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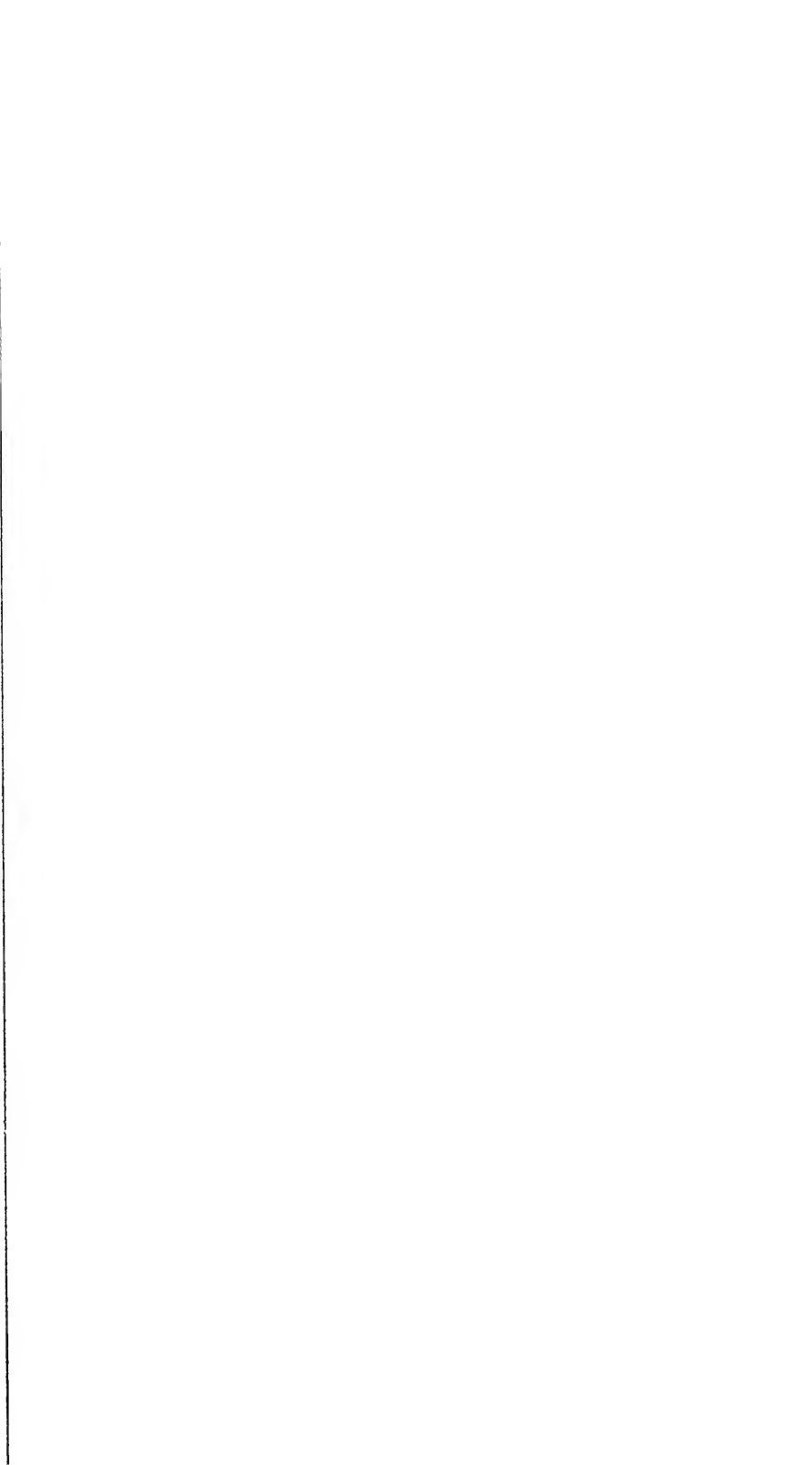
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*Helmut, Williams*

T E X T - B O O K

OF

ECCLESIASTICAL HISTORY.

BY

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By FRANCIS CUNNINGHAM.

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# CONTENTS.

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## FOURTH DIVISION.

FROM THE REMOVAL OF THE PAPAL RESIDENCE TO AVIGNON, TO THE  
COUNCIL OF PISA. A. D. 1305—1409.

### CHAPTER FIRST.

#### HISTORY OF PAPACY.

##### I. POLITICAL HISTORY OF THE POPES DURING THEIR RESI- DENCE IN AVIGNON, TO THE SCHISM. 1305—1378.

	Page.
§ 95. Clement V. (1305 to 1314) . . . . .	2
§ 96. John XXII. (1316 to 1334) . . . . .	10
§ 97. Benedict XII., Clement VI., (1334 to 1352) . . . . .	27
§ 98. Innocent VI., Urban V., Gregory XI. (1352 to 1378)	39

##### II. ECCLESIASTICAL HISTORY OF THE POPES DURING THEIR RESIDENCE AT AVIGNON.

§ 99. Completion of the code of papal law . . . . .	44
§ 100. Ecclesiastical usurpations of the Popes during their resi- dence in Avignon . . . . .	45

##### III. HISTORY OF THE PAPAL SCHISM.

§ 101. Origin and progress of the schism . . . . .	58
§ 102. Of the oppressions in the church . . . . .	61
§ 103. Attempts to reconcile the schism . . . . .	66
§ 104. Effects of the schism on the state of public sentiment in ecclesiastical matters . . . . .	71

## CHAPTER SECOND.

## HISTORY OF THE NATIONAL CHURCHES.

§ 105.	Their relation to the state . . . . .	75
§ 106.	Internal relations of the national churches . . . . .	80
§ 107.	Moral condition of the clergy . . . . .	81

## CHAPTER THIRD.

## HISTORY OF MONACHISM.

§ 108.	Condition of the older orders . . . . .	85
§ 109.	Influence of the Mendicant orders . . . . .	87
§ 110.	Internal history of the Franciscans . . . . .	91
§ 111.	New orders . . . . .	97
§ 112.	Of the freer spiritual associations . . . . .	98

## CHAPTER FOURTH.

## HISTORY OF THE THEOLOGICAL SCIENCES.

§ 113.	Third period of the scholastic theology . . . . .	104
§ 114.	Mystic theology . . . . .	109
§ 115.	History of the other theological sciences . . . . .	110

## CHAPTER FIFTH.

## HISTORY OF RITES AND CEREMONIES.

§ 116.	Festivals in honor of the Virgin Mary . . . . .	115
--------	---	-----

## CHAPTER SIXTH.

## HISTORY OF CHURCH DISCIPLINE.

§ 117.	Of indulgences and punishments . . . . .	119
§ 118.	Episcopal inquisitorial synods . . . . .	126

## CHAPTER SEVENTH.

## HISTORY OF THE HERETICAL PARTIES.

§ 119.	History of the older parties . . . . .	127
--------	--	-----

§ 120.	Flagellants . . . . .	131
§ 121.	Dancers . . . . .	134

## CHAPTER EIGHTH.

## ATTEMPTS AT REFORM.

§ 122.	In Bohemia . . . . .	135
§ 123.	John Wicliffe . . . . .	141

## CHAPTER NINTH.

## SPREAD OF CHRISTIANITY.

§ 124.	Christianity . . . . .	150
§ 125.	Persecution and conversion of the Jews . . . . .	151

## APPENDIX I.

## HISTORY OF THE GREEK CHURCH.

§ 126.	Attempted union with the Latin church . . . . .	152
§ 127.	Controversy with Barlaam . . . . .	155

## APPENDIX II.

## HISTORY OF THE OTHER ORIENTAL CHURCHES.

§ 128.	Oriental churches . . . . .	157
--------	-----------------------------	-----

## FIFTH DIVISION.

FROM THE COUNCIL OF PISA TO THE REFORMATION. A. D. 1409—1517.

## CHAPTER FIRST.

## HISTORY OF PAPACY.

§ 129.	Council of Pisa, Alexander V., John XXIII. (1409 to 1415) . . . . .	161
§ 130.	Council of Constance, Martin V. (1414 to 1431) . . . . .	167

§ 131.	Council of Basil, Eugene IV. (1431 to 1447)	184
§ 132.	Nicolas V., Calixtus III., Pius II., Paul II. (1447 to 1471)	206
§ 133.	Sixtus IV., Innocent VIII., Alexander VI. (1471 to 1503)	229
§ 134.	Pius III., Julius II., Leo X. (1503 to 1521)	244
§ 135.	General view of the state of Papacy	256

## CHAPTER SECOND.

### HISTORY OF THE HIERARCHY IN THE NATIONAL CHURCHES.

§ 136.	Relation to the state	274
§ 137.	Internal relations of the dioceses	276
§ 138.	Moral condition of the clergy	277

## CHAPTER THIRD.

### HISTORY OF MONACHISM.

§ 139.	Attempts to reform the older orders	286
§ 140.	Influence of the Mendicants	294
§ 141.	Of the freer spiritual societies	300
§ 142.	New orders	306

## CHAPTER FOURTH.

### INTERNAL HISTORY OF THE CHURCH.

§ 143.	History of scholastic philosophy	307
§ 144.	History of worship	311
§ 145.	State of religion amongst the people at large	318
§ 146.	Of ecclesiastical punishments and indulgences	322
§ 147.	Inquisition	334

## CHAPTER FIFTH.

### OPPONENTS OF THE CHURCH OF ROME.

§ 148.	Older fanatical sects	340
§ 149.	Attempts at reform	341

§ 150.	History of the Hussites to the confirmation of the compacts in Iglau (A. D. 1436) . . . . .	355
§ 151.	History of the Hussites to the end of this Period . . . . .	367
§ 152.	Individual attempts at reform . . . . .	375
§ 153.	Effects of the revival of letters . . . . .	393

## CHAPTER SIXTH.

## SPREAD OF CHRISTIANITY.

§ 154.	Christianity . . . . .	410
--------	------------------------	-----

## APPENDIX.

## ATTEMPTS TO UNITE THE GREEK CHURCH WITH THE LATIN.

§ 155.	Greek and Latin Churches . . . . .	411
INDEX . . . . .		415



## FOURTH DIVISION.

FROM THE REMOVAL OF THE PAPAL RESIDENCE TO AVIGNON, TILL THE COUNCIL OF PISA.

A. D. 1305 — 1409.

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### CHIEF SOURCES.

*Albertinus Mussatus*, Poet Laureat and Statesman at Padua († A. D. 1330. *Historia Augusta* s. de gestis Henrici VII. libb. XVI. De gestis Italicorum post mortem Henrici VII. libb. VIII. to A. D. 1317. Ludovicus Bavarus, imperfect, all contained in Muratori *Rerum Ital. Scriptt.* T. X. and in Grævii et Burmanni *Thes. Italiae*, T. VI. P. II.). — *Giovanni Villani*, Statesman in Florence, *Historie Fiorentine*, libb. XII. to A. D. 1348, in Muratori, T. XIII. continued in XI. libb. by his brother *Matteo Villani*, to A. D. 1363, and from lib. XI. c. 61, by his son *Filippo Villani*, to 1364, see Muratori, T. XIV. — *Joannes de Winterthur* or *Vitoduranus*, a Franciscan (Chronicon from Innocent III. to A. D. 1348, in Eccardi corp. *Scriptorum med. ævi*, T. I.; better in the *Thesaurus historiæ Helveticæ*, Tiguri. 1735. fol. p. 1 seq.). — *M. Albertus Argentinensis* (Chronicon from 1273 — 1378, in Urstisii *German. Historicum*, T. II. p. 95 seq.). — *Jacob Zwinger* v. *Königshoven*, a priest of Strasburg († 1420. *Elsassische Chronik*, in German, to 1386 (1415) with remarks by Joh. Schilter. Strasburg. 1698. 4to. Comp. the Diss. *Jac. Twingerum Regiorillanum solemnè eruditorum examini subjicit S. F. Hollender. Argent.* 1789). — *Gobelinus Persona*, Decan in Bielefeld (*Cosmodromium* to A. D. 1418, divided into six ætates, from æt. vi. c. 69, or from A. D. 1347 particularly valuable, in H. Meibonii *Rerum Germanicarum*, T. I. p. 53 seq.).

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## CHAPTER FIRST.

### HISTORY OF PAPACY.

SOURCES: The old lives of the Popes: *Vitæ Papparum Aveniosium* ed. *St. Baluzius*, Tomi II. Paris. 1693. 4to. The lives of all the Popes of this period scattered in Muratori *Scriptt. Rer. Ital.* T. III. P. I. and II. Also: *Theodorici de Niem* (*literarum Apostolicarum Abbreviatoris*) *vitæ Pontiff.* Rom. (from A. D. 1258 — 1418) *additis Imperatorum gestis* (in Eccardi *Corpus hist. medii ævi*, T. I. p. 1461 seq.).

## I. POLITICAL HISTORY OF THE POPES DURING THEIR RESIDENCE IN AVIGNON, TO THE SCHISM A. D. 1378.

## § 95.

CLEMENT V. (June 5, 1305 – April 20, 1314).

CLEMENT V. remained in France, and taking up his residence in Avignon (A. D. 1309), brought the political power of the popes into an ambiguous position, exceedingly detrimental to its true dignity. For, whilst towards other powers they were more assuming than ever, insisting, with a presumption increased by their security, on their right of universal monarchy, in France not only was this principle rejected, but in all their acts the popes were so dependent on the influence of the court that they dared resist it only by stealth.

Clement<sup>1</sup> was forced formally to retract the presumptuous assertions of his predecessor, Boniface VIII., in his contest with France (A. D. 1306),<sup>2</sup> and even to institute an inquiry into the conduct of

<sup>1</sup> *Giov. Villani* hist. Fiorent. VIII. c. 80 (in Muratori XIII. p. 418), makes king Philip impose on Clement, at his accession to the papal chair, the following conditions: Le sei spetiali gratie, ch'io voglio da te, sono queste. La prima, che tu mi riconcilli perfettamentea colla Chiesa, e facciammi perdonare il misfatto, ch'io commisi per la presura di Papa Bonifatio. La seconda di ricomunicare me, e miei seguaci. La terza, che mi concedi tutte le decime per 5 anni del mio Reame, per ajuto alle spese fatte alla guerra di Fiandra. La quarta, che tu mi prometti di disfare e annullare la memoria di Papa Bonifatio. La quinta, che tu renda l'honore del Cardinalato a Messier Jacopo, e Messer Piero della Colonna (see § 59, note 15) e rimetteralli in stato, e facci con loro insieme certi miei amici Cardinali. La sesta gratia e promessa mi riserbo a luogo e a tempo. ch'è secreta e grande. He states that Clement promised all this, per sacramento in sul Corpus Domini.

<sup>2</sup> Clementin. lib. III. Tit. 17: Quoniam ex constitutione Bonifacii P. VIII. prædecessoris nostri, quæ incipit *Clericis laicos*, et ex declaratione, seu declarationibus (see Div. III. § 59, notes 6 and 9) ex illa postmodum subsequitis nonnulla scandala, magna pericula, et incommoda gravia sunt sequuta, et ampliora sequi, nisi celeri remedio succurratur, præsumitur verisimiliter in futurum; nos de consilio fratrum nostrorum constitutionem, et declarationem, seu declarationes prædictas, et quidquid ex eis sequutum est vel ob eas, penitus revocamus, et eas haberi volumus pro infectis, volentes et firmiter statuentes, illud contra quoscumque laicos, exigentes seu extorquentes ab ecclesiis ecclesiasticisque personis tallias seu collectas, — inviolabiliter observari, quod super his a prædecessoribus nostris in Lateranensi, et generali conciliis (see § 63, notes 11 and 12) — salubriter est provisum. *Extravagant. Commun.* lib. V. Tit. 7. c. 2: Meruit carissimi filii nostri Philippi, regis Francorum illustris, sinceræ adfectionis ad nos et ecclesiam Romanam integritas, et progenitorum suorum præclara merita meruerunt, meruit insuper regnicolarum puritas ac devotionis sinceritas, ut tam regem quam regnum favore benevolo prosequamur. Hinc est, quod nos regi et regno per definitionem et declarationem bonæ memoriæ Bonifacii P. VIII. prædecessoris nostri, quæ incipit *Unam sanctam* (see § 59, note 26), nullum volumus vel intendimus præjudicium generari. Nec quod per illam rex, regnum, et regnicolæ prælibati amplius ecclesie sint subjecti Romana, quam antea existebant; sed omnia intelligantur in eodem esse statu, quo erant ante definitionem præfatam, tam quantum ad ecclesiam, quam etiam ad regem, regnum et regnicolas superius nominatos. According to the contemporary Bernardus Guido (*Quarta vita Clementis V. in Baluzii Vitæ PP. Aven. I. p. 64*) both Bulls are dated February 11, 1306. The Bull *Unam sanctam* was not, however, made void; on the contrary, it was just at this time that *Johannes Monachus* wrote his Gloss upon it, in which he defends all its assertions, and



that pontiff, that must deeply have wounded the papal pride.<sup>3</sup> After this, Philip the Fair began the persecution of the Templars, with an utter disregard of all ecclesiastical laws (October 13, 1307); whilst Clement not only forgave the trespass, but joined in the persecution.<sup>4</sup>

comments upon them. See also *Alvarus Pelagius* de planetu eccl. I, c. 60, below, § 96, note 15.

<sup>3</sup> Comp. § 59, note 37. According to *Villani* VIII. c. 91, Philip was very urgent with the Pope at their meeting in Poitiers, 1307, to fulfil his promise, *ch'elli condannasse la memoria di Papa Bonifatio, e facesse ardere le sue ossa e corpo*; the Pope could only extricate himself from the difficulty by promising to call a general council in Vienna for the purpose. In 1309 he was forced, however, to institute a formal investigation on the subject, at which Nogaret and Du Plessis appeared as accusers (Raynald, 1309, no. 4).

<sup>4</sup> Comp. *P. Du Puy* hist. de la condamnation des Templiers. Paris. 1650. 4to., with many additions. Bruxelles. 1751. 4to. *Raynourd* monumens histor. relatifs à la condamnation des chevaliers du temple et à l'abolition de leur ordre. Paris. 1813. 8vo. *Willeke* Gesch. des Tempelherrenordens, Bd. I (Leipzig. 1826), S. 234 ff. — In the year 1306 the Grand-master, James de Molay, came from Cyprus to France by invitation of the Pope, to consult concerning a new crusade (Raynald, ann. 1306, no. 12): but notwithstanding the honors with which he was received in Paris (Raynourd, p. 17), Philip had no doubt already secretly resolved on the downfall of the Order. Comp. *Clementis* Ep. ad Philippum dd. 24 Aug. 1306 (in *Baluzii* Vitæ PP. Aven. T. II. p. 75): *Sane a memoria tua non credimus excidisse, quod Lugdini et Pictavis de facto Templariorum zelo fidei devotionis accensus nobis tam per te quam per tuos pluries locutus fuisti, et per Priorem monasterii novi de Pictavo aliqua intimari curasti. Et licet ad credendum quæ tunc dicebantur, cum quasi incredibilia et impossibilia viderentur, nostrum animam vix potuerimus applicare; quia tamen plura incredibilia et inaudita extunc audivimus de prædictis, cogimur hæsitare. — Quia vero magister militiæ Templi ac multi præceptores — a nobis, nedum semel, sed pluries cum magna instantia petierunt quod nos super illis eis falso impositis, ut dicebant, vellemus inquirere veritatem; nos — diligentem inquisitionis indaginem infra paucos dies — propter hoc instanti die Veneris civitatem Pictaviensem intraturi proponimus inchoare, etc.* The result of this investigation was doubtless favorable to the Templars: Philip then proceeded to more arbitrary measures. *Bernardus Guido* in *vita Clementis* (in *Baluz.* I, p. 65): *In festo sancti Eduardi confessoris, III. Idus Octobris, feria sexta (13 October, 1307) fuerunt capti primo Templarii ubique in regno Franciæ ex ordinatione Regis et consilii inopinate sane, mirantibus cunctis audientibus antiquam Templi militiam ab Ecclesia Romana nimis privilegiatam una die subito captivari, causamque ignorantibus captionis tam repentinæ, exceptis paucis secretariis et juratis. Quæ causa tandem detecta fuit et publice in fama, profana, videlicet professio eorundem cum abnegatione Christi et expuitione super crucem in opprobrium crucifixi. — Demum sedes Romana, cui prius factum, incredibile videbatur, et captionem prædictam agre ferebat, effecta est certior, etc.* On the following day (Oct. 14) Philip assembled the doctors of the Sorbonne, to make them justify his conduct, who pronounced (*Baluz.* vitæ PP. Aven. I. p. 591), principem sæcularem non posse cognoscere de hæresi, nisi cum Episcopus ei causas istiusmodi committit iudicandas, *posse tamen eum in casu necessitatis, ubi imminet periculum,prehendere accusatos* cum proposito reddendi Ecclesiæ; which plainly shows that Philip had acted arbitrarily. Still nothing is said of this in Clement's letter of November 22, 1307, in which he calls on king Edward of England to follow Philip's example (*Rymeri* fœdera et acta publ. inter Reges Angliæ et alios Principes ed. *Clarke et Holbrooke*, vol. II. P. I. p. 16): *Sane dudum, circa promotionis nostræ principium ad apicem Apostolicæ dignitatis, ad nostrum quadam levi suggestione pervenit auditum, — quod Templarii sub religionis pallio militantes exterius, in apostasiæ perfida intus vixerunt haetenus in detestabili hæretica pravitate. Cæterum — suggestioni prædictæ nolumus aures credulas exhibere. Verum postea auribus carissimi in Christo filii nostri Philippi regis Franciæ illustris insonuit, quod singuli fratres dicti Ordinis in sui professione, cum ordinem ipsum ingrediuntur, expressis verbis abnegant Dominum Jesum Christum, nec non idolum adorant in suis capitulis, et alia nefanda committunt, quæ ob rubo-*

