *Seditious, Scandalous, and Hereticall.*

42 And if the Oath framed by order of the Councell of *Trent*, and ratified and enioyned by the Popes *Bull*, be to be giuen to all persons, then must many men sweare somethings to be of the *Catholique faith*, and some other things to be *Hereticall*, in which he is so farre remooued from the knowledge of the things, that he doth not onely not vnderstand the signification of the wordes, but is not able to sound, nor vtter, nor spell them.

43 And hee must sweare many things determinately, and precisely, which euen after that Councell some learned men still doubt, *As, that a license to heare confessions, in euery Priest not beneficed, is so necessarie, necessitate Sacramenti, that except hee haue such a license, the penitent, though neuer so contrite and particular in enumeration of his sinnes, and exact in satisfactions, and performing all penances, is vtterly frustrate of any benefite, by vertue of this Sacrament.* So therefore a certaine and naturall euidence of a morall truth, such as arises to euery man, *That to a King*

D'Alain de pot.
Episc. c. 23. n. 5. ex
Suarus.

King is due perpetuall obedience, is better authority to induce an assurance, and to produce an oath, that the contrary is Hereticall, then an implicite credite rashly giuen to a litigious Councell, not beleued by all Catholiques, and not vnderstood by al that sweare to beleue it.

44 For the other obstacle and hinderance which retards them, from pronouncing that this position is *hereticall*, which is, *the Canon of the Laterane Councell*, enough hath beene said of the infirmity and inualidity of that Councell by others. Thus much I may be bolde to adde, that the *Emperour* vnder whome that Councell was held, neuer accepted it for a *Canon*, neither in those wordes, nor in that sense, as it is presented in the *Canon law*; from whence it is transplanted into the body of the *Councels*. And the Church was so farre from impugning the *Emperours* sense and acceptation thereof, that *Innocent* the fourth, and diuers other Popes being to make vse thereof, cyte the *Constitution of the Emperour*, not any *Canon of a Councell*, in their Directions to the *Inquisitors*, how to procede against Heretiques. They therefore either knew no such *Canon*, or suspected and discredited it.

45 Thus therefore that pretended *Canon* saies, *If a temporall Lord warned by the Church, do not purge his land of Heretiques, let him be excommunicate by the Metropolitan and Conprouinciall bishopps; if he satis-*

Ann. 1215. ca. 3.

Extra. de Hecr.
s. 6. 13.Direc. Inqui.
lt. Apostol. pag.
13. 27. 51.

fit not within a yeere, let it be signified to the Pope, that he may denounce his subiects to be absolved from their Alleageance, and expose his Land to Catholickes, which may without contradiction possesse it, the right of the principall Lord (which we call Lord Paramount) being reserued, if hee giue no furtberance thereunto. And thus farre without doubt the Canon did not include Principall and Soueraigne Lords, because it speakes of such, as had Lords aboue them. And where it concludes with this clause, *The same Law being to be obseru'd toward them, Qui non habent Dominos principales*, The Imperiall Constitution hath it thus, *Qui non habent Domos principales*.

46 And certainly the most naturall and proper acceptation of *Domos Principales* in this place, in the Emperours Lawe, is the same as the word, *Domicilium Principale*, hath in the Canons, which is a *Mans chiefe abiding and Residence*, though vpon occasion he may be in another place, or haue some relation and dependance vpon a Prince out of that Territorie. And it may giue as much clearenesse to the vnderstanding of this Lawe, if wee compare with it, the great and solempne *Clementine Pastoralis*.

47 Forthen Robert being King of Sicily, that is, such a Principall Lord, as this pretended Canon speakes of, but yet no Soueraigne (for he depended both vpon the Empire and vpon the Church) was condemned as a *Rebell* by the Emperour Henrie the seventh

Cod. l. 1. Tit. 5. l. 4
§ Si vero.