And when the ambitious king proceeded further, on the death of Albrecht I. (A. D. 1398), to solicit the imperial crown for his brother

rem exprimendi subiectum ad præsens. Propter quod idem Rex ad requisitionem Inquisitoris hereticæ pravitatis, in Regno suo generaliter a sede Apostolica deputati, — Magistrum Majorem et alias singulares personas dicti ordinis, quæ tunc erant in regno suo, una die cum magna excogitata diligentia capi fecit, Ecclesiæ judicio præsentandas. — Deinde præfatus Magister dicti Ordinis spontaneè confessus est palam, præsentibus majoribus Personis ecclesiasticis Parisiis, corruptionem erroris abnegationis Christi in fratrum professionibus — introductam. Quamplurimi etiam fratres dicti Ordinis — dicta scelera sunt confessi, etc. In France the investigation began October 19, 1307, under the royal confessor and inquisitor, William of Paris; the prisoners were forced by the most cruel tortures to confess (Münter in Henkes Neuem Magazin f. Religionsphilosophie, &c. Bd. 5, S. 354 ff. — *Raynouard*, p. 31 seq.). Finally, quia inveniebantur circa regales examinatores extorsiones indebitæ (*Ptolemaus Lucensis* in vita Clementis V. in *Baluz*, I. p. 30) Clement appointed in the Bull *Faciens misericordiam* dd. 12 Aug. 1308 (*Mansi* XXV. p. 424, cf. p. 369 *Rymer-Clarke*, vol. II. P. I. p. 55. *Moldenhawers* Prozess gegen den Orden der Tempelherren, S. 2 ff.), ecclesiastical tribunals of investigation for each kingdom. In this Bull he says that, not only had it been confessed in his presence by seventy-two templars, but that the Grandmaster and five Preceptors had acknowledged before three cardinals deputed for the investigation in Chinon, inter cetera Christi abnegationem, et spuitionem super crucem, cum in ordine Templi recepti fuerunt; et quidam ex eis, se sub eadem forma, scilicet cum abnegatione Christi et spuitione super crucem, fratres multos recepisse. The Bull was accompanied by one hundred and twenty-seven articles of inquisition (see *Moldenhawer*, S. 73), which form the fullest list of the accusations against the Templars: 1. Videlicet quod quilibet in receptione sua et quandoque post — abnegavit Christum — et quandoque Deum, et quandoque b. Virginem, et quandoque omnes Sanctos et Sanctas Dei, inductus seu monitus per illos qui eum recipiebant. — 5. Item, quod dicebant et dogmatizabant receptores illis, quos recipiebant, Christum non esse verum Deum. — 6. Ipsum fuisse falsum prophetam. — 7. Item quod faciebant illos quos recipiebant spueri super crucem, — licet interdum qui recipiebantur spuerent juxta. — 14. Item quod adorabant quandam eatum sibi in ipsa congregatione apparentem quandoque. — 16. Item quod non credebant sacramentum altaris. 20. Item quod Sacerdotes Ordinis verba, per quæ consecratur corpus Christi, non dicebant in canone Missæ. 23. Item quod hæc receptores eorum sibi injungebant. 24. Item quod credebant, et sic dicebatur eis, quod magnus Magister a peccatis poterat eos absolvere. 25. Item, quod Visitator. 26. Item quod Preceptores. 30. Item quod in receptione fratrum dicti Ordinis vel circa interdum recipiens et receptus aliquando se deosculabant in ore, in umbilico, seu in ventre nudo, et in ano seu spina dorsi. 36. Item quod receptiones ipsas clandestine faciebant. 38. Item quod propter hoc contra dictum Ordinem vehemens suspicio a longis temporibus laboravit. 40. Item quod fratricidius, quos recipiebant, dicebant, quod ad invicem poterant unus cum alio commisceri carnaliter. 46. Item quod ipsi per singulas provincias habebant idola, videlicet capita, quorum aliqua habebant tres facies, et alia unam, et aliqua cranium humanum habebant. 47. Item quod illa idola vel illud idolum adorabant, et specialiter in eorum magnis capitulis et congregationibus. 53. Item quod dicebant, quod illud caput poterat eos salvare. 54. Item quod divites facere. 55. Item quod omnes divitias Ordinis dabat eis. 56. Item quod facit arbores florere. 57. Item quod terram germinare. 58. Item quod aliquod caput idolorum prædictorum cingebant seu tangebant chordulis, quibus se ipsos cingebant citra camisiam seu carnem. 65. Item quod qui volebant prædicta in sui receptione facere vel post, interficiebantur, vel carceri mancipabantur. 97. Item quod elemosynæ in dicto Ordine non fiebant ut debebant, nec hospitalitas servabatur. 99. Item quod juramentum præstabatur ab eis, augmentum et quæstum dicti Ordinis, quibuscumque modis possent, per fas et nefas procurare. 101. Item quod clam consueverunt tenere sua capitula. The papal tribunal appointed for France conducted the investigation in Paris from the 7th of August, 1309, to the 26th of May, 1311, with great decorum (the important Acts of this tribunal, which *Raynouard*, p. 55 seq., gives in extracts, are translated in full in *Moldenhawers* Prozess gegen den

Charles of Valois, the Pope ventured to oppose him only by an unworthy cunning.<sup>5</sup> And though at the council at Vienne (October 16, 1311 – May 6, 1312) he was delivered from the disgrace of condemning Boniface,<sup>6</sup> he was forced, on the other hand, to sacrifice the

Orden der Tempelherrn. Hamburg. 1792. 8vo.). At the reading of the papal Bull to the Grand-master, when the passage was read in which mention is made of his confession before the cardinals, “he twice crossed himself, and showed other marks of his great astonishment at this assertion of what he had himself confessed, as well as at other things in the Pope’s letters; he broke out, ‘if the Pope’s commissioners were people to be defied, I should have something else to say. Would God, that it was with us as amongst the Turks and Saracens, who reward such plotters of mischief by cutting off their heads!’” (Protokoll b. Moldenhawer, S. 31.) Philip interfered even with this investigation, for fifty-four knights having offered themselves for the defence of the Order before the papal commissioners, he had them condemned by the provincial council in Sens, and burned in Paris, May 12, 1310 (Moldenhawer, S. 236 ff. *Raynouard*, p. 98 seq.).

<sup>5</sup> Whilst he pretended to recommend Charles to the electors (see *Ole n s c h l a g e r s* erläuterte Staatsgeschichte des röm. Kaiserthums in der ersten Hälfte des 14ten Jahrh. Frankf. a. M. 1755. 4to. Urkundenbuch, S. 12 ff.), he secretly urged on the choice of Henry, count of Luxemburg (*Villani*, lib. VII. c. 101).

<sup>6</sup> See the Bull of April 27, 1311 (in *Raynald* ad h. a. no. 26 seq.). After relating the process of accusation and defence thus far, the Bull proceeds: Nos — apud eundem Regem — salutaribus monitis — institimus, — ut rejectis anfractibus denuntiationum et objectionum hujusmodi — ipsius negotii prosecutionem nostram et Ecclesie ordinationi relinqueret, — ita quod nos et eadem Ecclesia — ex officii nostri debito ad ipsius negotii cognitionem, — et totalem decisionem procedere — ac finem congruum eidem imponere deberemus. — Competenti super his inquisitione præhabita comperimus, quod, etsi etiam — denuntiatores — ad denuntiationes, — ac dictum Regem ad requisitionem prædictam — faciendas objectorum veritas, de quibus certi non sumus, forsitan non movisset; ipsos tamen ad hoc præconcepta malignitas, aut mala causa non impulit, sed bonus, sincerus et justus zelus induxit; unde — denuntiatores — et dictum Regem — extra omnem calumniam fuisse et esse, ac bono, sincero et justo zelo, ex fervore catholice fidei processisse, — pronuntiamus — et tenore præsentium declaramus. Quibus pronuntiationibus — factis — cum in negotio memorato vellemus ulterius — procedere, — illi qui defensionem — dicti Bonifacii se — offerebant, negotium hujusmodi in officii nostri mera et libera potestate sponte ac libere dimiserunt; ac demum præfatus Rex, — tanquam benedictionis et gratiæ filius, progenitorum suorum, qui se semper ipsius Ecclesie beneplacitis coaptarunt, vestigia clara sequens, pro se ac universis regnicolis regni sui — nostris in hac parte requisitionibus de abundantia regalis clementiæ per effectum operis acquievit. Motum et zelum dicti Regis in hac parte ex fervore fidei — prodeuntem non immerito approbantes, et sonoris laudum effèrentes præconiis, ac volentes præfato Regi et suis adversus futura pericula sic plene prospicere, quod inclytæ domus et regni Franciæ fama celeberris — nullis obloquutionum morsibus — in posterum pateat; — omnes sententias latas ab homine vel a jure, constitutiones, declarationes non inclusas in sexto libro Decretalium, in quantum præjudicant, vel possent præjudicare honori, statui, juribus et libertatibus dictorum Regis et regni, regnicolis assertoribus, denuntiatoribus, delatoribus, — relaxamus, revocamus, irritamus, annullamus, cassamus. Et si qua calumnia, macula, sive nota ex præmissis denuntiationibus, — aut quibuscunque contumeliis, blasphemis — eidem Bonifacio — illatis — præfato Regi, posteritati suæ, — et denuntiatoribus, — nec non et adjutoribus — ex captione, insultu et aggressionem prædictis — impingi, imponi, vel imputari possent in posterum quoquo modo; hujusmodi calumnias, notas, maculas — totaliter abolemus et tollimus. — Thus it was to be foreseen that the council would acquit Boniface of the charges against him (*Villani* IX. c. 22. *Raynald* ann. 1312, no. 15). On the other hand, all the passages were effaced from the Registrum Bonifacii which could be offensive to Philip (*Raynouard* monumens hist. relatifs à la condemn. des Chevaliers du Temple, p. 190; a catalogue of them in *Raynald*, ann. 1311, no. 32 seq.).

Templars to the ambition of the king<sup>7</sup> without any sufficient proof of their guilt.<sup>8</sup>

<sup>7</sup> *Bernardus Guido* in vita Clementis (*Baluz.* l. p. 58) relates that the suppression of the Order was pronounced by the Pope March 22, 1312, in privato consistorio, and the sentence made public at the second sitting of the council of April 3, præsentè Rege Franciæ Philippo cum tribus filiis suis, cui negotium erat cordi (Compare Contin. Chron. Guil. de Nangis in *d'Achery* Spicil. T. III. p. 65). The bull containing it Ad providam (in Mansi XXV. p. 389. *Rymer-Clarke*, Vol. II. P. I. p. 167) is dated 2 May, 1312. It provides: Dudum siquidem ordinem domus militiæ templi Hierosolymitani propter magistrum et fratres — variis — infandis — obscœnitatibus, pravitatibus, maculis et labe respersos, — ejusque ordinis statum, habitum atque nomen, — non per modum diffinitivæ, sententiæ, cum eam super hoc secundum inquisitiones et processus super his habitos non possemus ferre de jure (namely, as is explained in the Contin. Guil. de Nangis, l. c. cum Ordo ut Ordo non esset adhuc convictus; the crimes in individual cases were considered to have been proved), sed per viam provisionis, seu ordinationis apostolicæ, irrefragabili et perpetuo valitura sustulimus sanctione. As to the estates of the Order it was provided: — exceptis bonis — Ordinis — consistentibus in regnis — Castellæ, Aragoniæ, Portugalliæ et Majoricarum regum illustrium (in Arragon these estates were bestowed on the order of Montesa, founded 1307; in Portugal on the order of Christ, founded 1309. The Order of St. John, notwithstanding great outlay, never came into possession of all these estates, see *Raynouard*, p. 197. Wilcke, Bd. 2. S. 63). — It is remarkable that after the bull of suppression, the Conc. Tarraconense (10 Aug. 1312) after an investigation, acquitted the Templars of that region, and provided for their support (Mansi XXV. p. 516). It is to be lamented that the ed. of the Acts of this council promised by Petrus de Marcar, never appeared. — The Grand-master, James of Molay, was condemned to perpetual imprisonment, but having recalled his confession, he was burned at the stake, 19 March, 1314, together with another of the heads of the Order (Cont. Chron. de Nangis, *d'Achery*, III. p. 67. *Villani* VIII. c. 92. *Raynouard*, p. 205 seq.).

<sup>8</sup> It was thought even by his contemporaries, that the order was unjustly put down by Philip from avaricious motives, see *Villani* VIII., c. 92. *Jo. Boccacius* († 1375) de casibus virorum illustrium (see *Bulæi* hist. Univ. Paris. T. IV. p. 110). In particular *Albericus de Rosate*, Jurist, about 1350, in his *Dictionarium juris* ed. Venet. 1601, s. v. Templo: Templarii erant magnus ordo in Ecclesia, et erant milites strenui b. Mariæ. Et destructus fuit ipso tempore Clementis Papæ ad procuracionem Regis Franciæ. Et, sicut audivi ab uno qui fuit examinatore causæ et testium, destructus fuit contra justitiam. Et mihi retulit, quod ipse Clemens protulit hoc: Et si non per viam justitiæ possit destrui, destruat tamen per viam expedienciæ, ne scandalizetur carus filius noster Rex Franciæ. Thus too the historians *Antoninus* Florentinus († 1459, in *Raynold.* ann. 1307, no. 12) and *Joannes Trithemius* († 1517) maintain the injustice of the condemnation of the order. On the other hand, the French writers of the 14th and 15th centuries, and since the 15th century almost all historians for a long time have taken for granted the guilt of the order. Later writers acknowledge the irregularity of the proceedings; but are divided in their opinions of the guilt of the order. *Nicolai* (*Versuch über die Beschuldigungen, welche dem Tempelherrnorden gemacht worden.* Berlin 1782) supposed the idolatry of which the Templars were accused, to have been a secret gnosticism, to which the knights were introduced in three degrees, and explains the supposed idol Baffometus as βαφὴ λήτους, a gnostic symbol (this Baffometus is mentioned in the Acts of the commission in Carcassone, see *Dupuy*, p. 216. *Raynouard*, p. 291: Gauzerand de Montpèzat — dit que le chef, qui le recevait, lui montra une idole dorée, ayant la forme d'homme avec de la barbe: ce chef lui déclara, qu'elle était faite in figuram Baffometi. — Raymond Rubei dépose, que celui qui le recevait lui montra un bois où était peinte figura Baffometi, et illam adoravit osculando sibi pedes, dicens yalla verbum Saracenicum. Baffomet is the Provençal for Mahomet, see Wilcke, Bd. 1. S. 366, as baomairia is the mosque, see above, § 56, note 23. At a trial in Florence a witness testifies, *Raynouard*, p. 295, that the brethren animated each other to the

For all these humiliations the Pope seemed resolved to indemnify himself by his conduct toward other nations. Having quarrelled

worship of the head by saying: *istud caput vester Deus est, et vester Mahumet*). v. Hammer (*Mysterium Baphometis revelatum in d. Fundgruben des Orients*, Bd. 6. St. 1. Wien 1818) attempted to show from remains which he supposed to have come from the Templars, that they were Ophites, and their idolatry the worship of the powers of nature, especially that of generation. Wilcke *Gesch. des Tempelherrnordens*, Bd. 1. S. 342 ff. supposes their secret doctrine to have been a Mohammedan gnosticism. Defenders of the Order: Herder *hist. über Nicolai's Buch &c.* (in *deutschen Mercur* 1782 März &c. with additions in Herders Werken zur Philos. und Gesch. Carlsruher Augs. Th. 13. S. 266), Münter über die hauptsächlichsten, gegen dem Tempelorden erhobenen Beschuldigungen (in Henke's *Neuem Magazin f. Religionsphilosophie, Cregese u. Kirchengesch.* Bd. 5. S. 351), *Raynouard* *monumens historiques relatifs à la condamnation des Chevaliers du Temple*, Paris. 1813. and his later essays in answer to Hammer in the *Journal des Savans Mars et Avril, 1819*, *Biblioth. universelle*, T. X. p. 327; XI. p. 3. especially the Note in Michaud *hist. des croisades*, ed. 4. T. 5. p. 572. The question would be easily settled by the confessions of the Templars themselves, if they could be depended upon. Out of France there were but few confessions made by the knights, and these under the torture, see Münter in Henkes *N. Magazin*, Bd. 5. S. 365. *Raynouard*, p. 123. 259. Wilcke, Bd. 1. S. 325. The results of the investigation instituted by Philip in France deserved little credit on account of the fearful means employed to extort confessions; the prisoners, as was afterwards testified before the papal commission in France, had even agreed with each other what they should confess in order to save themselves from the torture (Moldenhawer, S. 33). But even those examined before this papal commission were not left to themselves. They were warned by the creatures of the king in writing to adhere to their confession as they wished to escape the stake (Moldenhawer, S. 62. *Raynouard*, p. 74). This was still more forcibly impressed on them on the 12th of May, 1310, by the burning of 54 Templars. On the following day a knight appeared before the commission, maintaining the innocence of the order, but professing himself ready after yesterday's events to confess to any charge whatever, yea, even if it should be demanded of him to confess that he had murdered the Lord himself. He besought the commission to conceal all this from the king that he might not be burned to death (Moldenhawer, S. 238. In like manner the 37 witness, see Moldenhawer, S. 297 f. *Raynouard*, p. 142). This account seems very probable, as well as the information given by the papal commission to the provincial synod of Sens (Moldenh. S. 236. *Raynouard*, p. 99), *quia dictus præpositus et multi alii assererant, quod fratres dicti ordinis, qui obierant, in extremo vitæ suæ asseruerunt in periculum animarum suarum, se et dictum ordinem falso delatos fuisse de criminibus eis impositis*. On the other hand the testimony against the order is not to be overlooked. Thus that of the 40th witness Gerhard de Cans, according to which such irregularities as the Templars were accused of, had sometimes taken place at the initiation of the brethren (Moldenhawer, p. 304), and namely, at his own (*Ibid.* p. 315).—It seems therefore that there was some guilt; not so much, however, in the order, as in individuals; though no doubt much exaggerated by attributing to the Templars all the current heresies of the time. How little ground there is for the notion of gnostic mysteries and degrees amongst them is well shown by Herder, l. c. That such heresies should have been introduced by the clerical brethren of the order, as is suggested by Wilcke, Bd. 1. S. 344, is hardly reconcilable with the strict subordination to the other brethren, in which they always were held. Some light may, perhaps, be thrown on the subject by the following considerations. The ill success of the crusades was often ascribed to the magic arts of the Saracens. Even *Roger Bacon* says, *Opus majus* ed. Jebb. p. 253: *Et ideo Tartari procedunt in omnibus per viam astronomiæ, et in prævisione futurorum et in operibus sapientiæ. Cujus signum est evidens, quod cum sit gens habens parvos et debiles homines, — jam totam latitudinem mundi prostraverunt. — Similiter Saraceni multum utuntur astronomiæ, et sciunt sapientes inter eos facere hæc opera. — Et nisi ecclesia occurrat per sancta consilia ad impediendum et destruendum opera hujus-*

with Venice concerning the possession of Ferrara (A. D. 1308),<sup>9</sup> he poured out upon the devoted republic the most terrible maledictions, joining spiritual excommunication to temporal ban in a manner hitherto unprecedented (1309).<sup>10</sup> The Venetians found no resource but in submission (A. D. 1313).<sup>11</sup> Nor was his conduct less presumptuous towards king Henry VIII. of Germany.<sup>12</sup> This spirited young prince having undertaken an expedition to Rome (1310), attempted to revive the old imperial rights in Italy, and proceeded to treat Rob-

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modi, aggravabitur intolerabiliter flagellis Christianorum. — Si igitur Christiani scirent hæc opera auctoritate papali facienda ad impedienda mala Christianorum, satis esset laudabile, et non solum propter mala repellenda, sed ad promotionem quorumcumque utilium (see more on the prevalent belief in magic in this age in Meiners hist. Vergleichung der Sitten &c. des Mittelalters mit denen unsers Jahrh. Bd. 3 S. 182 ff.). These notions would of course assume a still ruder form with the illiterate knights. We see how enraged the Templars were at the ill success of all their efforts in Palestine, in the Sirvente of the Troubadour le Chevalier du Temple, above, § 56, note 23. Christ seemed to sleep, the great magician Mohammed alone to have ruse; and from him therefore must success be sought. The secret sciences of the Saracens, the rough knights were incompetent to acquire; but they found particular charms and Talismans, to give success in battle, secure riches, honor, power, &c., the use of which was easily learned: the crime was readily excused by its advancing the interest of the order, which they always set above that of the church (see Div. III. § 72). Now in as far as these charms depend on the power of evil spirits, it is natural enough to suppose that the knights might have thought it necessary to abjure their Lord whilst they made use of them, thinking that there would afterwards be time enough to reconcile themselves to the church and save their souls. Similar, perhaps, was the origin of the heresies of which the Hospitallers are accused as early as Gregory IX. (see § 72, note 12).