De Sent. & reind

seuenth. And *Clement* the fift, annull'd and abrogated that *Sentence*, of the Emperours, vpon this reason; That though the *King of Sicily* held some Lands of the Empire, yet *Domicilium suum fouebat in Sicilia*, which belong'd to the Church, and therefore the Emperours Iurisdiction could not extend to him, because he had not *Domicilium in Imperio*. Hereupon the *Glosse* enters into Disputation, how farre a man which hath goods in one *Dominion*, shall be subiect to the Lawes of that place, though his *Principale Dominium* (as he still calls it) be in another. So that it seemes the *Emperour* had this purpose in this *Constitution*, that those *Domini Principales*, which were vnder the *Iurisdiction* and *Dependance* of the Empire, should indure the penaltie of this Law, if they transgressed it, though they had not there *Domos Principales* within the limits of the Emperour. For at the time, when this *Constitution* was made, the Emperours thought it lawfull for them to doe so, though a hundred yeere after, *Clement* the fift, denied by this *Canon*, that they had so large a power. But this *Constitution* inferres nothing against *Soueraigne Lords*, whom the *Emperour* could not binde by any *Constitution* of his, because they had no dependance vpon him.

48. And as the *Constitution* differs from the *Canon* in such materiall words as ouerthrowes that sense which they would extort out of it, which is, *That Soueraignes are included therein*, so doeth it in
the

the sense, and in the appointing of the *Officer*, who shall expel these fauourers of *heretiques*. For where the *Canon* saies; *Let it be tolde to the Pope, who may absolue the Subiects, and expose the land*, the *Emperour* speakes of himselfe, *we do expose the land*. So that he takes the authority out of the *Popes* hand; which he would not haue done, nor the *Pope* haue cyted as to his aduantage, that lawe by which it was done; if either *Iure Diuino* such a power had resided in him, or a *Canon* of a generall *Councell* had so freshly inuested him therewith.

49 And as it is neither likely that the *Emperour* would include himselfe in this law, nor possible that he should include others as *Soueraigne* as himselfe, at least: so doth it appeare, by the *Ordinary Glosses* vpon that constitution (which hath more authority, then all other *Expositors*) that that law is made against such *Lords* and *Subiects*, as haue relation to one another by feudall law; for so it interpretes *Dominum temporalem*, and *Dominum principalem*, to be, when some *Earle* holdes something of a *King*; which *King* also must haue a dependency vpon the *Empire*, because otherwise the *Imperiall* law could not extend to him. And yet euen against those *principal Lords*, the law seemes so seuer, that the *Gloss* saies, *Non legitur in Scholis*. So that so many proofes hauing beene formerly produced, *That this Councell made no Canons*, but that those which are vsually offered now, are but ragges torne out
of

of one booke, and put into another, out of the *Extravagants into the Councils*, and this *Imperiall* constitution, which to the Pope himselfe seemed of more force, then his Predecessors *Decretall*, neither concerning *Soueraigne Lords*, nor acknowledging this power of absolving Subiects, to be in the Pope, but in himselfe, no sufficient reason arises out of this imaginary Canon, which should make a man affraid to call that *Hereticall*, which is against his naturall reason, and against that maine part of *Religion*, which is, ciuill obedience.

50 For the *Romans* dealing more severely, and more iniuriously with vs, then the *Greeke Church* did with them, when they presented to the *Emperour*, vpon a commission to make an *Inquisition* to that purpose, *99. errors and deuiations in matter of faith, in the Romane Church*: of which some were *Orthodoxall* truths, some, no matter of faith, but circumstantiall indifferencies, though they called them all errors in faith; the *Romane Church*, I say, traducing our doctrine, with as much intemperance and lower language, giues vs example to call all their errors *Hereticall*. And so, when *Drusius* in his owne defence against a *Iesuite* who had called him *Heretique*, saies, That *Heresie must be in fundamentis fidei*; the *Iesuite* replies, that euen that assertion of *Drusius* is *Heresie*.

51 And this doctrine and position, which this Oath condemnes, will lacke nothing of formall

Ggg

and

Arzop. par. 2. l. 4
c. 15. § Item eo.