<sup>9</sup> cf. *Raynald*, ann. 1308, no. 14 ff. Le Bret Staatsgesch. der Republik Venedig, Bd. 1. S. 672 ff.

<sup>10</sup> *Raynaldus*, ann. 1309, no. 6, is unwilling to give the *judicarium edictum die cœnæ Dom.* consignatum in full, and only extracts parts of it: *Ni parent, sacrorum usu et commercio publico Venetorum omnem ditionem privavit: inussit infamiae notam magistratibus, legum et judiciorum beneficio privatos pronuntiavit, viros ecclesiasticos abire ditione Veneta jussit, exceptis iis, qui baptismalia infantibus, et morituris confessionis sacra conferrent. Demum si in cœptis perstarent, præfixo ad veniam poscendam tempore, duces insignibus ducalibus exuendum, et omnes Venetorum fortunas fisco addicendas. Regumque in eos imploranda arma pronuntiavit, donec Ferrariam ecclesie restitissent. Moreover (*ibid.* no. 7) Venetos in servitutem addictos, occupantibus bona direptioni sive in Italia sive in Græcia exposita, and calls on all princes and bishops to take possession of all Venetians who may be in their dominions as slaves.*

<sup>11</sup> *Raynald*, ann. 1313, no. 31 seq. Le Bret, Bd. 1. S. 707 ff.

<sup>12</sup> In the year 1309 Henry had sent ambassadors to the Pope with the commission (*Raynald*, ad h. a. no. 10), devotionem et filialem reverentiam, quam erga vos et sacrosanctam Romanam ecclesiam — gerimus, exponendi, — nec non — præstandi in animam — nostram *debitæ vobis et s. Romanæ ecclesie fidelitatis, et cuiuslibet alterius generis juramentum*, et specialiter ad petendum a vobis unctionem, consecrationem et coronam imperii de sacratissimis manibus vestris nobis impendendum, etc. The beginning of the oath taken by them in Henry's name reminds us strikingly (*Raynald*, l. c. no. 12) of the usual vague oath (compare Div. II. § 23, note 11): *Nos — vobis sanctissimo Patri — vice et nomine — nostri Regis, et in animam ipsius promittimus, et juramus, — quod nunquam vitam aut membra, neque ipsum honorem quem habetis, sua voluntate, aut suo consensu, aut suo consilio, aut sua exhortatione perdetis; et in Roma nullum placitum aut ordinationem faciet de omnibus, quæ ad vos pertinent aut Romanos, sine vestro consilio et consensu, etc.*

ert, king of Naples, who had from the first manifested a hostile spirit towards him, as a vassal.<sup>13</sup> But the Pope, not content with claiming the seignory of Sicily, pretended to make peace between the two, as if they were both his vassals.<sup>14</sup> Nothing but the death of Henry,<sup>15</sup> who was suddenly taken away by poison (August 24, 1313),<sup>16</sup> now prevented a final struggle between the papal and the imperial power. This event left Clement at liberty to proclaim the supremacy of the former,<sup>17</sup> without fear of immediate contradiction.

<sup>13</sup> Olenschlagers Staatsgeschichte des Röm. Kaiserthums in der ersten Hälfte des 14ten Jahrh. S. 59 ff.

<sup>14</sup> Clement wrote to Henry and Robert (*Raynald. ann. 1312, no. 44*), quod cum ipsi Reges, ejusdem ecclesie specialissimi filii, sibi juramento fidelitatis et alias multipliciter essent adstricti ipsius ecclesie debeant esse promptissimi defensores. Henry on this declared publicly, se non fore cuiquam ad juramentum fidelitatis adstrictum.

<sup>15</sup> When the papal legate Nicolaus Ep. Botrontinensis, who had till then accompanied the emperor, took occasion at parting to warn him (cf. Ejud. *Henrici iter italicum in Baluzii PP. Aven. T. II. p. 1228*; and in *Muratori, T. IX. p. 933*), quod caveret summe de occasione quacumque, per quam Ecclesia Romana haberet causam ipsum offendendi directe vel indirecte, the emperor answered ridendo et quasi me confortans: Sitis consolatus. Nos audivimus consilium nostrorum Clericorum juratorum, utrum defendendo nos Deum offendamus, et utrum teneamur facere justitiam et delinquentes punire: ex quo Deum non offendimus pradicta faciendo, sed magis offenderemus ipsum contrarium facientes. On being informed by the legate, that in case of his advance on Naples Papa excommunicatum vos denuntiabit, et postea procedet ad vestram depositionem, sicut factum fuit de Frederico, qui fuit ditior, nobilior, et potentior, et minores rebelles habuit, et plures amicos, tamen finaliter Ecclesia ipsum destruxit: he answered: Si Deus pro nobis, nec Dominus Papa, nec Ecclesia destruet nos, ex quo Deum non offendimus. He was not excommunicated till 6 Aug. 1313 (*Raynald. ad h. a. no. 22*), a few days before his death.

<sup>16</sup> Administered, according to common report, by the Dominican Bernardus at the communion. The Gesta Balduini, Lib. II. c. 17 (in *Justi Ruberi Scriptt. Germ. Francof. ad Mœn. 1726. fol. p. 831*), the author of which was not only a contemporary, but may be supposed to have been accurately informed on the subject by Baldwin, the emperor's brother, say: Henricus ad vesaniam Roberti Siciliae Regis perdomandam versus Neapolim — iter capiendo, et veniens Bonconvent — a quodam Ordinis Prædicatorum religioso Diminici corporis Christi sacramentum devote recipiebat, cujus sodalis ejusdem professionis ablutionem sumendam in calicem fundebat, quem ipse Imperator fidelissime sumebat, et statim postea totius corporis molestiam sentiebat. Postea sui prudentissimi intelligentes Medici ipsum nulla infirmitate alia, quam intoxicationis materia graviter laborare, sibi indicarunt, devotissime supplicarunt, quod hanc intoxicationis materiam sineret eos per inferendum sibi vomitum radicitus revocare. Quibus fertur respondisse: malo migrando ad Dominum diem claudere extremum, quam generare scandalum in sacrum Dominicum et detrimentum Christianorum. A number of testimonies on the subject have been collected by *Martin Dieffenbach* de vero mortis genere, ex quo *Henricus VII. Imp.* obit. Francof. 1685. 4to. The Dominicans have endeavoured to save themselves from the disgrace of such a crime, by the certificate on the subject which they obtained from Henry's son, John, king of Bohemia, 1346 (in *Baluzii miscellan. Lib. I. p. 102*). They are defended at large in *Martene et Durand Ampliss. Collectio, T. VI. p. 376 seq.*

<sup>17</sup> He began by repealing the ban which Henry had pronounced on Robert, in the bull *Pastoralis (Clementin. Lib. II. Tit. II. c. 2)* not only on the ground that the king as noster et Ecclesie Romanae — notorie subditus homoque ligius et vasallus was not subject to the emperor, but also tam ex superioritate, quam ad Imperium non est dubium nos habere, quam ex potestate, in qua, vacante Imperio,

## § 96.

JOHN XXII. (August 7, 1316 — December 4, 1334).

After a long, interrupted, and stormy election, John XXII.<sup>1</sup> was chosen to the papal see, and, notwithstanding his promise, remained also in Avignon.<sup>2</sup> Like his predecessors, dependent on France and presumptuous towards all other powers, the contest between Lewis of Bavaria and Frederick of Austria for the imperial crown,<sup>3</sup> soon

Imperatori succedimus, et nihilominus ex illius plenitudine potestatis, quam Christus — nobis — in persona b. Petri concessit. These two bold assertions were soon maintained more at large in two special bulls. The first, *Clementin.* Lib. II. Tit. 9: Romani Principes — Romano Pontifici, a quo approbationem personæ, ad Imperialis celsitudinis apicem assumendam, nec non unctionem, consecrationem, et Imperii coronam accipiunt, sua submittere capita non reputarunt indignum, seque illi, et eidem Ecclesiæ, quæ a Græcis Imperium transtulit in Germanos, et a qua ad certos eorum Principes jus et potestas eligendi Regem, in Imperatorem postmodum promovendum, pervenit (this view had been maintained since Innocent III., see § 54, note 12), adstringere vinculo juramenti. Henry having denied that this juramentum was a jur. fidelitatis: nos, — ne quis in Romanum assumptus Principem, vel in posterum assumendus, an juramenta hujusmodi — fidelitatis existant, in dubitationem deducere audeat, vel super his contrarium adstruere veritati: auctoritate Apostolica de fratrum nostrorum consilio declaramus, illa juramenta prædicta fidelitatis existere. The other dd. II. Id. Mart. 1314 (in *Raynald.* ad h. a. no. 2) ad Robertum Regem Sicil. Nos, ad quos Romani vacantis Imperii Regnum pertinere dignoscitur, attendentes, quam avidè Italiæ partes, præsertim quæ ad Imperium ipsum pertinent, rectorem exigant, — Te de fratrum nostrorum consilio in partibus ipsis — vicarium in temporalibus usque ad Sedis Apostolicæ beneplacitum constituimus generalem, etc.

<sup>1</sup> Compare the contemporary *Joannes Canonicus s. Victoris* in vita Joannis XXII. (*Baluzii* PP. Aven. I. p. 113): Cardinales apud Carpentras, ut de pastore providerent Ecclesiæ, convenerunt. Sed effusa est contentio super principes, nec poterant concordare. Italici talem eligere intendebant, qui ad Romanam sedem curiam revocaret. Quod Cardinales Gascones facere formidabant: quia cum sui de Gasconia Italicis multas injurias irrogassent, certi erant, quod si in manibus Romanorum incidere, æquipollentiam sustinerent. Fuerunt ergo diu in tali discordia, licet inclusi multa incommoda sustinerent, quia cibaria eorum subtrahebantur, et domus eorum desuper dissipatæ. Tandem hæc Gascones non ferentes ignem in palatio posuerunt, per quem combusta est pars maxima civitatis. Et sic dispersi Cardinales. According to the *Epist. encyclica* of the Italian Cardinals (in *Baluz.* II. p. 286) many of their people were killed, and they themselves only saved their lives by flight. The election was at length resumed at Lyons through the mediation of the French.

<sup>2</sup> Quinta vita Jo. XXII (*Baluz.* I. p. 178): in sua electione — juravit se nunquam ascensurum equum vel mulum, nisi iret Romam. Quod et servavit, quia navigio ivit usque ad Avinionem et pedes ascendit palatium, de quo postea nisi intrando Ecclesiam majorem, quæ contigua palatio est, non exivit.

<sup>3</sup> Concerning the controversy that now ensued between Lewis and the papal power, see *Jo. Georg Herwart ab Hohenburg* (a Bavarian Counsellor), Ludovicus IV. Imp. defensus, Bzovius injuriarum postulatus. Monachii. III. Partes. 1618–19. 4to. *Chr. Gewold* defensio Ludov. IV. Imp. ratione electionis contra Bzovium. Ingolst. 1618. 4to. Joh. Dan. v. Oelenschlager's erläuterte Staatsgesch. des Röm. Kayserthums in der ersten Hälfte des 14ten Jahrh. samt einem Urkundenbuche. Frankf. a. M. 1755. 4to. S. 86 ff. H. Zschokke's baierische Geschichte, Bd. 2. (Aarau 1815) S. 108 ff. Conr. Mannert Kaiser Ludwig IV. a prize essay. Landshut, 1812. Jos. Schlett Biographie von Kaiser Ludwig dem Baier. Sulzbach, 1822.



afforded him an opportunity of asserting the newly devised supremacy of the Pope over the empire. As long as the contest lasted he did not interfere, content with the self-assumed regency, which he administered plainly to the interest of the French.<sup>4</sup> But Lewis having taken his opponent prisoner at the battle of Muhldorf, September 28, 1322,<sup>5</sup> John reproached him for having assumed the rights of king of Rome before he had received the papal confirmation.<sup>6</sup> Lewis defend-

<sup>4</sup> See the bull of 31 March, 1317 (in *Raynald.* ad h. a. no. 27. and in d. Extravag. Jo. XXII. Tit. 5.) In nostram — deductum est — notitiam, quod, licet de jure sit liquidum, et ab olim fuerit inconcusse servatum, quod vacante Imperio, — cum in illo ad sæcularem judicem nequeat haberi recursus, ad Summum Pontificem, cui in persona b. Petri terreni simul et cælestis Imperii jura Deus ipse commisit, Imperii prædicti jurisdictio, regimen et dispositio devolvantur, et ea, tempore durante ipsius vacationis Imperii per se vel alium seu alios exercuisse noscitur in Imperio memorato; nonnulli tamen in Italia partibus — vicariatus seu alterius cujuseumque nomen officii, quod Imperatore vivente ex ipsius commissione gerebant, — post decessum ipsius absque nostra — licentia retinere sibi — præsumpserunt. — Quia igitur error, cui non resistitur, approbari videtur; — nos volentes nostris et ecclesiæ sponsæ nostræ juribus et honoribus in hac parte prospicere, — nec non periculis animarum hujusmodi retinentium — nomina — salubriter occurrere cupientes; præsentium auctoritate monemus sub excommunicationis pœna omnes et singulos, — quatenus de cætero a denominatione hujusmodi, — necnon usu, potestate et exercitio supradictis prorsus abstineant. — Alioquin in omnes et singulos — excommunicationis in singulares personas, et in terras et loca ipsorum — interdicti sententias — publice promulgamus, etc. Concerning the dispute with Matthew Visconte, the imperial Vicar in Milan, who resigned this title, it is true, but as captain retained the same power, see *Villani* IX. c. 85 seq. Robert, king of Sicily, being unable to cope with him, Philip of Valois was appointed assistant Vicar (*Raynald.* 1320, no. 10), and Matthew declared a heretic, eum illi ecclesiæ auctoritas sacerorumque religio ludibrio esset (ib. no. 13). During these disturbances the great Dante Alighieri († 1321) in his *Monarchia* (ed. in *Schardii* de jurisdict. imperiali variorum auctorum scripta Basil. 1566. fol.), defended the imperial rights against the encroachments of the Pope (see Bartolus note 9, below). — The attempts of the Pope to assume the same office in Germany, noticed by Olenschlager, S. 102.

<sup>5</sup> Compare Zschokke, l. c. S. 148.

<sup>6</sup> Bull of 8th Oct. 1323 (Processus primus contra Lud.) in *Raynald.* ad h. a. no. 30; more complete in *Herwart*, P. 1. p. 194; and in *Martene et Durand* thes. nov. anecdot. T. II. p. 644: Ludovicus a nobis, ad quem suæ electionis — ac personæ ipsius examinatio, approbatio, ac admissio, repulsio quoque et reprobatio noscitur pertinere, electione prædicta nequaquam admissa, nec ejus approbata persona, — Romanorum Regni nomen sibi et titulum Regium usurpavit; quamvis priusquam alterutrius eorum per sedem Apostolicam fuisset approbata vel reprobata persona, neutri electorum ipsorum assumere licuit nomen et titulum prælibatum: cum nec interim Romanorum Reges existant, sed in Reges electi. — Idem etiam Ludovicus — ad administrationem jurium Regni et Imperii prædictorum, in gravem Dei offensam et contemptum, ac manifestam injuriam Romanæ Ecclesiæ matris suæ, ad quam ejusdem vacationis tempore Imperii regimen, sicut et in præsentiarum vacat, pertinere dignoscitur, necnon et plurimorum scandalum et rei turbationem ac læsionem publicæ, ac suæ animæ detrimentum prosilire, seque illi immiscere irreverenter ac indebite præsumpsit hætenus et præsumit. — Ejusdem insuper Ecclesiæ Romanæ hostibus, sicut Galeacio de Vicecomitibus (Galeazzo Viscount, the son and successor of Matthew) et ejus fratribus, quamvis sint de crimine hæresis — condemnati, — se exhibere fautorem et defensores non est veritus nec veretur. Nos itaque — præfatum Ludovicum — præsentium tenore monemus, eidem sub virtute sanctæ obedientiæ, ac excommunicationis pœna, quam ipsum, nisi cum effectu hujusmodi monitioni nostræ paruerit, incurrere volumus ipso facto, auctoritate Apostolica nihilominus injungentes, ut infra trium mensium spatium, a

ed himself on the ground that he derived his dignity from the choice of the electors,<sup>7</sup> upon which the exasperated Pope excommunicated him forthwith (March 21, 1324).<sup>8</sup>

data præsentium computandum, — ab administratione, fautoria et defensione prædictis prorsus abstinat ac desistat; — quodque gesta per eum post præsumptum ab eo titulum memoratum circa præmissa, quatenus processere de facto (eum de jure non teneant, velut ab ipso, cui jus faciendi non competeat nec competit), attentata, curet infra prædictum terminum, quantum patietur possibilitas, realiter revocare. Then follows a command to all the subjects of the empire sub pœnis excommunicationis in personas, et interdicti in terras eorum, necnon privationis privilegiorum quorumcumque Apostolicorum et Imperialium, ac feudorum, quæ ab Ecclesia vel Imperio obtinent, to render to Lewis neither obedience nor support. Finally: Ut autem hujusmodi processus noster ad ipsius Ludovici — notitiam deducatur, chartas sive membranas processum continentes eundem in Ecclesia Avenionensi appendi vel affigi ostiis seu superliminaribus ejusdem Ecclesie faciemus, quæ processum ipsum suo quasi sonoro præconio et patulo indicio publicabunt; ut idem Ludovicus et alii, quos processus ipse contingit, nullam possint excusationem prætere, quod ad eos non pervenerit: — cum non sit verisimile, quod ipsos remanere incognitum, — quod tam patenter omnibus publicatur. This new mode of publication is worthy of remark.

<sup>7</sup> Lewis' protest, taken before a notary and witnesses in Nürnberg, 16 Dec. 1323 (in *Herwart* I. p. 248; in *Ole n s c h l a g e r s* Urkundenb. S. 84), — Nos circumcincti stola justitiæ, et amicti pallio veritatis, in hac parte facti et juris conscii, clare respondemus, — quod hæcenus a tempore, cujus non est memoria, circa electos Romanorum Reges et Principes sic est de jure et consuetudine observatum, — quod Romanus Rex eo solum, quod electus est a Principibus Electoribus — omnibus vel majori numero eorumdem, et coronatus corona Regia in solitis locis et consuetis, Rex est, — ac jura Regni libere administrat. — Nec concedimus, ita simpliciter, ut proponitur, ad Sedem Apostolicam examinationem, admissionem et approbationem electionis et personæ nostræ, [aut] repulsionem et reprobationem pertinere, sicut asserit. Sed si, quod non credimus, pertineret, hoc unum demum sibi locum vendicare forte posset, si per querelam, vel per viam supplicationis, appellationis vel provocationis, vel alio modo ad ipsam Sedem fuisset devolutum ipsum negotium vel deductum; quæ locum non obtinent in præsentem: vel si forte, petitis per nos infulis Imperialibus vel denominatione nostrâ, ex causis legitimis jure scriptis, quas ad nos locum non credimus habuisse, personam nostram contigisset exigente justitiâ refutari. Denominatio quippe personæ vel electionis admissio habitæ subsequenter nobis non jus, nomen vel titulum tribuissent, quæ jam ex ipsa electione sortiti sumus, sed ea potius detexissent, approbassent et latius commendassent. — Quod vero adjunxit, nos Galeazio de Vicecomitibus et ejus fratribus de hæresi condemnatis — defensionem exhibuisse, penitus nihil scimus. Nam si dicti Galeazius et fratres sui sunt de hæresi condemnati, nobis non innotuit. — Imo quem favorem aut defensionem eis — exhibuimus, et quomodo sint vel fuerint rebelles Ecclesie, non videmus; aperte conjicimus, et per effectum operis cognoscimus, nonnullos rebelles nominari Ecclesie, qui per fidem devotionis suæ molientibus contra statum et jura Imperii renitentur. — Sed nos astringimus et offerimus — legitime probaturos, quod ipse est dissimulator, defensor et fautor hæreticæ pravitatis ejus, quæ totam s. Ecclesiam inficit et conturbat, et a confessione retrahit penitentes. — Nam eum ad ipsius summi Pontificis audientiam gravibus et frequentibus Archiepiscoporum, Episcoporum — querimoniis sit deductum — contra — Fratres Minores —, quod ipsi sint secreta confessionis proditores, et peteretur ab eo, ut hoc — emendaret; ipse tanquam tergiversando, dissimulando et celando morbum hujusmodi — curare — non curavit, dictis fratribus in hac parte s. Romanæ Ecclesie et fidei catholicæ inimicis constituens se fautorem. Ceterum — ipse contra divinæ dispositionis ordinationem, per quam in firmamento Ecclesie militantis duo magna luminaria Deus fecit, Pontificalem videlicet auctoritatem et Imperatoriam Majestatem, illud ut præeset dici, spiritualia disponendo, alterum ut præeset nocti, temporalia judicando, manifeste nititur luminari alterius, potestatis scilicet radios sæcularis suffocare: unde in confusionem et errorem sancta reponetur Ecclesia, causabuntur hæreses, ingerentur lites, suscitabuntur scandala, et Ecclesia Romana, carens præposito

Thus, then, the contest was once more renewed between the papal and the imperial power, the insatiable popes not being content till they had robbed the empire of the last ray of its glory, and sacrificed another of the best of the emperors to their ambition. Public opinion, however, hitherto the strongest ally of the popes, was now against them, especially at the outset. The jurists were naturally bound to the emperor,<sup>9</sup> and even the canonists were hardly able to keep up

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advocato, resistere non poterit insurgentibus ex adverso. Nos igitur, — sentiens, nos et jura Imperii et nostra, sanctam professionem catholicam, sanctam Romanam Ecclesiam ex prædictis processibus — graviter et enormiter — aggravatos esse; — a processibus dicti Pontificis manifeste iniquis — sanctam Sedem Apostolicam — appellamus. — Cum vero propter præmissos articulos — opus sit convocacione concilii generalis, instanter et cum omni devotione ipsum, quam primum commode poterit, ad locum communem et aptum petimus congregari.

<sup>8</sup> The *Processus secundus*, dated 9 Jan. 1324 (in *Martene et Durand thes. anecd.* T. II. p. 647), contains only a confirmation of the first, adding two months to the grace. *Processus tertius*, 21 March, 1324 (in *Martene*, l. c. p. 652. Olen-schläger, l. c. S. 96): Nos adhuc volentes cum eodem electo uti potius mansuetudine quam rigore — per infra scriptum modum duximus ordinandum, videlicet quod ad publicationem sententiæ excommunicationis, — in qua idem electus propter suam in prædictis inobedientiam et contemptum incidisse dignoscitur, procedentes, ab aliarum pœnarum publicatione, in quas similiter incidit, supersedeamus ad præsens. Then Louis is charged to obey within three months sub pœna privationis omnis juris, si quod sibi ex sua electione — quoquomodo competit: ac insuper infra dictum terminum per se vel procuratorem — compareat coram nobis, super dictis excessibus — definitivam sententiam et beneplacitum, quantum officium nostrum patitur, auditurus, ac alias facturus et recepturus quod justitia suadebit. Against those who should adhere to him, the threats of the first process are repeated. Et licet contra civitates, communitates, universitates, et singulares personas alias, quæ in prædictis vel circa ea forsitan deliquerint, — ad debitam impositionem pœnarum propter hoc fuisset merito procedendum, tamen de apostolicæ sedis gratia adhuc providimus expectandum. All who from this time forward continued to obey or assist Louis, should be under the Interdict, from which they could be released only by the Pope.

<sup>9</sup> The notion of the universal monarchy of the emperor (see § 54, note 3) was now carried so far that Henry VII. in a law passed in Pisa, 1312 (*Extravagantes*, quas nonnulli XI Collationem appellant Tit. I. appended to the Cod. Justin.) thus expresses himself: divina præcepta, quibus jubetur, quod omnis anima Romanorum Principi sit subjecta. The great jurist *Bartolus de Saxoferrato* (in Bologna † 1356) in his *Comm. super secund. Partem ff. novi* (in *Dig. Lib. XLIX. Tit. 15 de captiv. et de postlim. l. 24*) proves in full this right of the emperor, and closes thus: si quis diceret, dominum Imperatorem non esse dominum et monarcham totius orbis, esset hæreticus: quia diceret contra determinationem ecclesiæ (compare § 59, note 31) et contra textum s. Evangelii, dum dicit: *Exivit edictum a Cesare Augusto, ut describeretur universus orbis*, ut habes *Luc. II. vel. III. cap. et ita etiam recognovit Christus Imperatorem ut Dominum*. See, however, ad *Dig. Lib. XLVIII. Tit. 17 de requir. reis l. 1. § 2. Præsides*: Dantes — in uno libro, quem fecit, qui vocatur monarchia — disputavit tres quæstiones, quarum una fuit, an imperium dependeat ab ecclesia, et tenuit, quod non: sed post mortem suam quasi propter hoc fuit damnatus de hæresi: Nam ecclesia tenet, quod imperium dependeat ab ecclesia pulcherrimis rationibus, quas omitto, tenendo istud, quod imperium dependeat ab ecclesia. The following passage on the question whether Henry VII. had the right to summon Robert to his presence, and on the bull, *Pastoralis* (§ 95, note 17) is characteristic: Cynus (Bartolus' teacher, † 1341) disputavit istam quæstionem Senis, et dicit, quod ista citatio potest fieri. — Sed ad illam decretalem dicit ipse: *non potest dari responsum in pace, sed pertrahatur cum aliis erroribus Canonistarum*. Ita dicit ipse. Ego consuevi tenere illam decretalem, tamquam existens in terris ecclesiæ, dicens eam esse veram de jure. Nam, etc.

with the rapid progress of the papal pretensions.<sup>10</sup> The popular feeling<sup>11</sup> of the justice of Lewis' cause was confirmed by the conviction

Thus the papal jurist makes the universal monarchy of the emperor to depend upon the Pope, after the example of Boniface VIII. (see § 59, note 31). — Worthy of notice is *Albericus de Rosate* (of Bergamo, † 1354). In his *Lectura super Cod. ad Cod. Lib. I. T. 1. l. 1. no. 7*, we find some very sensible objections to the asserted universal monarchy of the emperor, concluding ad l. 7 §. Glorio-issimo, no. 6: Quidquid ergo dicatur, credo potestates esse distinctas, ut unus præsit in spiritualibus sc. Papa, alter in temporalibus. His discussion of the subject fullest ad Cod. Lib. VII. Tit. 39. De quadriennii prescriptione, l. 3. Bene a Zenone. Here some remarkable reminiscences from former times, e. g. omnes clerici et ecclesie antiquitus suberant Imperatori. — eodem modo posset dici de electione Papæ, nam olim eligebatur per Imperatorem. — Et ista forte privilegia perdidit imperium de facto potius quam de jure, propter longam vacationem ejusdem et potentiam et prudentiam summorum pontificum et aliorum præsentium Romanæ Ecclesie. Finally: Nunc illam duram et subtilem questionem aggredior, utrum Imperator ex sola electione concordi vel a majori parte facta dicatur verus Imperator, et omnimodam administrationem et potestatem habeat circa privilegia concedenda et omnia alia, an vero indigeat confirmatione, unctione, examinatione, coronatione Papæ. After having given in full the grounds for and against, he continues: Quid ergo in tanta jurum Doctorum et glossarum varietate tenebitur? Dominus Okhradus (de Ponte, Advocatus Consistorialis, and much appealed to by Johannes XXII. † 1329) sequebatur opinionem, quod administrare non posset. — In eadem opinione fuit Ostiensis (Henricus Card. Ostiensis, Canonist about 1260) and other writers on the Canons. Contrariam opinionem tenuit Jacobus de Arena (in the beginning of 14th century, prof. juris in Padua), qui hanc questionem publice disputavit, et ejus disputationem inseruit hic Cynus (jurist in Bologna and Perugia, † 1341), qui eandem opinionem clare hic sequitur. Eandem opinionem sequitur Guilelmus Naso, — qui dicit quod eligendo confirmatur, sicut Dominus Papa, — quia sacerdotium et imperium parum discrepant. — Et tenet, quod privilegia per eum concessa valeant etiam si cassaretur ejus electio. — Hanc etiam opinionem sequitur Innocentius (IV. who wrote *Comm. in Decretales Pontificum*) d. c. Venerabilem (*Decr. Greg. I. 6, 34*) in glossa art. quod sicut potest, ubi hæc verba ponit: Credimus tamen, quod, si Imperator coronam in loco debito recipere non possit, nihilominus auctoritate ministrandi ab archiepiscopo Colonien-ſi posset recipere, vel sua auctoritate, quam habet ex electione. Hæc ibi. Et hanc opinionem verioremi puto per jura et rationes ad hoc adductas, et maxime auctoritate dicti Domini Innocentii et aliorum hoc tenentium. Alias sequeretur maxima absurditas, quod cum Imperium et Imperatores fuerint ante Papam, — et multi etiam tempore Papæ fuerunt non confirmati nec coronati ab eo, immo eligebant Papam, ut prædictum est, videretur, quod gesta per eos non valuisent, et sic leges civiles et multa subverterentur. Hanc etiam opinionem sequitur quidam magister Joannes Parisiensis (see § 59, note 35) et Dantes de Florentia (above, note 4). — De hoc fuit magna concertatio tempore Joannis XXII. et successoris sui Benedicti XII. inter eos et Dominum Ludovicum de Bavaria, electum in Imperatorem. *Et me existente tunc in Romana curia, audici magnos prelatos et etiam laicos utrosque jurisperitos in hanc opinionem inclinare tanquam verioremi.* — Præsidentes Romanæ ecclesie eorum astuta et sagaci prudentia secundum temporum varietatem sua variiaverunt statuta, modo Imperium sublimando modo paulatim deprimendo de tempore in tempus: sed considerato initio cujuslibet puto potestates fuisse distinctas, et si quælibet fuisset contenta suis limitibus, et una alteram coadjuvasset, sicut facere tenentur, puto, quod pax esset in universo orbe.

<sup>10</sup> *Hermannus Januensis*, about 1348, in the continuation of *Martini Minoritæ* Flores temp. (in *Eccardi* corpus hist. mediæ ævi, T. I. p. 1638): Papa anno 1323 Ludovicum excommunicavit, etc. Isti processus a quibusdam strictè servabantur; a multis vero quasi invalidi nihil curabantur, quia Bononiæ et Parisius, ut dicitur, examinati a Doctoribus Theologiæ et utriusque juris judicabantur penitus nil valere. cf. *Albericus a Rosate*, note 9.

<sup>11</sup> How entirely this was in Lewis' favor is shown by its taking the form of revelations. Thus the infant Jesus appeared to Margaretha Ebner, a nun in a

that the Pope was acting in this, as in other cases, under French influence; and still more by the imputation of heresy cast upon him by the Minorites, who had sought refuge from his persecutions under the protection of Lewis.<sup>12</sup> The writers on the imperial side, the court-physician Martilius of Padua († after 1342), and John of Jandun († after 1338)<sup>13</sup> only made the public more distrustful of their

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convent near Dillingen, saying: "I will never forsake him, for his love to me." See *Jo. Heumannii* opuscula, p. 349.

<sup>12</sup> Namely, on account of his decision given A. D. 1323, hæreticum esse, pertinaciter affirmare, Christum ejusque Apostolos in speciali non habuisse aliqua, nec in communi etiam. See below, in the history of the Franciscans.

<sup>13</sup> According to *Albert. Mussatus* in Lud. Bav. (*Murat.* X. p. 773) Lewis' advisers, quorum consilii potissimum fruebatur, were *Marsilius de Raymundinis*, civis Paduansis plebejus, philosophiæ gnarus et ore disertus (supposed usually to have died 1328, but mentioned in Ludov. ep. ad Bened. XII. in *Raynald*, ann. 1336, no. 36, as still living, neither is there any reason to doubt that the work of jurisdict. imp. in causis matrim., which appeared in 1342, see below, § 98, note 18, is by him), et *Ubertinus de Casali* Januensis Monachus, vir similiter astutus et ingeniosus (see § 70, note 13). Besides these two there were also *Johannes de Janduno* (incorrectly de Gandavo, or of Ghent, see *Oudin*, comm. de Scriptt. eccl. ant. T. III. p. 883) and Ulrich Hagenor (Mag. Ulricus de Augusta) private secretaries to the emperor. In this period was written the work, the joint product of John and Marsilius: *Defensor pacis* (in *Goldast*, Monarchia, T. II. p. 154); the work of Marsilius de translatione Imperii tract. (ibid. p. 147) and of John tract. de potestate Ecclesiastica (Ms. bibl. Colbert. see *Oudin*, l. c. p. 884). The *Defensor pacis*, in 3 Dictiones s. Partes, treats in the first part of the origin and the aim of the state; in the second, of the relation between the temporal and ecclesiastical favor; and in the third gives 41 Conclusiones from what precedes. cf. *Concl. I*: Solam divinam s. eanoniceam scripturam, et ad ipsam per necessitatem sequentem quancumque ipsius interpretationem, ex communi concilio fidelium factam, veram esse et ad æternam beatitudinem consequendam necesse credere, si alicui debite proponatur. II. Legis divinæ dubias definire sententias — solum generale concilium fidelium — debere, nullumque aliud parziale collegium aut personam singularem, eujuscunque conditionis existat, jam diætæ determinationis auctoritatem habere. III. Ad observanda præcepta divinæ legis pœna vel supplicio temporali — nemo Evangelica scriptura compelli præcipitur. IV. Solius novæ legis divinæ præcepta, vel ad ipsa per necessitatem sequentia, et quæ secundum rectam rationem fieri aut omitti convenit, propter æternam salutem necesse servari, antiquæ vero legis nequaquam omnia. V. In divinis novæ legis præceptis aut prohibitis neminem mortalem dispensare posse; permissa vero prohibere, obligando ad culpam aut pœnam pro statu præsentis sæculi vel venturi, solum posse generale concilium, aut fidelem legislatorem humanum. VI. Legislatorem humanum solum civium universitatem esse, aut valentioris illius partem. VII. Decretales vel Decreta Romanorum aut aliorum quorumlibet pontificum, communiter aut divisim, absque concessione legislatoris humani constituta, neminem obligare pœna vel supplicio temporali. VIII. In humanis legibus solum legislatorem vel illius auctoritate alterum dispensare posse. X. Cujuslibet principatus aut alterius officii per electionem instituendi, præcipue vim coactivam habentis, electionem a solius legislatoris expressa voluntate pendere. XV. Super omnem singularem personam mortalem, eujuscunque conditionis existat, atque collegium laicorum ac clericorum, auctoritate legislatoris solummodo principem jurisdictionem tam realem quam personalem coactivam habere. XVI. Excommunicare quencum, aut divinatorum officia interdicare absque fidelis legislatoris auctoritate nulli Episcopo vel sacerdoti aut ipsorum collegio licere. XVII. Omnes Episcopos æqualis auctoritatis esse immediate per Christum, neque secundum legem divinam convinci posse in spiritualibus aut temporalibus præesse invicem vel subesse. XVIII. Auctoritate divina, legislatoris humani fidelis interveniente consensu seu concessione, sic alios Episcopos communiter aut divisim excommunicare posse Romanum Episcopum, et in ipsum auctoritatem aliam exercere, quemadmodum e converso. XIX. Conju-

cause by the boldness of the assertions with which their works were filled. On the other hand, they have the merit, of having furnished

gia — divina lege, nova præsertim, prohibita per mortalem neminem dispensari posse; humana vero lege prohibita ad solius legislatoris vel per ipsum principantis auctoritatem pertinere. XXI. Ad Ecclesiasticos ordines promovendos, ipsorumque sufficientiam judicare judicio coactivo, ad solum legislatorem fidelem spectare, ac sine ipsius auctoritate quæquam promovere ad hoc cuiquam sacerdoti vel Episcopo non licere. XXII. Numerum Ecclesiarum sive templorum, ac in ipsis ministrare debentium sacerdotum, diaconorum, et reliquorum officialium ad solum principantem secundum leges fidelium pertinet mensurare. XXVII. Ecclesiasticis temporalibus, expleta sacerdotum et aliorum Evangelii ministrorum, et his quæ ad cultum divinum pertinent ac impotentum pauperum necessitate, licite ac secundum legem divinam pro communibus seu publicis utilitatibus aut defensionibus uti posse legislatorem humanum totaliter et in parte. XXXIII. Generale concilium aut partiale sacerdotum et Episcoporum ac reliquorum fidelium per coactivam potestatem congregare, ad fidelem legislatorem aut ejus auctoritatem principantem in communitatibus fidelium tantummodo pertinere, nec in aliter congregato determinata vim aut robur habere. According to Concl. XXXII. the right of establishing and breaking up Metropolitanships, was reserved to the general councils; also, according to Concl. XXXV., that of canonizing saints; also, Concl. XXXVI.: Episcopis aut Presbyteris alii-que templorum ministris si uxores interdiceri convenit, reliqua quoque circa Ecclesiasticum ritum per generale solum fidelium concilium id statui et ordinari; et illud solum collegium, aut personam in hoc cum prædictis dispensare posse, cui data fuerit ejus auctoritas per concilium supra dictum. Concl. XXXVII. A judicio coactivo, Episcopo vel sacerdoti concesso, semper ad legislatorem contententem liceat appellare, vel ad ejus auctoritatem principantem. Concl. XL. Legislatorem fidelem, aut ejus auctoritatem principantem in subjecta sibi provincia compellere posse tam Episcopos quam reliquos evangelicos ministros, quibus de sufficientia victus et tegumentis provisum est, ad divina officia celebranda et sacramenta ecclesiastica ministranda. Important for the history of the hierarchy, P. II. c. 15, p. 239: Hæc nomina *Presbyter* et *Episcopus* in primitiva ecclesia fuerunt synonyma, quamvis a diversis proprietatibus eidem imposita fuerint. Nam *Presbyter* ab ætate nomen impositum est, quasi senior; *Episcopus* vero a dignitate seu cura super alios, quasi superintendens. Proofs drawn from Jerome. Phil. i. 1, etc. See vol. I. § 29, note 1. — Post hæc autem Apostolorum tempora numero sacerdotum notabiliter aucto ad scandalum et schisma evitandum elegerunt sacerdotes unum ex ipsis, qui alios dirigeret et ordinaret, quantum ad ecclesiasticum officium et servitium exercendum et oblata distribuendum, ac reliqua disponendum convenientiori modo, ne istud quolibet pro libito faciente æconomia et servitium templorum turbaretur propter affectionum diversitates. Hic siquidem electus — ex posteriorum consuetudine retinuit sibi soli nomen *Episcopi*, quasi superintendentis. — Verum jam dicta electio seu institutio per hominem — nihil amplioris meriti essentialis seu sacerdotalis auctoritatis — tribuit, sed solum ordinationis æconomice in domo Dei seu templo potestatem quandam, alios sacerdotes — ordinandi et regulandi, quomodo Priori datur potestas in monachos. — Et ideo secundum veritatem et intentionem Hieronymi non aliud est Episcopus quam archipresbyter. Cap. 16 shows, Apostolorum neminem ad alios habuisse præeminentiam from Luc. xxii. 19; Jo. xx. 21, 22; Gal. ii. 6–9. Nullam ergo potestatem, eoque minus coactivam jurisdictionem habuit Petrus a Deo immediate super apostolos reliquos, neque instituendi eos in officio sacerdotali, neque segregandi eos seu mittendi ad officium prædicationis, nisi quod hoc sane concedi potest, ipsum fuisse priorem aliis ætate vel officio fortasse secundum tempus, aut Apostolorum electione, qui eum propterea reverebantur merito, quamvis hanc electionem ex scriptura nemo convincere possit. Signum autem, verum esse quod diximus, est, quoniam b. Petrum nullam sibi assumpsisse singulariter auctoritatem supra reliquos apostolos invenimus ex scriptura, sed magis eum ipsis æqualitatem servasse. In proof of which he appeals to Act. XV. — Sicut Petrus Antiochiæ legitur electus in Episcopum per fidelium multitudinem, aliorum Apostolorum confirmatione non indigens, sic et Apostolorum reliqui præfuerunt in aliis provinciis absque Petri scientia, institutione, vel consecratione aliqua; fuerant enim per Christum consecrati sufficienter. Propter quod similiter opinandum, horum Apostolorum succes-

the theologians of their own and the succeeding ages with fruitful materials of thought. The cause of the emperor was in fact more