Serap. Triha. l. 3.
c. 20.

De Euchar. l. 3.
c. 8. §. Ac pri-
mum.

a Vercellens. De
vitali Eccles.
c. 18. r. u.

and absolute Heresie, if those notes bee true, by which Bellarmine designes Heresie, and saies, that if that be not Heresie to which those Notes agree, there is no heresie in the world. For, (as he requires to constitute an heresie) we can note the Author, to haue beene Gregory the seventh; the place to haue beene Rome, the time betweene five and 600 yeares past, And that it began with a few followers, for sometimes but fifteene, sometimes but thirteene Bishops adherd to Gregory,) when euen the Bishops of Italy fauoured the other part: And that it appeared with the admiration of the faithfull, for so it is noted to haue beene, *Notium scisma*: And that contradiction and opposition was made by all the Imperiall Clergy, and much of Italy it selfe. And, for that which is the last note proposed by Bellarmine, that it bee condemned by a Councell of Bishops, and all faithfull people, though that haue not yet beene done, because God for our sinnes, hath punished vs with a Dearth of Councils, and suffered vs in a hunger, and rage of glory, and false constancie, to eate and gnaw vpon one another, with malignant disputations, and reprochfull virulencies, yet when his gracious pleasure shall affoord the Church, that reliefe, wee doe iustly hope it will haue that condemnation, and so be a consummate heresie, because no Pseudo-Councils as yet haue beene able to establish the contrarie.

52 And though these markes and certaine notes

notes of *Heresie* be tyrannically, and cautelously put by *Bellarmino* (because it is easie to name many *Heresies*, in which many of these marks are wanting, of which wee know neither Parents, Country, nor age, and which insinuated themselves, and got deepe roote in the Church, before they made any noise or trouble in the state thereof, and at the first breaking out, were countenanced with many and mighty fauourers, and which no generall Councell hath yet condemned) yet, as I said, we refuse not these marks, but submit this opinion, to that triall, whether it be properly *Hereticall*, or no. For it will as well abide this triall, as an other, proposed long before by *S. Augustine*, *That hee is an Heretique*, which for any *Temporall aduantage*, and *aduancement of his Supremacie*, doth either *beget*, or *follow false and new opinions*, Which seemes directly spoken of this *Temporall Supremacie*: to which also, *S. Paul* may iustly bee thought to haue had some relation, when he reckons *Heresie*, amongst the *workes of the flesh and worldly matters*.

53. But leauing this exact and subtil appellacion of *Heresie*, let him whom that scruple deterrs from the oath, *That hee must sweare the doctrine to be Hereticall*, consider in what sense our law vnderstands the word in that place.

54. The *Imperiall Law* layes an imputation vpon that man, *Qui Saeva verborum prerogatiua fraudulen-*

24. q. 3. *Hæretic.*
ex. lib. de util.
credendi.

Gal. 5. 20.

cod. l. i. tit. i. de s.

dulenter contra Iuris sententiam abutitur; that he is as guilty as he, which breakes the law. For hee which picks a quarrell with a law, by pretence of an ambiguous word, declares that hee would faine escape the obligation thereof. But, saith the same law, A Law maker hath done enough, when he hath forbidden that which he would not haue to be done; the rest must bee gathered out of the purpose of the law, as if it had bene exprest. And no man can doubt, but that the law-maker in this law, hath forbidden Defection from the Prince; and the purpose of the law, was to prouide onely against that. Out of which purpose no man can iustly collect, that the Deponent should pronounce the contrarie Doctrine, so Hereticall, as that he which held it, or relapsed into it, might be burnt; but that it was apparantly erroneous, and impious, and fit to bee abiured; And how little erroneous lackes of Hereticall, and wherein they differ, Diuines are not agreed, saies your Simancha, and it is yet vndermined.

55. Nor is there required in this Deponent, such an assurance in Faith, as belongs to the making of an Article, Formall Heresie, but such an assurance in Morall reason, and Humane discourse, as Bartholus requires in him which takes an Oath, when he sayes, *He which sweares the trueth of any thing, vnderstands not his Oath to be of such a trueth, as is subiect to sense, Sed iurat de uehementi opinione.*

56 And the word Hereticall in this Oath, hath so

Ibid.

*Enchirid. Ind.
Tit. 24. n. 20.*

*In Dig. l. 39. de
Dam. infse. l. c. 13.
Nu 18.*

so much force, as the word to *Anathematize*, hath in many *Councils*. As, for example, in that place of the *Council of Constantinople*, where it is said; *Let him be Anathematiz'd, which doeth not Anathematize Origen*. Which is meant of a detestation and abhorring som of his opinions, not of pronouncing him, a formall and consummate Hereticke. For you may well allow a *Ciuill* and conuenient sense to this word, in this Oath, that it meanes onely *Impious*, and *inducing of Heresie*, since you haue bound all the world vpon paine of *Damnation* to beleue, *That S. Paul call'd Concupiscence sinne, not because it was sinne, but because it proceeded from sinne, and induced to sinne.*

57 A great *Casuis*t, and our *Cou*ntreyman, deli- uers safe Rules which may vndeceiue them in these suspicions, if they will not be extremely negligent; and *Negligentia dissoluta Dolus est*. For thus hee saies; *Though a law should provide expressly, that the words of the law should bee vnderstood as they lie, yet they must receiue their interpretation from the common vse of speech; which is, that which the most part in that Country doe vse. And if both significations may be found in common vse, that must be followed, which out of likelihood and reason, seemes to haue bene the meaning of the lawmaker, though it be improper: And his meaning appeares, when the word taken in the other sense, would create some absurd, or vniust matter.* And as amongst vs, those with whom this word

Ca. II.

Cons. Trid. Sess. 4
de Peccat. Orig.Sayr. Thes. Cas.
consc. l. 3. c. 8.
n. 6. & 7.

Hereticall is in most vse, which are *Diuines*, vse the word promiscuously, and indifferently, against all *impious* opinions. So especially did the Lawmaker at this time vse it, because otherwise, it had beene both *absurd*, to decree a point to be properly *hereticall*, which was not brought into debatement, as matter of faith, and it had beene *vnjust*, vnder colour of requiring ciuill obedience, to haue drawn the deponent, to such a confession, as if he had relapsed and fallen from it after, hee might haue beene burned.

58 And the words of the oath agree precisely to Sayrs rule; for the *deponent* must sweare, according to the expresse wordes, and the plaine and common sense, and vnderstanding of the same. And Sayr saies, That if we must sweare to a Law, according to the proper signification of the words, then there is no place for such discretion, and for admitting a diuers sense: but the wordes of our Oath, which are, According to the plaine, and common sense, fall directly within his first Rule.

59 And the law hath good warrant and precedent to assume the word, *hereticall*, in such a moderate signification; for so the Scriptures vse the word, when S. Paul saies, oportet hereses esse, which Gretzer confesses, when to excuse the vulgate Edition, which hath in that place, left out the wordes, In Vobis; he saies, It would do no harme to their cause to admit those wordes, because it is not spoken, De heresi proprie dicta.

60 And

1. Cor. II. 19.

Defeso. Bell.

12. c. 14.

60 And so the generall Councell of Constanti-
nople within the first foure hundred yeares, calles
some *Hæretiques* though they be not *Anathemati-*
zed by the Church, because they make *Conuenticles* a-
gainst *bishoppes*, and accuse them *vnorderly*, and against
the forme of *Canons*. So also doth another Councell
say of *Simony*, that it is not onely *Sacrilegious*, but
hereticall.

And accordingly to these, a late Pope, *Leo Io.*
in a formall *Decree* and *Bull*, vses the worde in a
like sense. For he condemnes the Articles imputed
to *Luther*, *Tanquam respectiue hæreticos*, because out of
some of them it would follow, that the Church had *darred*.
But that proposition, out of which the next de-
ducted Conclusion, might bee *Heresie*, is not it
selfe necessarily *Heresie* properly vnderstood.