sores non indignisse aliqua confirmatione successorum Petri; quinimo multi successores aliorum Apostolorum fuerunt electi et instituti Episcopi rite, ipsorumque provincias sancte rexerunt absque alia institutione vel confirmatione de ipsis facta per successores Petri. Et extitit hoc sic legitime observatum usque quasi ad tempora Constantini Imp. — Quod si tamen b. Petrus a quibusdam sanctorum princeps Apostolorum scribatur, dictum est large ac improprie sumendo vocabulum principis. — Cujus rei exemplum conveniens sumi potest ex principantibus sæculi, qui nec præsumt sibi invicem aliqua potestate, ut Comites ejusdem regni; — cum tamen quandoque inter alios unus aut plures cæteris honoratiores habeantur. — Quod si tamen Apostoli b. Petrum tanquam sibi Episcopum elegissent; — non tamen ex hoc sequeretur, quod ip-sius successores in Romana sede vel alia, si alibi fuit Episcopus, hanc prioritatem habeant super aliorum successores, nisi a reliquorum successoribus eligerentur ad hoc; majoris enim virtutis fuerunt aliqui successores aliorum quibusdam successoribus Petri. — Rursus cur magis conveniret hoc successoribus ejus in sede Romana, quam in Antiochena vel Hierosolymitana vel alia, si Episcopus in pluribus extitisset? Amplius quilibet Episcopus quantum ad intrinsecam dignitatem — indifferenter successor est cujuslibet Apostoli, et ejusdem meriti sive perfectionis quantum ad dignitatem prædictam sive characterem, quoniam omnes hunc habent eundem ab uno efficiente — Christo, non ab eo qui manus imposuit. — Amplius propter manuum impositionem Romanus Episcopus non est aut dici debet singulariter b. Petri successor, quoniam Romanum Episcopum esse convenit, cui non imposuit manus b. Petrus, nec mediate nec immediate; nec rursus propter sedem sive loci determinationem, primum quidem, quia nullus Apostolorum lege divina determinatus fuit omnino ad populum aliquem vel locum, nam Matthæi ultimo dictum est omnibus: *Euntes ergo docete omnes gentes*: amplius quoniam b. Petrus prius legitur Antiochiæ fuisse quam Romæ, etc. — Jam dictis autem audiri desuetis mirabilis est, quia desuetum amplius et inopinabile fortassis videbitur, si non falsum: quod ex certo scripturæ testimonio convinci potest, Romanos Episcopos magis esse successores, quantum ad provinciam et gentem, Apostoli Pauli quam Petri. — Cum per scripturam constet evidenter, Paulum Romæ fuisse biennio, et ibidem omnes suscepisse gentiles converti volentes, — constat ipsum fuisse Romanum Episcopum specialiter. — De beato vero Petro — dico per scripturam sacram convinci non posse, ipsum Romanum Episcopum, et quod amplius est, ipsum unquam Romæ fuisse. Sed per scripturam sacram indubitanter tenendum, b. Paulum fuisse Romanum Episcopum, et si quis alter cum ipso Romæ fuerit, tamen Paulum singulariter et principaliter — fuisse Rom. Episcopum, b. vero Petrum Antiochiæ, ut apparet ad Gal. II.: Romæ vero non contradicō, sed verisimiliter teneo, ipsum in hoc non prævenisse Paulum, sed potius e converso. — Cap. 18, p. 251. *Unde Romanus Episcopus et Ecclesia — super cæteros sibi quandam primatum assumpsit.* — Nemo Episcoporum per omne tempus illud (to Constantine) in alios Episcopos coactivam jurisdictionem exercuit. Quamvis tamen aliarum provinciarum Episcopi plures, in quibus dubitabant, tam de scriptura sacra, quam de ritu ecclesiastico, non audentes se publice congregare, consuluerunt Episcopum et Ecclesiam fideliū existentem Romæ, propter majorem ibidem forte fideliū multitudinem et magis peritioem, eo quod studia scientiarum omnium tunc multum Romæ vigeant. — Unde etiam provinciarum aliarum fideles, sufficientia personarum carentes, ad ipsorum ecclesias gubernandas ab episcopo et Ecclesia Romana fideliū postulabant personas sibi ad episcopatum præficiendas, eo quod Ecclesia fideliū Romæ personis talibus, ut jam diximus, amplius abundabat. Episcopi vero et Ecclesia Romanorum sic requisiti — charitative atque fraterne subveniebant in his; — ordinationes, quas super ecclesiasticum ritum sibi fecerant, aliis communicando provinciis, et quandoque etiam in aliis provinciis contentionem aut schisma fideliū inter se audientes charitative monendo. Hæc autem aliarum provinciarum ecclesiæ grate suscipiebant. — Hoc etiam modo vel consinili quasi suscepit a Græcis Romanus populus gratuite non coacte leges quasdam vocatas decem tabularum. Ex jam dicta vero quasi consuetudinaria prioritate, aliarum Ecclesiarum consensu spontaneo, Romanorum Episcopi — auctoritatem quandam decreta — constituendi super universalem Ecclesiam — sumpserunt usque ad tempora Constantini. Constantinus vero — primus fuit Im-

advanced, it may be, by those who attempted to answer them on the side of the Pope, the Augustinian monk Augustinus Triumphus of Ancona († A. D. 1328),<sup>14</sup> and the Franciscan Alvarus Pelagius

perator, qui fidem Christi, ministerio b. Sylvestri tunc Papæ Romani patenter adeptus est, et — Ecclesia Romanæ ac ipsius Episcopo tribuisse videtur auctoritates et potestates super alios Episcopos et Ecclesias omnes. — Cap. 22, p. 268: Post tempora vero Constantini I. et præcipue imperiali sede vacante hæc sibi debent prioritatem quandoque lege divina, quandoque vero concessione principum suis epistolis expresserunt Rom. Episcopi quidam. Hanc etiam extendentes auctoritatem in omnes Episcopos et ecclesias, populos et singulares personas, ad sententiam excommunicationis et interdicti civinorum officiorum — in supradictos fideles ferendum. Sic etiam suis epistolis expresserunt, sibi convenire temporalium omnium ecclesiasticorum dispensationem. Quibus circa moderniores excessibus non contenti suis expresserunt Epistolis sive Decretis, auctoritatem sive jurisdictionem coactivam supremam super omnes mundi principatus — sibi lege divina deberi; — propter quod etiam ad suam auctoritatem pertinere dicunt, omnia mundi regna et principatus conferre ac auferre licite posse regibus — ipsorum mandata transgredientibus, quamvis impia sint secundum veritatem et illicita sæpe. Hoc autem inter cæteros Romanos Episcopos — octavus Bonifacius in tantum expressit et asseruit, ut hanc Romanis Episcopis deberi potestatem decreverit ab omnibus credendum et confitendum esse de necessitate salutis æternæ (see above, § 59, note 26). Cujus sententiam asecuti sunt successores ejus Clemens V. et — Joannes, — quamvis hoc solum explicite videantur dicere de solo imperio Romanorum. Quod quia id asserunt innisi titulo supradicto, plenitudinis videlicet sibi date potestatis a Christo, indubium est, potestatem hanc sive auctoritatem, si qua talis ex hoc sibi conveniat, omnia mundi regna et principatus ex æquo respicere. Cap. 26, p. 281, of the origin of the papal assumption over the emperors: Voluerunt Romanorum principum quidam citra tempora Constantini electionem de se factam amicebiliter signare Romanis Pontificibus, ut — per Pontificum intercessionem ampliori benedictionem et gratiam ad suum gubernandum imperium obtinerent: eodemque aut consimili quasi modo — Romanorum quidam Imperatores diadema regum imponi sibi fecerunt per Romanos Pontifices; quam siquidem impositionem Pontifici Romano plus auctoritatis tribuere super Rom. Principem, quam Remensi archiepiscopo super regem Francorum, quis dicit? Non enim conferunt hujusmodi solemnitates auctoritatem, sed habitam vel collatam significant. Ex hæc quidem igitur reverentia sic sponte per Romanos principes exhibita, quærentes sapius quæ sua non sunt, Episcopi Romani induxerunt consuetudinem et abusum verius, propter principum simplicitatem, non modo dicam ignaviam, laudationem electæ personæ ac benedictionem, quam super illam mittebant, vocaliter aut in scriptis vocare confirmationem electionis prædictæ. Nec atendum nimbis olim Romanis Principibus, quæ sub hæc appellationis figura præjudicialis latebat intentio, sic ipsam successive subinduxerunt latenter, nunc vero patenter, Romani Pontifices, ut nullus quantumcumque convenienter electus in Romanorum Regem Rex vocari debeat, neque Regis Romanorum auctoritatem habeat aut exerceat, nisi per Romanum Episcopum fuerit approbatus. Non esset hoc aliud quam Romanum solvere principatum, et principis creationem perpetuo prohibere. Quid ergo aliud sibi tribuit auctoritatis principum electio, quam nominationem, ex quo ipsorum determinatio ab unius solius alterius voluntate dependet? Tantam nempe septem tonsore aut lippi possent Romano Regi auctoritatem tribuere.

<sup>14</sup> Summa de potestate ecclesiastica ad Joh. P. XXII. (ed. Aug. Vind. 1473. Romæ. 1582; the one before me is Colon. 1475. fol.) divided into III. Partes and 112 Quaestiones. Qu. 1, art. 1: Sola potestas Papæ est immediata a Deo. Habet omnem potestatem sæcularem judicare et deponere, si non bona est. Et si inveniatur, quandoque aliquos Imperatores dedisse aliqua temporalia summi Pontificibus, sicut Constantinus dedit Sylvestro: hoc non est intelligendum, quod suum est, sed restituerunt, quod injure et tyrannice ablatum est (cf. Qu. 43, art. 3). Omnis potestas Imperatorum et Regum est subdelegata respectu potestatis Papæ. Qu. 18, art. 1: Major est jurisdiclio Papæ quam cujuslibet angeli. Papæ totius mundi jurisdiclio et cura commissa est, — quod super cælum et terram jurisdictionem accepit. Qu. 22, art. 3: Magis tenentur laici subditi obedire Papæ, quam Imperatori vel Regi. Tota machina mundialis non est nisi unus principatus: — princeps



autem totius principatus mundi est ipse Christus, cuius Papa vicarius existit juxta illud *Dax.* VII. Si aliud mandat Papa, et aliud Imperator, obediendum est Papæ et non Imperatori. Qu. 23, art. 1: Pagani jure sunt sub Papæ obedientia. Vicarius Christi est Papa, unde nullus potest se subtrahere ab ejus obedientia de jure, sicut nullus potest de jure se subtrahere ab obedientia Dei. Qu. 35, art. 1: Papa per se ipsum Imperatorem potest eligere. Imperator est minister Papæ eo ipso quod est minister Dei. Est autem principaliter agentis, eligere ministros et instrumenta ad suum finem. Unde puto, quod Papa, qui universos fideles in presenti ecclesia ad pacem habet ordinare, et ad supernaturalem finem consequendum dirigere et destinare, justa et rationabili causa existente per se ipsum possit Imperatorem eligere: ut propter eligentium negligentiam et discordiam, aut propter electi bonitatem et concordiam, vel propter populi Christiani pacis providentiam, seu propter coercendum hæreticorum, paganorum et schismaticorum potentiam et audaciam. Posse enim Papæ fulcitum debet esse veritate, justitia et æquitate; non enim potest adversus veritatem sed pro veritate, ut dicit Apostolus II. ad Cor. ult. Art. 3. Sicut a sede Apostolica potestas eligendi Imperatorem Electoribus est concessa, ita a prædicta sede potest eis auferri. Art. 6. Papa potest Imperatorem facere per hæreditariam successionem sicut per electionem. Qu. 37, art. 3. Auctoritate Papæ Imperium a Romanis est ad Græcos translatum. Constantinus hujusmodi translationem fecit auctoritate summi Pontificis, qui tanquam vicarius Dei filii cælestis Imperatoris jurisdictionem habet universalem super omnia regna et imperia. Propter imperium ad Græcos post tempus Constantini translatum, ecclesia ibi potestate et dignitate multum vigeat. Et ideo quatuor concilia fuerunt ibi celebrata, quibus Imperatores se se subjecerunt, quatenus per summum Pontificem approbarentur. Art. 4 Auctoritate Papæ Imperium est translatum a Græcis ad Germanos. Art. 5. Auctoritate Papæ Imperium potest a Germanis transferri ad alios. Qu. 23, c. 4. *Displicet* auctoritate Augustini dicitur, quod Ecclesia per incrementa temporum semper majori potestate utitur. Si ergo Ecclesia quandoque fecit hujusmodi translationem, multo fortius nunc potest facere. Conditio Imperatoris a tempore Constantini multipliciter variata est. Nam tempore dicti Constantini Imp. eligebantur. Qui modus servatus est usque ad tempora Michaelis Imp. et Caroli M. Postea institutio Imperii processit per successionem ad tertiam generationem puta usque ad tertium Ottonem, qui fuit nepos primi et filius filii. De istis enim non invenitur facta electio, sed sola provisio per summum Pontificem. Gregorius V. convocatis Principibus Almania ordinavit electores Imperatoris officiales ipsius imperialis curiæ. Qualitercunque tamen institutio Imperii sit variata: nulli tamen dubium esse debet, quin summus Pontifex — Imperatorem possit eligere, quemcunque et undecunque sibi placet in auxilium et defensionem Ecclesiæ. Qu. 33, art. 1: Per Papam Imperator electus debet confirmari. Ad illum pertinet immediate Imperatoris confirmatio, ad quem pertinet Imperii immediata jurisdictio. Postquam enim Constantinus cessit Imperio occidentali nulla sibi reservatione facta — plenum jus totius Imperii est acquisita summis Pontificibus, non solum superioris dominationis, verum etiam immediatæ administrationis, ut ex ipis tota dependeat imperialis jurisdictio, quantum ad electionem et quantum ad confirmationem; ita ut ex tunc nullus de jure poterit se intromittere de regimine occidentalis Imperii absque expressa auctoritate et mandato sedis Apostolicæ, nisi usurpative et tyrannice, sicut fecit Julianus Apostata et multi alii. Art. 4. Papæ Imperator electus debet fidem jurare. Imperator assumitur in defensorem et protectorem Ecclesiæ, potissime in partibus Italiae et in occidentalibus regionibus, in quibus Ecclesia non solum temporalium habet universalem jurisdictionem, sicut in toto orbe noscitur habere, verum etiam habet mediante ministro, quem elegit, immediatam administrationem. Talis ergo minister in tribus tenetur Ecclesiæ fidelitatem servare; primo in ipsius Ecclesiæ exaltatione, ut per rebelles et infideles Ecclesia non deprimatur, sed potius illis expugnatis juxta posse suum supra candelabrum ponatur; secundo in Ecclesiæ pastoris et rectoris defensione; — tertio in temporalium per Constantinum concessorum Ecclesiæ conservatione, ut in talibus non prætendat aliquam immediatam jurisdictionem, sed solum immediatam administrationem. Et ista tria ponuntur in juramento fidelitatis, quod ipse Imperator summo Pontifici præstare tenetur. Qu. 39, art. 1. Imperator per solam electionem non potest administrare, nisi beneficium confirmationis recipiat. Qu. 40, art. 1. Papa potest Imperatorem deponere. Art. 4. Imperatoris subditos a juramento fidelitatis absolvere. Qu. 41, art. 1. Ad Papam spectat Imperatoris electio-

(† after 1340),<sup>15</sup> who, exasperated at the boldness of the imperial

nem examinare. Qu. 44, art. 1. Absque Papæ auctoritate Imperator non potest leges condere. Omnis justa lex (quæ secundum Augustinum si justa non est, non est lex) dependet a lege divina. Illo ergo jure lex imperialis dependet ab auctoritate Papæ, quo jure dependet a lege divina, cujus ipse Papa est vicarius et minister, potissimæ cum secundum Dionysium lex divinitatis hoc habeat, ut ejus influenza non transeat ad inferiora nisi per media. Medius autem inter Deum et populum Christianum est ipse Papa, unde nulla lex Populo Christiano est danda, nisi ipsius Papæ auctoritate; sicut nec aliqua lex fuit data populo Israelitico nisi mediante Moyse. Art. 4. Papa potest sua auctoritate leges Imperiales corrigere. Qu. 45, art. 2. Papæ subjiciuntur omnes Reges, quantum ad temporalium recognitionem. Dicentes, Papam, Vicarium Christi, in toto orbe dominium habere solum super spiritualia, non autem super temporalia, similes sunt consiliariis Regis Syriæ, qui dixerunt III. Reg. 20: *Dii montium sunt dii eorum*, etc. Sic hodie mali consilarii adulatione pestifera seducunt Reges et Principes terræ, dicentes: dii montium, puta spiritualium donorum, sunt summi Pontifices, sed non sunt dii convallium, quia temporalium bonorum nullum habent dominium; ideo in campetribus et in potentia bonorum temporalium pugnemus contra eos et obtinebimus. Sed quid dicit eis divina sententia, audiamus; quia dixerunt, inquit, Syri, deus montium est dominus, non deus vallium, dabo omnem multitudinem hanc in manu vestra, et scietis, quia ego sum Dominus. Qu. 46, art. 2. Papa potest omnes Reges cum subest causa deponere. Art. 3. Papa potest in quolibet regno regem instituire. — Sicut Deus est factor omnium regnorum et provisor, sic Papa vice Dei est omnium regnorum provisor. Unde cum causa rationalibilis subest, in quolibet regno potest Regem instituire, sive sit causa ipsius Regis nequitia, ut dictum est supra de Rege Francorum, sive ipsius populi fraudulenta malitia, ut si in Regis mortem conspirarent, vel eum eijcerent, — vel quocumque alio modo causa justa et rationalis subest, ad Papam spectaret, illi regno de Rege providere. Qu. 61, art. 3. Papa non potest aliquos eximere a se ipso in temporalibus. Apostolus II. ad Tim. 2 dicit: *Deus fidelis est, et seipsum negare non potest*. Negaret autem seipsum, si eximeret aliquos a suo dominio temporali vel spirituali, quia tunc negaret, se esse dominum omnium tam temporalium quam spiritualium. Cum igitur Papa verus vicarius Dei sit, si aliquos eximeret a seipso in jurisdictione temporalium vel spiritualium, negaret, quod non esset verus Dei vicarius, et talis negatio in errorem Manichæorum ipsorum induceret, ponentium, ab alio principio spiritualia et ab alio temporalia esse producta. Unde non est dubium, quod si pro tali veritate testificanda Papa pateretur, verus Christi martyr esset censendus. To the objection: consuetudo servanda est, et longo tempore approbata pro lege tenenda est, ut jurisconsultus dicit. Sed ab antiqua consuetudine fuit observatum in ecclesia Gallicana, quod Prælati Franciæ non recognoscunt temporalia a Papa sed a Rege, et ipse similiter Rex a nullo temporalia recognoscit, he replies: consuetudo veritati et rationi contraria, quanto diuturnior tanto perniciosior et periculosior, nec consuetudo sed abusus dicenda est. Non enim dixit Christus, ut dicit Gregorius: Ego sum consuetudo, sed: *ego sum veritas*. Si vero potentia regalis vel imperialis allegatur, videatur, ut dicit Aug. quod factum sit de Nabuchodonosor, quomodo a regno depositus est et inter bestias connumeratus est, donec recognosceret, Deum cæli esse dominum universorum. Qu. 73, art. 3. Papa alicui potest concedere decimas Laicorum. Jus naturale propria facit communia in necessitate, jus vero divinum ex caritate, et jus civile ex reipublicæ utilitate. Planum est autem, quod Papa est omnis juris interpret et ordinator, tanquam architector in tota ecclesiastica hierarchia vice Christi, unde quolibet jure potest, cum subest causa rationalis, decimas laicorum non solum subditorum, verum etiam Regum, Principum et Dominorum recipere et concedere pro ecclesiæ utilitate, ac eos, si noluerint dare, compellere.

<sup>15</sup> His work de planctu ecclesiæ, lib. II. (ed. Ulmæ. 1474. Venet. 1560. fol.) written in Avignon 1330, and revised by the author A. D. 1340, then bishop of Silves in Portugal, agrees in its principles entirely with that just cited. cf. lib. I. c. 13: Quod jurisdictionem habet universalem in toto mundo Papa nedom in spiritualibus, sed temporalibus, licet executionem gladii temporalis et jurisdictionem per filium suum legitimum Imperatorem, quum fuerit, tanquam per advocatum et defensorem ecclesiæ, et per alios reges et mundi principes; et in patrimonio s.

controversialists, carried out the newly-invented papal law in its utmost absurdity.

Under these circumstances, neither the papal excommunication, to which Lewis at once opposed an appeal to a general council,<sup>16</sup> nor the interdict under which all who remained faithful to the emperor were laid,<sup>17</sup> produced the desired effects.<sup>18</sup> The wrath of the Pope

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Petri et in regno Siciliae, quod est regnum Ecclesiae et patrimonium, — et in aliis terris Ecclesiae eam per suos rectores debeat exercere. Quum animae corporibus sunt pretiosiores, et spiritualia temporalibus digniora; — cui ergo commissae sunt animae et spiritualia, multo potius res sunt et corpora committenda. Temporalia accessoria sunt ad spiritum, Matth. 16: *haec omnia* scil. temporalia *adjicientur vobis*: sed accessoria naturam habent principale sequendi. On these principles he defends the papal assumption against the emperor Lewis, here mentioned only as Bavarus schismaticus. Then, cap. 33: Quod Papa non tenetur se purgare de aliqua infamia, a quibuscunque exorta, bonis vel malis, si non vult. Cap. 34: Quod in hac vita, etiamsi injuriam vel injustitiam facit Papa alicui, non habet judicem super se, nec tenetur eligere iudices vel arbitros. Cap. 36: Quod antea fuit ecclesia, quam Imperium. Finally he inserts, cap. 60, the Bull *Unam sanctam*: Ad complementum autem papalis potestatis plenariae, et gladii utriusque pertinentis ad eum, licet diversimode, pono Extravagantem Domini Papae Bonifacii VIII. quae istam determinat quaestionem cujus talis tenor est, etc. Cap. 68 is against the new Schismatics, in particular against the haeresiarcha novellus Marsilius Padovanus.

<sup>16</sup> Dated Sachsenhausen in Apr. or May, 1324 (ed. Baluz. Vitae PP. Aven. T. II. p. 478): Nos Ludovicus Dei gratia Romanorum Rex semper Augustus proponimus contra Johannem, qui se dicit Papam XXII, quod inimicus sit pacis, et intendit ad discordias et scandala suscitanda. — Nam publice dicere dicitur, quod quando inter Reges mundi et Principes est discordia, tunc Papa est verus Papa, et timetur. — Maxime autem dicere dicitur, quod discordia Alamanniae — salus est et pax Romani Pontificis et Ecclesiae. Unde cum multiplicarentur in Alamania, occasione diversarum electionum, caedes, — et sanguinis effusiones, pro dolor, innocentium; nunquam unam litteram vel qualemcunque nuntium mihi ad obvian- dum praedictis periculis atque malis, cum tamen multos haberet in partibus Alamanniae exactores et collectores pecuniarum pro ipso, quibus hoc committere sine aliquo suo onere potuisset, si voluisset, vel sibi de hoc cura aliqua fuisset, ostendens se per hoc facere contra doctrinam et vitam et exemplum Christi, cujus vicarium se mentitur et dicit. After justifying the course pursued by the emperors, and showing the unfounded assumptions and unjust conduct of the Pope, he proceeds to give a detailed and vehement refutation of the Pope's assertion, Christum et Apostolos habuisse bona temporalia in communi eo modo, quo alia collegia habent, quod dictum est notorie haereticum, et profanum et contra evangelii sacrum textum, evidently from the pen of some persecuted Minorite. In conclusion: ad generale Concilium, quod instanter et cum instantia repetita in loco tuto nobis et nostris convocari petimus, et ad verum legitimum futurum summum Pontificem, et ad sanctam matrem Ecclesiam et Apostolicam Sedem, et ad alium vel ad alios, ad quem vel ad quos fuerit appellandum, provocamus et appellamus.

<sup>17</sup> Processus quartus of 11th Jul. 1324, in *Martene et Durand* thes. Anecd. T. II. p. 660: (Ludovicum) reputamus et declaramus merito contumacem, — omni jure, si quod sibi ex electione sua competere seu competiisse poterat, a Domino privatum denuntiamus, — de benignitate sedis Apostolicae — supersedentes ad praesens a poenis aliis, quibus excessus praedicti ipsum reddiderunt obnoxium. — Personas ecclesiasticas, — quae contra — mandata nostra Ludovico praefato tanquam Regi — paruerunt vel adhererunt quomodolibet, — declaramus poenas suspensionis ab officio, ac excommunicationis sententias — incurrisse. Civitates autem, communitates, — ac singulares personas illarum, quae in praedictis — deliquerunt, — declaramus, civitates — interdicti, singulares vero personas excommunicationis sententiae subjacere. Lewis is then forbidden sub poenis excommunicationis ac privationis feudorum, quae ab Ecclesia Romana vel aliis seu Imperio obtinet, ne deinceps se Regem Romanorum vel electum intitulet, and the 1st Oct. fixed as the term within which he must without fail appear before the Pope.

was still more inflamed by the reconciliation of Lewis with Frederick (March, 1325),<sup>18</sup> and the refusal of the latter, notwithstanding the repeated suggestions of the Pope,<sup>20</sup> to break his word. The pretended successor of St. Peter now gratified his revenge by the desolation of the Mark of Bradenburg, with which Lewis had very lately invested his son,<sup>21</sup> the heathen Lithuanians being called into this Christian work.<sup>22</sup>

<sup>18</sup> And so much the less inasmuch as the Pope evidently aimed at transferring the imperial crown to Charles IV. of France. cf. *Albert. Argentin.* Chron. p. 123: Convenerant autem Francus et Lupoldus (brother of the imprisoned Frederick) in Bare. ubi multa, et præsertim contra Ludovicum tractaverunt, Papa eis annuente. Convenerunt et principes ecclesiastici, nuncii Papæ et Franci. ac Lupoldus in Rens prope Confluentiam, ac — diu tractaverunt de Franco in Imperatorem promovendo. Sed per fratrem Berchtoldum de Buecheck, Commendatorem domus Teutonicorum in Confluentia, fratrem domini Mathiæ Moguntinensis Archiepiscopi, principaliter extitit impeditum: de quo eum secretarius Papæ Joan. Decanus Moguntinensis detulit, quod ipsum post mortem Mathiæ Moguntini ab ipsius fratris Berchtoldi provisione retraxit.

<sup>19</sup> The treaty see in *Gewold*, p. 89; and in *Ole n s c h l a g e r* Urkundenbuch, S. 129. Frederick resigned his claim to the empire and bound himself to help Lewis against the Pope.

<sup>20</sup> The Pope wrote to Frederick dd. 4th May, 1325 (in *Raynald*. ad h. a. no. 2): Sane quia multorum habet opinio, quod in relaxatione hujusmodi ad multa Deo infesta, tibi que inexpedita et Rei periculosa publica Te promissionibus, — juramentis ac pœnis — duxeris astringendum: nos super hoc de salubri providere remedio cupientes — ea ex officio nostro cassa et irrita, et nulla esse penitus declaramus; — Tibique nihilominus in virtute sanctæ obedientiæ ac sub excommunicationis pœna — districtius inhibentes, ne ad ejsdem Ludovici Rebellis et excommunicati quoquo modo redire carcerem, aut sibi — obedire præsumas. He also invested Frederick anew with the rights of the papal candidate for the empire (*Raynald*. l. c. no. 5): though all the time he secretly continued his efforts to secure the imperial crown for Charles IV. king of France. To him he writes dd. 30th Jul. 1325 (l. c. no. 6): res sic sunt dispositæ, ut regium possit ad prius desiderium adimpleri. — Tepiditas Regia multum negotio obfuit, quia et nos reddit et reddidit tepidos et morosos. — Executiat circumspectio Regia quæso hunc torporem, et operetur, dum ad hoc intendat, dum dies est.

<sup>21</sup> Lewis' act of investiture (see *Ludewig* Reliqu. Mss. T. II. p. 262 seq.; T. X. p. 642 seq.) was declared void by the Pope, and the Brandenburgers commanded under penalty of excommunication and interdict, to refer obedience to their new prince (see *Raynald*. ann. 1325, no. 8).

<sup>22</sup> *Jo. Vitoduranus* in *Thesaur. hist. Helv.* p. 32: De Johanne Papa execrabile factum fidelibus in perpetuum displicibile præcedentibus subnecto. Quotiens ego hoc recogito et in mente revolve, flere mihi potius, quam aliquid dicere, fore censeo: nam timor et tremor et rigor me quodammodo concutiunt et tenebræ contegunt. Nam in quibusdam Christianitatis, ut fertur, extremitatibus, Teutonicis cruciferis diffuse dominantibus, Paganorum truculentam rabiem eos contingentium coërcentibus, et refranantibus, ne per suas invasiones et incursiones pestíferas fidelium terris, quantum gliscunt, nocere possint, Dominus Papa in mandatis strictissimè dedit, quatenus ipsos per terram suam liberum transitum habere sine-rent, ut in vindictam et injuriam Imperatoris ad terram filii sui demoliendam, vocatam Brandenburg, accessum habere possent. Qui jussioni Papali contraire pertimescentes, inviti eum ejulatu, ut ita dicam, amarissimo Pagani transitum pro suo libitu indulserunt. (Quidam ajunt, Papam hæc demandasse Regi Graagogiæ, et quia sibi in hoc paruit, Regem eum fecit, qui ante Dux unus Poloniæ fuit). Qui venientes ad terram prænominatam immanissima se lera auditu horribilia commiserunt. Armati enim in multitudine incredibili ex insperato ad terram memoratam supervenerunt bestiali mente, indomito ac agresti more ipsam vastantes, nec in hoc eis suffecit, quin etiam mulieres certatim temerarent coitu nefario, ipsis quoque

In the mean time Lewis had so far confirmed his authority in Germany, that he could think of attacking the Pope in his most vulnerable point, namely, in Italy (A. D. 1327). In vain did John resort to the dreadful fifth process.<sup>23</sup> The accusations of the Minorites rendered powerless his spiritual weapons, Lewis passed victorious through the north of Italy,<sup>24</sup> and whilst the Pope was preaching a crusade against him<sup>25</sup> was crowned at Rome (January 17, 1328), and having deposed John,<sup>26</sup> appointed a Franciscan, Nicholas V., to succeed him.<sup>27</sup>

mamillas absciderunt, Ecclesias diruerunt, Altaria destruxerunt, corpus Christi in scriniis super aris reconditum sustulerunt, et sibi lanceas suas infixerunt, blasphemando dicentes: Ecce Deus Christianorum in nullo se defendere valens.

<sup>23</sup> Processus quintus of 3 Apr. 1327, in *Martene* thes. T. II. p. 671: — declaramus ipsum Ludovicum privatum feudis omnibus, quæ a Romana Ecclesia, vel Ecclesiis aliis, seu ab Imperio obtinebat, et specialiter Ducatu Bavariæ, — exponendis vel concedendis catholicis, si, prout, et quando, ac quibus, vel de quibus sedes apostolica duxerit ordinandum, principali Domini jure salvo: — Vasallos quoque ipsius a juramento fidelitatis — expressius nuntiantes eos absolutos. Et quia excommunicatus pro factoria hæreticorum excommunicationis sententiam sustinuit per biennium et ultra animo indurato, idcirco declaramus præfatum Ludovicum fore manifestum hæreticorum fautorem, ipsumque pœnas omnes a canonibus inflictas talibus incurrisse (see above, § 86, note 16; compare below, § 97, note 28). — At the same time dd. 9 Apr. 1327 (l. c. p. 692) various followers of Lewis, especially Marsilius and Johannes de Janduno, were excommunicated by name. They were afterwards more at length condemned as heretics on the 23 Oct. 1328 (l. c. p. 704).

<sup>24</sup> cf. *Villani* X. c. 15 seq. *Albert. Mussati* Ludov. Bavarus in *Muratori* X. p. 770 seq.

<sup>25</sup> dd. 21 Jan. 1328, in *Martene* thes. II. p. 716 seq. Omnibus vere pœnitentibus et confessis, qui dictum Ludovicum ejusque complices — expugnabunt, et super hoc per annum — laborabunt, Ecclesiæ sequendo vexillum, *tam clericis quam laicis*, — illam concedimus veniam peccatorum, que concedi — proficentibus in terræ sanctæ subsidium consuevit, et in retributione justorum salutis æternæ pollicemur augmentum. Eos autem, qui non per annum integrum, sed per ipsius anni partem in hujusmodi Dei servitio laborabunt, juxta qualitatem laboris et devotionis affectum participare esse volumus indulgentiæ supradictæ.

<sup>26</sup> Apr. 18, 1328. see *Villani* X. c. 68. Ludovici IV. Imp. processus contra Jo. XXII. in *Baluzii* vitæ PP. Aven. II. p. 512: Ludovicus Dei gratia Romanorum Imp. et semper Augustus ad perpetuam rei memoriam. Gloriosus Deus in sublimi — sacerdotium et imperium independentem principians et conservans, ut hoc quidem divina exerceat, illud autem ut humanis præsideat, — nos Ludovicum IV Romanorum Imperatorem — in principem super hereditatem suam inunxit, ut de manibus inimicorum suum populum liberemus. Eapropter ex imperialis celsitudinis debito excessus enormes Jacobi de Caturco, qui nunc se Papam Johannem XXII licet mendaciter asserere non veretur, dissimulatione diuturniori nullatenus sufferre valentes — celeri cursu in Italiam venimus ad sedem nostram præcipuam, Romam videlicet, properantes. Then the crimes of the Pope are enumerated, viz. Simony, the excitement of revolt, (Ex quibus profecto evidenter agnoscimus, sacrum Imperium — per hunc *mysticum Antichristum*, qui se Papam nominat, si quod absit effrenis ejus rabies ultra procederet, irreparabiliter exterminari), the laying waste of Brandenburg by heathen, and most of all the assumption of the supreme temporal power, contrary to the teaching of Christ (eui etiam Decretistæ asserunt, dicentes, Papam non habere utramque jurisdictionem), and his absence from Rome. Quapropter cum hic prævaricator nefarius divini dispositionis ordinem sacerdotio et imperio præstitum publice impugnaverit, statu sui vicariatus abutens enormiter, dum gladio sanguinis ut præcepit pro gladio spiritus, quod est verbum Dei; hinc est, quod zelo justitiæ atque reipublicæ, — auctoritate nobis in hoc casu cælitus ordinata contra quoslibet fidei et veritatis sanctæ matris Ecclesiæ turbatores, —

But Italy proved the ruin of Lewis as it had been of so many other emperors. The insufficiency of his own resources, and the fickleness of the Italians, compelled him to withdraw again into Germany (A. D. 1329),<sup>28</sup> and the papal party gained so decidedly the advantage, that the forsaken Pope of the emperor was soon delivered up to his rival (A. D. 1330).<sup>29</sup> The emperor was followed to Germany by new maledictions,<sup>30</sup> which now made a deeper impression than before,<sup>31</sup> on account of the recent events.<sup>32</sup>

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propter quod etiam secundum Apostolum non sine causa gladium portamus, — prædecessorum nostrorum, videlicet Ottonis primi, qui cum clero et populo Romano Johannem XII depositus de papatu, et cum clero et populo de alio pastore urbi et orbi providit, et aliorum quamplurium Imperatorum vestigiis inherere volentes, ipsum Jacobum in hæresi deprehensum, cum ex facti evidentia, quia hæresim publice prædicat, perfectionem altissimæ paupertatis in Christo penitus denegando, ex quo sequeretur. Christum non fuisse perfectissimum viatorem, qua ex confessione propria, ut liquet ex inquis et temerariis vocatis processibus ab ipso contra sacrum Imperium in nostra persona factis, — eo quod indigne gerit et gessit vicariatus officium, — a Christo privatam esse — denuntiamus, nostræque imperialis auctoritatis sententia episcopatu Romano et universalis Ecclesiæ Dei seu Papatu tenere præsentium privamus, et ab eodem deponimus in his scriptis, sententia lata de communi consilio — cleri et populi Romani, nostrorumque Principum et Ecclesiæ Prælatorum, tum Alamannorum quam Italicorum. — Unde et sæpedictum Jacobum omnis ecclesiastici ordinis prærogativa nudatum — subjicimus sæcularis nostrorum ministrorum arbitrio potestatis, — ubicumque deprehensus fuerit, velut hæreticum animadversione debita puniendum. In a second Sententia dated the same day (l. c. p. 522) John is condemned as a hæreticus notorius et manifestus et excommunicatus.

<sup>27</sup> May 12, 1328. *Villani* X. c. 71 seq.

<sup>28</sup> *Villani* X. c. 96 seq. In Pisa he was joined as late as 1328 by a number of strict Minorites, who had fled from Avignon, and amongst them the most distinguished of the order, Michael de Cesena, General of the order, William Occam and Bonagrata de Bergamo, who always afterwards continued with Lewis, Contin. Chron. Guil. de Nangis in *d'Achery* spicil. T. III. p. 88. *Wadding*. *Annales Minorum* ann. 1328, no. 17).

<sup>29</sup> *Villani* X. c. 162. *Bernardus Guido* in secunda vita Joannis XXII. ap. *Balz.* *Vitæ PP.* Aven. I. p. 143.

<sup>30</sup> Processus sextus of 20 Apr. 1329 (in *Martene* thes. II. p. 771), which condemns Lewis as a heretic, quod damnatam hæresim, — quod Christo et Apostolis in rebus, quas habuerant, nullum jus competierat, sed tantummodo in eis habuerant usum facti, asserere præsumserat temere et publice, and because, asserens errorem, — quod Imperatori licebat Papam deponere, contra nos depositionis de facto præsumsit sententiam promulgare. On the 25th June he commanded a crusade against Lewis to be again proclaimed in Italy (l. c. p. 777). On the 27th Jan. 1330, he renewed the prohibition to render obedience to Lewis (l. c. p. 787).

<sup>31</sup> Especially by the creation of a new Pope who had so soon been forced to abjure his errors before John, see *Jo. Vitoduranus* in the *Thes. hist. Helv.* p. 28. Though no ways inclined to the Pope, he condemns the new choice, and supposes that Lewis and the Romans had perhaps wished to revive the old right granted by Hadrian to Charlemagne eligendi summum Pontificem et sedem Apostolicam ordinandi; sed non super petram, sed potius super arenam — ædificassent. Quia — successores Caroli memorati præfato juri longe ante istius renuntiaverunt tempora.

<sup>32</sup> *Jo. Vitoduranus*, l. c. p. 29: Ex tunc plures civitates — abstinerunt se a divinis, et interim Clerus graviter fuit angariatus et compulsus ad divina resumenda, et plures annuerunt, non verentes latam sententiam, nec ultionem divinam. Multi etiam erant inobedientes, et ob hoc de locis suis expulsi, et sic tandem facta fuit lamentabilis difformitas Ecclesiarum: quædam enim immunem se existimans ab interdicti censura in laudes divinas celebrando imperterrite ac secure

Wearied by this untiring persecution, Lewis next resorted to new overtures of peace. But the Pope, now so completely in the power of Philip VI., king of France, from A. D. 1328, that he was forced to comply with his most extravagant demands,<sup>33</sup> rejected scornfully the humble advances of Lewis, made first through the friends of the emperor (A. D. 1330),<sup>34</sup> and then by the emperor himself (1331 and

laxavit ora; quadam vero e contrario interdicti pœna se plexam reputans organa Domino cœnastia suspendit. Et illæ mutuo se sinistre judicabant, et quod mirabilis est, tacentes in divino cultu habito clausis januis mutuo sibi non communicabant, sed frequenter se excluderebant, cantantes etiam se alterutrum vitaverunt. — Hæc autem diversitas lamentabilis causabatur non solum propter diversitatem conscientiarum, — sed etiam ex eo, quod Jurisperiti in iis requisitii diversimode canones juris ecclesiastici interpretabantur. See also J a c o b v. K ö n i g s h o v e n Elsass. Chronice, S. 128.

<sup>33</sup> Philip secured the majority in the college of cardinals by constantly forcing on the Pope new cardinals from France. On the 25th May, 1331, John writes him: Circumspectionem regiam volumus non latere, quod jam XX Cardinales, de quibus XVII de regno Franciæ originem traxisse noscuntur, existant: but nevertheless he soon after had to make another French cardinal, the bishop of Autun, at the king's recommendation (*Raynald.* ann. 1331, no. 33, 34). — In particular the French kings made the crusades a pretext for demanding money from the church. Thus Charles IV. demanded 6 Mill. librarum Turonensium of John (*Raynald.* ann. 1323, no. 10): but received for answer: summam prædictam — dividere inter omnes — difficile nimis nobis. — Philip VI. again offered to undertake a crusade, 1331, but demanded of the Pope (*Villani* X. c. 196) tutto il tesoro della Chiesa, e le Decime di tutta Christianita per sei anni, pagando in tre anni, e in suo Reame le investiture e promutazione d'ogni beneficio Ecclesiastico; e adomandava titolo del Reame d'Arli e di Vienna per lo figliuolo, e d'Italia volea la signoria per Messer Carlotto suo fratello. In reply he was to be sure reminded that the kings of France had for 40 years taken tithes from the French church under this same pretext, and used these sums for other wars, but at the same time the Pope took every precaution to prevent his being displeased: he appointed him, 26th Jul. 1333, rector et Capitaneus totius exercitus Christiani, qui transfretabit, and devoted per universas mundi partes decimam ecclesiasticorum reddituum sexennalem — in utilitatem dieti passagii (*Raynald.* ad h. a. no. 3. cf. *Ughelli* Italia sacra, T. III. p. 537). In the Vita octava Bened. XII. (*Baluz.* PP. Aven. I. p. 241) it is said plainly of this pretext, afterwards urged again: quod tamen effectum non habuit, cum etiam propter delusiones præteritas minime fiendum communiter creditur. To this period is probably to be traced also the papal ordinance, by which Italy is separated from the German empire (ap. *Baluz.* Vitæ PP. Aven. I. p. 704): provinciam Italiæ ab eodem imperio et regno Alamania totaliter eximentes, ipsam a subjectione communitatum et jurisdictionum eorundem regni et imperii separamus, — decernentes, ut nullo unquam tempore conjungantur; — ex eo præcipue, quod earundem provinciarum longa diffusaque protensio sic — impedit, ut unius regnantis viri — gubernationis officium non sufficiat. — Ac declarantes, regnum prædictum Alamania a regno Franciæ claris distingui terminis, — per nos — paterno amore provide distinguendis. The contemporary *Albericus de Rosate* Dict. Juris s. v. Italia and Papa mentions this ordinance with the remark: an potuerit illud statuere Deus novit: so that Baluzens' doubts of authenticity are without ground.