61 And as these do, so also doe the *Canons* in
the law, speake in a moderate phrale: For in one
place, wher the text saies, that a thing is done, *Con-*
tra fidem Catholicam, the *Glosse* explicates it, *Contra*
bonos Mores: and in another place, it interpretes the
same wordes so, because it dooth *Sapere heresim*,
and yet it is not *heresie*: and so we finde a late *De-*
cretall, to call *Simony*, *True and vndoubted heresy*,
wher *Gregory* is produced, to giue this reason
why *Simony* is called *heresy*, because *whosoener is or-*
daind by Simony, is therfore ordaind that he may be an
heretique. So that we see, such acts as beget or ac-
company *heresy*, are called *heresy* in this milde ac-

can. 6.

Thron. 2. ca. ult.

Binus To. 4. fo.
654.Dist. 11. consue-
tudinum: heresim
fidem.De consecrat.
Dist. 4. Si non.
ver. catholicum.In septimo Tit.
3. ca. 1.

ception, which our law giues it.

62 From which sense the *Fathers* did not abstaine in vsing that worde; for *Tertullian* saies, That no man will doubt to call *Adamis transgression* heresie, since by his owne election, he adhered rather to his owne will, then to Gods. And in another booke he saies, Not so much newnes, as truth doth conuict things to be heresies, for what soeuer tastes against truth, is an heresie, though it be an ancient custome. And so saies *S. August.* (if their owne men cite him truely) That Schisme is called Heresie, not that it is heresie, but that it disposes to heresie.

63 And the *Iesuits* themselues, who are the precisest and seuerest accepters of this word, come thus neere, That some things tolerated by the Church, though they be not propriè *hæretica*, yet they are *hæresi proxima*. For so saies *Bellarmino*; and hee might iustly make this position which wee speake of, his example. And his defender *Gretzer* saies, that some opinions are so framed, that though no Decree of the Church haue yet condemned them, yet they are enormous, Scandalous, and *hæresi proxima*.

64 And thus also do the Schoolemen somtimes take it; For so, saies *Aquinas* out of *S. Ierome*, that he which expounds the Scriptures, against the sense of the holy Ghost may be called an heretique, though he depart not from the Church. And to haue diuers compilers of the Ecclesiastique history done; for *Epiphanus* reckons diuers sects of the *Iewes* and *Gentiles*

L. 2. aduer.
marci c. 2.

De uelaud.
vñg. c. 1.

Alf. castr. adu.
Ham. l. 1. c. 9.

De pont. l. 4. c. 5.
S Ex his.

Append. ad lib.
1. Bell. S. Interim.

22. c. 11.
Ar. 2. ad 2.

De Heresib.

tile Philosophers, amongst *Heretiques*. And *Bernardus de Lucemburgo* inserts into his Catalogue of *heretiques*, *Auerros* and *Auicen*, though they were not *Christians*. And lastly that the word was vulgarly so vsed, as by many other obseruations, so is it euident by a Story in *Matb. Paris*, where one vpon his death-bed calls the Friers *beretiques* for not reprehending the Prelates, & the Prelates *heretiques*, for conferring Benefices vpon vnworthy persons: yea in this very case, which we haue in hand^b an authour, of your owne Religion, pronounces thus of those fiftene Bishops, which adhered to *Gregory* the seventh party, against the Emperor, *It is great heresie to resist the Ordinance of God, who onely hath power to giue Empire, which heresie it appears that those fiftene false Bishops haue committed.*

*Alf. cast. adu.
Heres. l. 1. c. 9.*

*catalog. test. ex
Mat. Paris.
Anno 1253.*

^b *Uercell. de
unitat. Eccles.*

65 As therefore all sorts of men, into whose mouthes vpon any occasion this word was like to come, haue vsed the word for *Erroneous*: and *Impious*, and *Corrupting* good manners, and disposing & preparing absolute and proper *Heresie*, so doth the law accept it in this oath, where it makes it equiualent, and Synonimous, to the wordes which are ioyned with it, which are *Impious* and *Damnabable*: and therefore it is but a *Calumny* cast vpon the law, and a tergieruation picked out for their escape, if any pretend for that word, to decline the Oath.