<sup>34</sup> Namely, John, king of Bohemia, and Baldwin, archbishop of Triers, and afterwards Otho, duke of Austria. See the two answers of the Pope, of 31 Jul. (*Raynald.* ann. 1330, no. 29 seq.; more complete in *Martene* thes. II. p. 800 seq.) and 21 Sept. (*Raynald.* l. c. no. 34 seq.). The conditions proposed were (*Raynald.* l. c. no. 35. *Martene.* l. c. p. 801): Primo quod (*Bavarus*) cum effectu deponet suum hæreticum antipapam. Secundo quod penitus recedet ab appellatione. Tertio quod omnia, quæ fecit seu attentavit contra sanctam personam domini nostri Papæ ecclesiamque Romanam, revocabit cum effectu. Quarto quod recognoscet, se excessisse et sententias excommunicationis ipsum ligasse. Quinto

1332);<sup>35</sup> till the persecuted prince seems to have been for a short time resolved, as his only resource, to abdicate the throne.<sup>36</sup> A new heresy, of which the Pope was now accused,<sup>37</sup> once more revived the

quod gratia nostri Papæ se offerret ad misericordiam. — Hæc omnia sic intelliguntur, quod Bavarus in honore et suo statu remaneat, scil. in regno et imperio. The Pope's answer: Nescitis quid petitis! — Impossibile enim est ipsum remanere in honore imperiali et regio sine novi juris acquisitione, cum honorem et dignitatem non habeat. — Offerimus, si ad gremium ecclesiæ redire voluerit idem Bavarus, sicut debet, ipsum benigne recipere nos paratos, cique tantam et talem impartiri gratiam, quod tu et principes supradicti poteritis merito contentari.

<sup>35</sup> The emperor's petition, and the instructions for the ambassadors, dated Oct. 1331, in *Gewold*, p. 118 seq. *O lenschlagers Urkundenbuch*, S. 180 ff. Lewis declares his readiness to submit to any conditions consistent with his honor and the right of the empire. — Concerning the second imperial embassy, A. D. 1332, see the contemporary *Heinrici Mon. in Rebdorff annales* (ed. Chr. *Gewold*. Ingolst. 1618. 4to.; and in *Freher-Struve*, T. I) ad h. a., especially *Joh. XXII. Ep. ad Reg. Franciæ (Raynald. ann. 1333, no. 28)*: Ut quæ nobiscum egerunt Bavari nuntii, celsitudo regia non ignoret, ecce quod quia mandatum sufficiens non habebant, oblataque per ipsos erant insufficientia ad ea, quæ idem commiserat Bavarus comperita, et quæ petebant per nos sibi fieri, erant omnino obvia rationi, tractatum cum eis latere renuimus, etc.

<sup>36</sup> *Heinricus de Rebdorff* ad ann. 1334. Quinta vita *Joh. XXII. Baluz. T. I. p. 176. Raynald. ann. 1334, no. 29* seq.

<sup>37</sup> He had preached publicly on the 1st Advent, 1331 (*Cont. Guil. de Nangis in d'Achery Spicileg. T. III. p. 95*), quod animæ decedentium in gratia non videant Deum per essentiam, nec sint perfecte beata, nisi post resurrectionem corporis, an opinion which, it is true, agrees with the oldest fathers (see Vol. I. § 52, note 33. *Münch. Dogmengeschichte*, Bd. 2. S. 405; Bd. 4. S. 413), but which had been forsaken since the 5th century (*Münch. Dogmengeschichte*, Bd. 4. S. 414), and together with others, condemned by the university of Paris, A. D. 1240 (*d'Argentré collectio judiciorum de novis erroribus*, T. I. p. 186). The greater part of the Court submitted to the opinion of the Pope; only an English Dominican, Thomas Walleis, attacked it on the 27th Dec. in Avignon (*Guilelmus Thorn Chron. de gestis Abbatum s. Augustini Cantuar. in Scriptt. X hist. Anglicanæ. London, 1652. d'Argentré, l. c. p. 316*), but was put in prison. The Pope now wished to establish his doctrine in Paris by means of two Mendicant monks, A. D. 1332, (*Cont. Guil. de Nangis, l. c. p. 96*), but here it met with much opposition: the king referred it to the decision of the university, by which it was decided on the 2 Jan. 1333 (*d'Argentré, l. c. p. 316* seq.), quod a tempore mortis Domini nostri Jesu Christi, per quam pretium redemptionis humani generis extitit persolutum, omnes animæ ss. Patrum, quas idem salvator noster ad inferos descendens eduxit de limbo, cæterorumque fidelium animæ, quæ de corporibus exierant, nihil habentes purgabile, vel quæ jam in Purgatorio sunt purgata, ad visionem nudam et claram, beatificam, intuitivam et immediatam divinæ essentiæ et benedictissimæ trinitatis, — quam Apostolus 1 Cor. 13 nominat visionem facie ad faciem, erunt assumptæ, ipsaque Deitate beata perfecte fruuntur; et jam quod crediderunt videntes, quod speraverunt tenentes, non in spe sed in re sunt beata. Quamquam dicta visio, quam nunc habent, resumptis corporibus minime evacuabitur, alia succedente, sed ipsamet in eis, cum sit earum vita æterna, perpetuo remanebit: taking for granted, in order to leave the Pope a chance to clear himself, that he had promulgated the contrary opinion only recitando, not determinando, asserendo seu etiam opinando. This decision the king sent to the Pope (*Cont. Chron. Guil. de Nangis, p. 97*), mandans sibi a latere, quatenus sententiam Magistrorum de Parisiis, qui melius sciunt, quid debet teneri et credi in fide, quam Juristæ et alii Clerici, qui parum aut nihil sciunt de theologia, approbare, et quod sustinentes contrarium corrigeret. According to *Petrus de Alliaco* declaration in *Concil. Eccl. Gall. ann. 1406*, the king even caused it to be conveyed to the Pope, qu'il se revoquist, ou qu'il le feroit ardre (*Bulæi hist. univ. Paris. T. IV. p. 238*). The answer of the Pope, of Nov. 18, 1333, shows plainly enough the relation in



drooping courage of his opponents, but death saved him from the general council which the emperor had nearly arranged.<sup>38</sup>

§ 97.

BENEDICT XII. (December 20, 1334 – April 25, 1342), CLEMENT VI. (May 7, 1342 – December 6, 1352).

The desecrated chair of St. Peter was next ascended by the good Benedict XII., who, though well disposed to throw off the disgraceful yoke of French influence,<sup>1</sup> found it already too firmly fixed, whilst

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which he stood to the king (in *Raynald*, ad h. a. no. 46): He understood that the king had caused it to be decided by certain Magistros in theologia, ut, quod animæ sanctæ ante suorum resumptionem corporum videbant clare divinam essentiam, prædicarent, and it was even said, quod illos, qui hoc facere renebant, capitulaveras satis dure. Ab aliis vero audivimus, quibus fidem prorsus adhibemus, quod præceptum tale seu inductio ab ore regio non processit; sed ut princeps zelator veritatis — aliquibus, qui forsan dicebant seu fingeant, se propter metum aliquem non audere talia prædicare, dixisti, quod metu cujusquam personæ non sinerent veritatem — prædicare. Hoc profecto dicere decebat et decet regiam majestatem. Cum autem hanc quæstionem b. Augustinus interdum in scriptis suis reputaverit valde dubiam, et circa eam variasse dicatur, et nedum ipse, sed et multi doctores alii circa istam materiam variant; propter hoc, ut veritas possit melius aperiri, nos interdum in nostris sermonibus mentionem habuimus, non proferendo verbum de nostro capite, sed dicta scripturæ sacræ et sanctorum: — multique — coram nobis — pro et contra de ista materia sunt locuti. — *Et quia, fili dilectissime, forsan tibi dicitur, quod nos non sumus in theologia magister, audi quid unus sapiens dicat: Non quis, inquit, sed quid dicat, intendit.* He offers the king his collection of passages on this subject from the fathers and the S. S. Profecto, amantissime fili, si, quæ circa istam materiam aliqui scripserint et dixerint, sciret tua magnificentia, merito miraretur: It was said of the king, that he had declared for the opposite opinion, multisque comminati sunt religiosi et sæcularibus sub umbra tui culminis, si partem illam, quod animæ separatæ divinam essentiam non videant [defenderent], — quod illos capi facerent per inquisitores hæreticæ pravitatis. But the Pope did not believe this: quia scimus, quod in his vel aliis ut elucidetur veritas intendes, rogamus benevolentiam regiam, ut — magistris in theologia Parisiis legentibus facias nuntiarî, quod — quilibet dicere et disputare et prædicare valeat, quod sibi juxta doctrinam evangelicam — disputandum videbitur et etiam prædicandum, donec aliud ordinatum per sedem fuerit Apostolicam: — sic enim ad veritatem quæstionis prædictæ poterit promptius perveniri. The obstinate old man resisted to the last: for his retraction, supposed to have been issued by him on the day before his death, 3 Dec. 1334, but which was first published by his successor, 17 March, 1335 (*Raynald*, ann. 1334, no. 35 seq.), did not satisfy even his contemporaries. Cont. Chron. *Guil. de Nangis*, l. c. Joannes Papa — errorem de beatitudine animæ, quam ipse diu tenuerat, — insufficienter tamen, ut aliqui dicunt, moriens revocavit. Hence Benedict XII. 29 Jan. 1336, had to issue a full decision on the subject (*Raynald*, ad h. a. no. 3). — Comp. *Bulæus* hist. univ. Paris. T. IV. p. 235 seq. *D'Argentré* collectio judiciorum de novis erroribus, T. I. p. 314 seq.

<sup>38</sup> The indignation of the Italian cardinals at the complete subjection of the Pope to French influence disposed them to listen to overtures from the emperor and the Minorites, by whom he was surrounded; and their leader, cardinal Neapoleo, had almost concluded a treaty with Lewis, when the Pope died, see *Raynald*, ann. 1334, no. 31.

<sup>1</sup> *Albertus Argent.* (who was in Avignon in 1338, as ambassador of the bishop of Strasburg, cf. chron. p. 129) p. 125: Benedictus XII. — sic ut a Joanne Papa

all his councils were ruled by Philip through the preponderance of the French cardinals. In this way he found himself foiled in his purpose of returning to Italy,<sup>2</sup> as well as in his attempts to bring about a reconciliation with Lewis.<sup>3</sup> For, having commenced negotiations with the emperor, and Lewis showing himself ready to make concessions, Philip constantly found means to prevent any actual union.<sup>4</sup> At length Lewis resolved to meet this secret enemy in the

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discrepabat in statura (ille enim fuit pallidus, statura et voce pusillus, iste in corpore maximus, facie sanguineus, et voce sonorus), ita et in moribus discrepabant. Ille ad magnificandum et ditandum consanguineos, ad regnandum nobilibus, et exaudiendis eorum petitionibus, ad vestiendum annuatim plus quam LXX comites et milites intendebat: iste de talibus non curavit. Dixit enim: absit, quod rex Franciæ, si per consanguineos super me ditaretur [*dominaretur?*], me sicut prædecessorem meum ad sua quævis vota coartaret. — Fuit — theologorum summus, sed nullus in jure, quem inter omnes a longissimis temporibus justissimum æstimabant. — Huic Benedicto in principio creationis suæ Philippus rex Franciæ mittens legatos, audacter, quasi nihil sibi denegare auderet, petiit inaudita: inter alia scilicet, ut filium suum primogenitum — faceret regem Viennæ, quod se faceret vicarium Italiæ, quod sibi per totam Christianitatem daret decimam decimarum per decennium, ut sibi daret totum ecclesiæ thesaurum in subsidium terræ sanctæ. Not only did Benedict reject all these demands, but John XXII. having granted the king the tithes of his kingdom, for the prosecution of a crusade, (Prima vita Bened. XII. in *Baluz.* I. p. 200) quia dictum passagium non habuit effectum, dictus Benedictus Papa concessionem decimarum hujusmodi revocavit. — Nam idem Philippus voluit plus intendere ad dictum guerram (against the king of England) prosequendam, quam ad dictum passagium faciendam.

<sup>2</sup> *Raynald.* ann. 1335, n. 3 seq.

<sup>3</sup> See Jac. v. Königshoven, S. 129.

<sup>4</sup> *Albertus Argent.* p. 126. The first imperial embassy (April, 1335) inquired, qualiter et sub qua forma redire deberet, et sub quibus articulis absolutionem et gratiam petere, and returned from the emperor cum illis articulis et mandatis sufficientissimis. They were received by the Pope with the friendly assurance (2 Oct.), se et fratres suos de hoc, quod nobilis ramus ecclesiæ, Alemannia, qui se in persona domini Ludovici lædi per ecclesiā æstimans, jam ab arbore ecclesiæ separari cœperat, eidem arbori cum tam magno honore sedis reintegraretur, plurimum gratulari: multum commendans Alemanniam et dominum Ludovicum, quem nobiliorem mundi dicebat: conquerens regi Italiani per tyrannos, ac regnum Armeniæ capi a Paganis. — ac terram sanctam propter Imperatoris caritatem occupari: unde merito dixit absolutionem eidem impertiri se debere, quæ et dari crastino sperabatur. Verum prædictus rex Franciæ, et rex Siciliæ — omnes quasi Cardinales a proposito averterant præconcepto. Venerant enim ad impediendum factum ad curiam duo archiepiscopi, duo episcopi et duo comites ex parte regis Franciæ, et totidem ex parte regis Roberti, proponentes erroneum esse, tantum hæresiarcham præponere dominis eorum ecclesiæ fidelissimis; Papatque cavere debere, ne fautor hæreticorum diceretur. (During the disturbances Philip had got possession of certain cities of the emperor's, which, in case of a reconciliation, he would have been obliged to restore. *Raynald*, ann. 1335, no. 7. *Jo. Vitoduranus*, below, see note 14). Papa vero dicente: *quid vultis domini vestri, quod non sit Imperium?* illis vero proterve dicentibus: *Pater, non impingatis hoc dominis nostris vel nobis, quod non dicimus; quia contra imperium non loquimur, sed contra personam Ludovici damnatum:* cunque dicerent, Ludovicum multa contra ecclesiam fecisse, Papa dixit: *immo nos fecimus contra eum: ipse enim cum baculo venisset ad pedes prædecessoris nostri, si voluisset, sed ipse noluit eum recipere: et quicquid ille fecit, quasi provocatus fecit.* Quantumcumque autem Papa assereret, se meliora pacta ab ipso Ludovico pro prædictis regibus, eorum regnis et posteris extracturum, quam si eum in turri tenerent, penitus nil profecit. Rex Franciæ etiam in terra sua undique bona et redditus Cardinalium interdixit et occupavit. Scripserant etiam illis diebus ad Curiam Joannes rex Bohemiæ et Heinricus dux Baviariæ, gener ejus, quod de auxilio

field, and to this end entered into an alliance against Philip with Edward of England (July, 1337).<sup>5</sup> By this step he at once enlisted in his favor the national feeling.<sup>6</sup> The embassy sent to Avignon by the convention of bishops, assembled at Speyer by Lewis' faithful adherent, Henry of Virneburg, archbishop of Mentz,<sup>7</sup> having only served to show more plainly the utter inability of the Pope to act for himself,<sup>8</sup> the Diet assembled at Frankfort, and declared the various

Hungariæ et Cracoviæ regum et aliorum alium vellent constituere regem Romanorum potenter. Et sic Cardinales Papam pro tunc ab absoluteione principis retraxerunt, dicentes, cum sui in partibus suis vellent eum destituere, inconsultum esse Sedi, si propter impotentem et inopem tot Principes offensaret. Sic dato alio termino deliberationis nuncii Principis infecto negotio sunt reversi. (See the letter which Benedict gave them to the emperor, in *Raynald*, ann. 1336, no. 29). — When he heard afterwards of Lewis' success, the good Benedict was rejoiced, gloriabatur — dicens ad Cardinales: isti dicunt eum esse destitutum, sed quis adhuc ingressus est locum suum? He himself introduced new negotiations: misit autem Papa solennem legatum ad Ludovicum, Episcopum Magalonensem, qui mores et motum Principis erga ecclesiam indagaret. On this Lewis sent another embassy to Avignon in October, 1336, with the fullest commission to make all required confessions and promises which the court of Rome might demand (see *Raynald*, ann. 1336, no. 31 seq.) namely, ad deponendum — nomine nostro et pro nobis titulum imperialem Romæ per nos receptum, — ad promittendum, — quod super omnibus prædictis excessibus — faciemus confessionem plenam, propria in persona petemus humiliter veniam, ac offeremus et suscipiemus emendam. Item ad supplicandum vice et nomine nostro — pro absoluteione, et pro nostra assumptione et in integrum restitutione ad famam, honorem et statum, et interdictionum in Alemanniæ partibus remotione, et singularium personarum absoluteione. Item ad promittendum — vice et nomine nostro, — quod nomine satisfactionis, pœnæ et emendæ ac pœnitentiæ per nos commissorum effectualiter assumemus passagium ultramarinum, prout vestræ Sanctitati videbitur expedire, et quod ibi manebimus, quantum vestra Sanctitas duxerit ordinandum. Item ad promittendum, — nos ecclesias et monasteria ædificaturos, prout vestra Sanctitas ordinabit. Item quod suscipiemus et perficiemus pœnitentiâs alias quascumque atque pœnas, quas vestra Sanctitas pro dictis excessibus nobis duxerit injungendas. At the same time, to provide against hindrance from this quarter, Lewis concluded a treaty with Philip (see the documents in *Leibniti Cod. jur. gentium*, p. 148 seq.). Nevertheless, however, *Alb. Argent.* p. 127: Quantumcumque Benedictus Papa ad absoluteionem Principis niteretur, in prædictis tamen Franciæ et Apuliæ regibus, et quasi omnibus Cardinalibus, seductis per eos, assensum habere nequivit. Unde tandem legatis Principis sæpe ad Curiam venientibus, quibus et legati regis Franciæ plures in Curia verecundias (insults) inferebant, in tantum quod nullum poterant habere finem respondit, asserens sibi hoc non a homine sed a s. Spiritu inspiratum.

<sup>5</sup> The documents in *Rymer*.

<sup>6</sup> This was seen when, after a long dispute between Baldwin, archbishop of Tiers, and Henry of Virneburg, for the archbishopric of Mentz, the former, through the mediation of the emperor, A. D. 1337, had given up his chair (*Albert. Argent.* p. 127): capitulum vero, — adhærentes Imperatori, prædictum Henricum archiepiscopum, ligantem se primo Principi, retentis in manibus Capituli sex castris et abjuratis per eum ne variare posset, — concorditer receperunt, qui et postea ferventer Ludovico adhæsit.

<sup>7</sup> Their letter to the Pope of March 27, 1338, in *Schaten Annal.* Paderborn. p. 287, and in *O lenschläger Urkundenbuch*, S. 186.

<sup>8</sup> The archbishop of Mentz being under sentence of excommunication, the ambassadors received only verbal answers from the Pope, which were afterwards communicated to the archbishop of Cologne (*Raynald*, ann. 1338, no. 3), namely, that the absoluteion of Lewis was hindered only by the sudden departure of his ambassadors, impatientes adhibendæ in tanto negotio debitæ gravitatis, that the

decrees of the Pope against the emperor void and without effect.<sup>9</sup> From hence the electors repaired to Rense (July 15, 1338), and there solemnly declared that the king of Rome received his power and dignity wholly from the choice of the electors,<sup>10</sup> which declaration was soon after made the law of the realm.<sup>11</sup> The defenders of the imperial cause now ventured to resume their pens, especially William Occam and Leopold of Bebenburg.<sup>12</sup> Public opinion was

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emperor must send a new embassy, but especially, quod illa, per quæ præcipue reconciliatio sua poterat impediri, erat assumptio guerra — contra Regem Franciæ, — quod nos — eundem Regem dimittere non possemus, — cum Reges Franciæ nunquam dimiserint ecclesiam. On the other hand, it is related by *Albertus Argent.* p. 127: Cum Papa Benedictus nuncios recepisset benigne, in aurem nunciis quasi flens conquereretur, quod ad Principem esset inclinat, et quod rex Franciæ sibi scripserit certis litteris, si Bavaria sine ejus voluntate absolveret, pejora sibi fierent, quam Papæ Bonifacio a suis prædecessoribus essent facta.