66 But if this word in this place, were to be

vnderstood in the strictest and severest sense, that a Jesuite could vse it against vs, yet hee that shall take the Oath, doth not thereby pronounce, that any Position, which attributes any power to the Pope, is hereticall. Not, that hee may excommunicate a King; no, nor that he may depriue him: but it is thus conceiued, *That this position is hereticall, That Princes which be excommunicate, or deprived by the Pope, may be deposed or murdered by their subiects or any other.* So that it casts no Manicles vpon the Popes hands; if he will excommunicate, let him; if he will depriue, let him. Onely them, who by his act, (of the goodnes or badnes whereof this Proposition pronounces nothing) may be mis-led to an vnchristian & vndutifull desperatenes, it forewarnes, and aduises, to a due and iust consideration of such proceedings. For, as when men were content to heare *heresies*, Leo said wisely, in reprehension of that easinesse, *They which can hearken to such things, can beleue them,* So since it is too late to forbid hearing of this *heresie*, of deposing Princes, since out of *Jesuites* bookes, which speak of state-learning, scarce any thing is to be sucked, but it, or such preparatiues, as worke and conduce to it, it was necessary to begin a step higher then Leo did, and pronounce it *hereticall*, that so none might beleue it, since hee that can beleue it, can be content to affoord his helpe to the doing thereof.

*Epist. 39. Tur-
vibio. in fine.*

67 And having thus gone as far as I purposed in both parts of this Chapter, in the first whereof I shewed, that in speciall cases *new oathes* were necessary, and that the forme of them ought to bee such, as might reach home to the *intent* thereof, and not be eluded, which had beene, if any part of this oath had been omitted, and that their writers, which neuer teach, that vpon a Bishops excommunication a Prince may be deposed, denie implicately this power in the Pope, because onely that power which was in the Bishops, in this matter, is transferd by Reseruatiō into the Pope, and that where such Depositions are needefull, the state is provided naturally with a temporall power to effect it, and therefore it is not necessarie to place it in the spirituall, which were monstrous and vnperfect, if it should produce, as the most excelent issue therof, a power so base in their estimation, And that this possibility of being Deposed, is as contrary to *Souerainety*, as a certaine limitation, when he shall be removed, And that those writers, which limit the Popes power by *Naturall Reason*, and which teach, that in doubts of speculation, we may for all that proceede to practise, as farre, as wee doe in this Oath, And having in the second part declared, That though the *Papists* make proper, and absolute *Heresie*, to be without matter of faith, yet we doe not so, and yet in points necessarily and immediately

issuing out of these principles, a generall Councell needs not be attended to informe a mans vnderstanding what is *Hereticall*, because the *Emperors* and other *Princes*, and diuers *Authors*, and registers of *heresies*, haue pronounced therein before any Decision of Councells, and that the Canon which is obruded, in the name of the *Laterane Councell*, for diuers reasons, cannot impeach this proposition, *That this Doctrine is hereticall*, which proposition, though if it were tryed by *Bellarmino*, and by *Saint Augustines* description of heresie, it would appeare absolutely *hereticall*, yet this law giues it that name in a vulgar and common sense, as *Scriptures*, *Councels*, *Bulls of Popes*, *Fathers*, *Schoolemen*, *Historians*, *Iesuits*, and the *Common* sort hath vsed and accepted it, and that if it be taken in the sharpest sense, the Oath may neuerthelesse be taken without prejudice, or limitation of any power which the Pope himselfe claimes, I make account that I haue discharged my promise and vndertaking in this Chapter, and deliuered as much, as without inculcating that which hath beene formerly said by others, (which I purposely auoided) in this point of the oath neede to be said to any, of indifferency or equall inclination.

FINIS.