<sup>9</sup> *Jo. Vitoduranus*, p. 49: Qui dissentientes causas et motiva singula tam Papæ quam Imperatoris, diligenterque examinantes, et acuminè intellectus luce clarius omnia speculantes et perscrutantes per se, principaliter vero per Imperatoris Legistas et Canonistas valentissimos, principali-sime autem per fratrem Bonamgratiam, almarium seu scriivium totius juris, consequenterque per cunctos Prælatos, categorumque Clerum ibidem congregatum, repererunt, Imperatorem cuncta, quæ debuit, sufficienter peregrisse, et sibi aditum et accessum omnis gratiæ et justitiæ interclusum, et obstructum, et indiscrete temereque penitus denegatum. Sententia erga matura et unanimi Præceptis etiam jurejurando præstito determinaverunt, omnes processus, a Domino Papa contra Dominum Imperatorem lator, indebitos, et prorsus nullius fore roboris vel momenti, sed eos irritos et inanes, et ab æquitatis lance penitus alienos. Adstruxeruntque eodem jurejurando sententia definitiva, per totam terram Imperii — divinum cultum, diu indebite — interdictum et suspensum, legitime liciteque omni scrupulo conscientiæ deponito debere resumì. Deceverunt nihilominus, totum Clerum ubilibet in regno seu imperio Imperatoris constitutum, qui adhuc non resumpsisset divina, compellendum ad resumendum cultum divinum diu intermissum, et si renueret, et contumaciter parere despiceret, tanquam hostis Reipublicæ esset acriter puniendus.

<sup>10</sup> The first Diet (see *Geuold*, p. 146. *Olenschlagers Urkundenbuch*, S. 188). The electors gave the Pope notice of their proceedings (see their letter in *Herwart*, p. 744. *Olenschlager Urkundenbuch*, S. 190), and at the same time that they had resolved in opposition to the sententias et processus, quos Joannes P. XXII. de facto contra Deum et justitiam et juris ordinem fulminavit: quod vacante Romano Imperio is, qui eligitur concorditer, vel a majori parte Principum Electorum, pro Rege Romanorum ab omnibus est habendus. Et quod nec nominatione, approbatione, confirmatione, consensu, vel auctoritate Sedis Apostolicæ super administratione honorum et jurium Imperii indiget, sive titulo Regis assumendo, quodque jura et bona Imperii administrare et gubernare poterit, et de jure et consuetudine, nulla Sedis Apostolicæ super hoc licentia habita vel obtenta. For the history of this Diet, see especially *Pfeffingeri Vitriarius illustratus*, T. I. p. 667 seq.

<sup>11</sup> On the 8th of August, 1338, the emperor passed two laws. In the first *Licet jura utriusque* (in *Leibniti Cod. jur. gent.* P. I. p. 148. *Pfeffinger*, l. c. p. 668. *Olenschlagers Urkundenbuch*, S. 189), he confirms the declarations of the electors; in the second (in *Freheri Scriptt. Rer. Germ.* T. I. p. 655. *Olenschlager*, S. 193), a long treatise from the pen of Bonagratiæ, he declares the papal sententias null and void, and forbids their observance. These imperial ordinances were confirmed at the Diet in Frankfort, in March, 1339 (*Goldast constitt. Imper.* T. III. p. 411).

<sup>12</sup> Especially *Guil. Occam* compend. errorum Joannis P. XXII. (in *Goldasti Monarchia*, T. II. p. 957 seq.) and *Lupoldi de Bebenburg* (afterwards bishop of Bamberg, † 1363) tract. de juribus Regni et Imperii ad Balduinum Archiep. Trevir. (in *Schardii syntagma tractatum de jurisdictione imperiali*. Basil. 1566, and *Argent.* 1609. fol.).

now entirely in Lewis' favor, and those of the clergy who wished to observe the interdict were no longer able to retain their places.<sup>13</sup>

But all these advantages were lost through the inconsistency of Lewis.<sup>14</sup> He first allowed himself to be seduced by the arts of the French king into desertion of his allies, and sued once more for the papal forgiveness (A. D. 1341).<sup>15</sup> When he found himself again

<sup>13</sup> *Jo. Vitoduranus*, p. 49: Exiit ergo edictum a Cæsare Augusto Ludovico, ut universa pars orbis sibi subjecta vel subjicienda sub obtentu gratiæ suæ divinum cultum resumeret incunctanter; quod sui officiales, præsides, advocati sibi serius commendatum ad terras suas in litteris Imperatoris secum deportantes, fidei executioni mandarunt, præcipientes singulis civitatibus et aliis locis advocatiæ suæ vel jurisdictioni subjectis per minas et terrores, jussionem regis urgentem per omnia observari. Quod cum clerus aliquarum civitatum una cum civibus effectui mancipare aliquot dierum spatium minime curasset vel sprevisset, tandem cives habito consilio super hoc, ad corredeuntes vel recognoscentes durum fore contra stimulum calcitrare, valenter jubebant per civitates proclamari: quicumque clericus tam religiosus quam sæcularis divinum cultum apertis januis, pulsatis campanis habere vel resumere contemneret, extra civitatem in perpetuum vel ad tempus fieret, vel si quis animo fugiendi divina civitatem exiret, usque post decennium se sciret irremediabiliter exterminatum ab illa civitate, oppido, villa, cœnobio vel loco quocunque; relinquentes tamen et indulgentes clericis octo dierum, vel citra manendi vel recedendi, deliberandi spatium. Multi igitur diversorum ordinum clerici et pauci sæculares, aliis cantantibus, de locis suis discedebant, hinc inde vagantes, et in locis aliorum dominorum ad divina resumenda non coactis se recipiebant, et ibi nomen psallentium in tantum maculaverunt, ut more stercoreis vel luti fœtidi abjicerentur, et ipsorum communio, familiaritas, conversatio, missa, oratio, prædicatio, abolitio et quæque clavium auctoritas execrabilis haberetur. E contrario remanentes, et Domino præcinentes, tacentes et recedentes, tanquam vecordes, erroneos, pertinaces, fatuos et rebelles occulte et manifeste persequerentur, et eos coram hominibus vitandos et detestandos tanquam perversos et dilaniatores latere, nihilominus tanquam venenatos et contagiosos, et adinstar canis rabidi fugiendos affirmarunt. Utraque pars alteram desipientem, vel una alteram scismaticam, rumpentem et scindentem tunicam Christi integram et inconsutilem judicabant. Multi vero de numero exeuntium ducti post medium annum penitentia locum suum ardenti desiderio repetebant, sed indultum eis non erat, quia fere tota universitas juramenta in eorum exitu in contrarium emisserunt, videlicet ut nullus eorum facultatem vel possibilitatem regrediendi haberet ante finem termini eis super hoc præfixi: unde factum est, ut inviti cum amaritudine maxima mentis extra remanerent, qui voluntarie ac improvide exierunt. — Muta diu labia in vocem cantus et lætitiæ cultus divini sunt resoluta, et organa per multa annorum curricula suspensa relaxata sunt in melodix ac psalmodix harmoniam.

<sup>14</sup> How little assistance he rendered the English, see in Olenschlager, S. 300. *Jo. Vitoduranus* ad ann. 1339 et 1340, p. 55: si Imperator promissum suum exhibitum Regi Angliæ servasset, — contra Regem Franciæ præliaturus procedendo, et regnum ejus intrando, procul dubio, ut verisimile est, regnum Franciæ cum Rege suo penitus debellasset, et civitates imperiales imperio recuperasset, et consequenter Papam Benedictum XII. tunc Ecclesiæ præsidem benevolam et propitiam ad Perficiendum omne voluntatis suæ desiderium invenisset. Nam Rex Franciæ — Papam sibi subactum, quam diu in Avenione demoratur, cohibet et refrenat, ne Imperatori aliquid condescendat, ne bona Imperii surrepta et sibi usurpata (see note 4) eum amittere contingat. Cum autem Ludvicus, ut supra dixi, remissus et negligens, pavidusque existat ad præliandum contra suum adversarium, — bonum taliter suum et imperii consequenter neglexit: maluit enim in Alemania sibi valde subdita confessor esse, quam in Francia, ut timuit, martyri fieri. Fortunatus enim valde erat, et multa bona sine prælii certamine adeptus erat, etc.

<sup>15</sup> *Alb. Argentin.* p. 128: Post hæc misit Francus nuncium et literas Imperatrici, filiæ sororis suæ, quam dominam Alemanniæ scripsit, ut inter ipsam et Prin-

deceived, he seemed determined to cut off all hopes of reconciliation by an encroachment on the acknowledged rights of the Pope. In order to bring Tyrol into his own family, he dissolved the marriage of Margaret Mantasch by his own authority,<sup>16</sup> and bestowed her on his son Lewis, Margrave of Brandenburg (February, 1342), giving himself the necessary dispensation on account of their too near consanguinity.<sup>17</sup>

Notwithstanding all the learning<sup>18</sup> with which this step was defended, such an interference in the rights of the church lost for Lewis the confidence of the people,<sup>19</sup> whilst it drew upon him the envy and jealousy of the princes by the increase of his family influence.<sup>20</sup> Thus new weapons were put into the hands of the ambitious Clement VI.,<sup>21</sup> an ancient enemy of Lewis,<sup>22</sup> who had now succeeded the

cipem concordiam, si posset, ordinaret, et sibi nuntium, de quo Princeps consideret, de concordia attendenda destinaret. Et missis hinc inde pluries nunciis et litteris inter Principem et Francum, interpositis juramentis et confectis litteris liga perpetua est firmata. in qua ipse Francus Principem cum sede apostolica reformare juravit. Et sic Princeps per Francum et in tota Francia post hæc et Parisiis scriptus est et nominatus Imperator. — Missis sapius nunciis Imperatoris una cum legatis et literis Franci ad Papam pro reformatione Principis, Papa Benedictus nunquam Ludovicum principem ad Arbitrium Franci nunc hæreticum, nunc christianissimum haberi debere, respondit. Et protracto variis occasionibus negotio Francus, ut credebatur, quod noluisset, simulavit se velle; Benedictus vero, quod voluisset, simulavit se nolle.

<sup>16</sup> See the document in *Goldasti Monarchia*, T. II. p. 1383. *Freheri Scriptt.* Rer. Germ. T. I. p. 620.

<sup>17</sup> The document in *Goldast*, l. c. p. 1385; in *Freher*, l. c. p. 621. e. g. Papa Romanus super impedimento affinitatis sanguinis per dispensationem tollendo — ad suam auctoritatem asserit pertinere: ac in talibus matrimoniis pluries dispensaverunt de facto præcæriti quidam Pontifices Romanorum. Quod si talis gradus affinitatis sanguinis matrimonium legitimum impediret legis divinæ seu Christianæ præcepto, non posset aliquis hominum, quinimo neque angelus de cælo, dictum impedimentum per dispensationem aliquo modo amovere. — Ex quibus quidem manifeste apparet, ac lateri cogitur Romanus Episcopus, — quod si gradus affinitatis sanguinis, quamquam licitum matrimonium, impediatur fieri, hoc tantum factum esse præcepto sive statuto legis humanæ, de cujus siquidem legis præceptis sive statutis dispensare solummodo pertinet ad auctoritatem Imperatoris seu Principis Romanorum.

<sup>18</sup> *Guil. Occam* tract. de jurisdictione Imperatoris in causis matrimonialibus in *Goldasti Monarchia*, T. I. p. 21; and *Marsili Patavini* tract. de jurisdic. Imp. in causis matrim. *Ibid.* T. II. p. 1383.

<sup>19</sup> *Alb. Argent.* p. 129: Sicque Ludovicus princeps filium Joannis regis Bohemæ uxore et dominio spoliavit, *inconsuetum et horribile facinus attendendo*. Filium namque ad hoc maleficii genus induxit invitum, quod videlicet uxorem sui consanguinei in tertio gradu, non separatam ab ullo iudice ecclesiæ, ipsamque suam consanguineam non uxorem, sed mœcham traduxit. — O idolorum servitus avaritiæ, quæ tantos principes confudisti, ex quibus iterum inter Bohemos et Principem et filios suos non immerito livor edax et odia suscitantur. *Jo. Vitoduravus*, p. 58: tota terra illud matrimonium multifariam multisque modis diris vocibus ineulpavit.

<sup>20</sup> Olenschlager, S. 318 ff.

<sup>21</sup> *Matteo Villani* III. c. 43 (*Muratori Scriptt.* Rer. Ital. T. XIV. p. 186): Costui fu natio de Francia, e Arcivescovo di Ruem (Rouen), e grande amico e protettore del Re Filippo di Francia, e per lui, imanzi al Papato, e poi che fu Papa, assai cose fece. — Uomo fu di convenevole scienza, *molto cavalleresco, poco religioso*. Delle femmine, essendo Arcivescovo, non si guardò, ma trapassò il modo de' secolari giovani Baroni: e nel Papato non se ne seppe contenere, nè

good Benedict (May 7, 1342). The first attempt to renew negotiations with him ended in another bull of excommunication, April 12, 1343.<sup>23</sup> The effect of this was so apparent in Germany, that Lewis resolved to comply with all the requisitions of the Pope; but his offer to this effect was answered by new requisitions.<sup>24</sup> That these demands were inconsistent with the imperial rights was readily conceded,<sup>25</sup> but the willingness with which his subjects had once espoused the cause of their emperor had now given place to a general disaffection towards a prince whose personal character seemed to be the cause of all their

occultare: ma alle sue camere andavano le grandi Dame, come i Prelati, e fra l'altre una Contessa di Torena fu tanto in suo piacere, che per lei faceva gran parte delle grazie sue. *Albertus Argentin.* p. 133: Hic ab antecessoris sui moribus multum distans, mulierum, honorum et potentia cupidus — ipse Francus Franco ferventer adhæsit.

<sup>22</sup> *Albert. Argent.* p. 133: Qui cum adhuc esset Rotomagensis, Parisiis in præsentia Franci et Bohemi publicum sermonem faciens, ipsos contra Principem, quem nominavit *Baurum*, animavit, interpretans nomen *baurus* i. e. nesciens tergere barbam, quia tantam dixit esse fœditatem oris sui, quod ipsam abjicere non valeret. Instead of *Baurus* should be read *Bavarus* which he derived from bava, French bave, *staver*, as bavara is a *bib*.

<sup>23</sup> *Raynald.* ann. 1343, no. 43 seq.

<sup>24</sup> *Albert. Argent.* p. 133: Missisque iterum per Principem literis et nunciis ad Curiam et ad Francum ad sciscitandum causam impediendi reformationis, cum ipse paratus esset omnia facere, quæ sibi injungerentur a Papa: datoque responso per Francum, quod diceretur per Papam, quod non peteret eo modo gratiam, quo deberet; nunciisque (prout in mandatis habebant) dicentibus, quod daretur eis forma procuratorii Papæ placens, secundum quam, qualiscunque esset, se petituros dicebant: conceptum est procuratorium turpissimum et rigidissimum (the same is related by *Gewold*, p. 181. *O l e n s c h l a g e r s* Urkundenbuch, S. 226), quod non credebant Ludovicum sigillaturum, etiamsi captus fuisset. Dabatur enim in eo potestas Humberto Delphino, avunculo Principis, item Augustensis et Babenbergensis ecclesiarum præpositis, item M. Ulricho cancellario suo, in solidum confitendi omnes errores et hæreses; item resignandi Imperium, nec resumendi, nisi hoc fieret de gratia Papæ, et se ac filios suos, ac bona ac statum suum in manus et voluntatem Papæ ponendi, et multa insolita faciendi. Verum Princeps mandatum hujusmodi non solum sigillavit (see the document of 15 Sept. 1343, in *Gewold*, p. 173. *O l e n s c h l a g e r*, S. 234), sed etiam coram tabellione, misso per Papam, se servaturum nec revocaturum juravit. De quo Papa ipse et Collegium mirabantur, dicentes intra se: *iste homo diffidentia est perplexus*. Illisque quatuor procuratoribus juxta formam mandati jurantibus, ac pro articulis injunctis et penitentia denuo instantibus, nec sine articulis abire volentibus, tandem Papa de consilio Collegii articulos, quos Principem facere voluit, qui non tangebant personam ejus, sed statum Imperii, assignavit. Amongst these articles (see *Gewold*, p. 195. *O l e n s c h l a g e r*, S. 241) we find: Concedit suis Procuratoribus potestatem pronuntiandi, confitendi, nulla et falsa — omnia dicta et gesta sub Imperatorio aut Regio titulo; — item ejusmodi facta et negotia omnia, et unumquodlibet horum, tanquam injuste facta et gesta, revocandi, annullandi, — item promittendi sua vice, et nomine ejus et pro se, quod nihil faciet, ordinabit, aut mandabit sub Imperatorio titulo aut Regali, aut quivis alius illius vice, absque speciali concessione Sedis Romanæ; — item promittendi sua vice, — quod non veniet, nec intrabit in terras Italia; nec quidquam in illis mandabit nec ordinabit — sine speciali concessione sedis Romanæ; — item dicendi ac promittendi, quod si in præscriptis articulis — aliquid esset dubium aut incertum, — quod tunc V. S. et successorum vestrorum interpretationem admittet, et sicut V. S. intellexerit, et pronuntiabit quomodo intelligi debeat, huic inviolabiliter et cum effectu stabit.

<sup>25</sup> *Albert. Argent.* p. 134: illos articulos in perniciem et destructionem Imperii esse conceptos.

troubles.<sup>26</sup> The Pope could thus reckon, in a degree, on the support of Lewis' own subjects, and he soon tried the experiment. The emperor having proposed an expedition into Italy in conjunction with Lewis of Hungary, to assist that prince in revenging the death of his brother Andrew, king of Naples, who had been murdered by his queen, the Pope took the guilty Joanna under his protection,<sup>27</sup> and hurled the thunders of excommunication at the unfortunate emperor (April 13, 1346), calling on the electors for a new choice,<sup>28</sup> and

<sup>26</sup> Immediately after the Diet of Frankfort the electors assembled for further consultation at Reuse (*Albert. Argent.* l. c.): where all voices were raised against Lewis. *Jo. Vitoduranus*, p. 75: Alii famant, quod Principes magnam displicentiam propter nimiam sui (Ludovici) humiliationem erga Papam conceperunt, quia culmini Regalis Imperialisque celsitudinis derogaret: et ideo expresse sibi in faciem restiterunt non assentiendo sed contradicendo aperte suæ excessivæ ac indubitæ erga Papam humiliationi. Fertur quoque, quod iidem Principes ægre ferentes, et amaro animo sustinentes remissionem et negligentiam Imperatoris, tanquam causam destructionis Imperii, ab eo seriòse postulabant, ut filium Regis Boemiæ [Carolus Marchgravium Moraviæ] sibi subrogaret in Regem Alemaniam. Quem recusans, filium Marchgravium Brandenburgensem pro Rege præsentavit: quem ipsi similiter abijcientes ab eo indignanter discesserunt. Regnum tantum perit et debilitatum est sub te Bavaro, dixerunt ad invicem, quare summo opere præcavendum est, ne deinceps ad Bavaros transferatur. Tamen, antequam ab invicem divellerentur, quemadmodum fama communis me instruxit, decreverunt concorditer cum Imperatore, quod ultra a Papa gratiam querere non attemptaret, quam totiens irrationabiliter sibi senserat denegatam.

<sup>27</sup> Joanna was generally considered guilty of the murder, or at least of having been necessary to it. Compare the contemporary Dominicus de Gravina de rebus in Apulia gestis (in *Muratorii Scripti. Rer. It. T. XII*). *Jo. Villani*, Lib. XII. c. 50. *Heinr. de Rebdorff* ad ann. 1345. — *Albert. Argent.* p. 130, says even: De quo crimine non solum uxor et princeps Taranti, sed et Papa et aliqui Cardinalium tenebantur suspecti; and *Martinus Minorita* (in *Eccard corpus hist. mediæ ævi*, T. I. p. 1635): Hoc flagitium multi amuli Papæ et IV Cardinalibus suis impingunt; Papa vero in die sanctæ Cæne publice in Con-istorio se de hoc crimine expurgavit, etc. This suspicion seems, however, to have grown out of the course pursued by the Pope. In the investigation which he instituted, Joanna interfered vehemently in behalf of some of the accused, so that the Pope himself complains prætermisum aliquorum sententiam supplicium (*Raynald.* ann. 1346, no. 51): he had promised the king of Hungary to institute a strict inquiry into Joanna's conduct; but the legate who was sent for the purpose was sent back by her (no. 58) without any punishment following on the part of Clement. On the other hand, he threatened the king of Hungary with excommunication, if he should commence hostilities against Naples (no. 56).

<sup>28</sup> Act of excommunication of the 13th of Apr. in *Raynald.* ann. 1346, no. 3 seq. Sane considerantes attentius, quod prædecessor noster in processibus suis Ludovicum declaravit schismaticum et hæreticum manifestum, — declarans eundem in omnes penas inflictas schismaticis et hæreticis per sacros canones et catholicorum principum leges incidisse (§ 96, note 23): — aliquas ex penis ipsius tenore præsentium ad cautelam duximus exprimendas. Siquidem secundum condemnationem — prædecessoris ejusdem præfatus Ludovicus infamis existit, nec ad publica officia, vel ad eligendos aliquos ad ea, aut ad testimonium perhibendum, vel ad hæreditatem seu successionem alicujus est admittendus, nec testamenti habet liberam factionem; nullusque ipsi super quocunque negotio, sed ipse aliis est respondere cogendus; nullæ causæ ad ipsius sunt audientiam deferendæ: sententiæ quoque per eum latæ nullam obtinent firmitatem: nullus advocatus in causis ejus patrocinium præstare, nullusque notarius pro factis sive causis ipsius publica debet conficere instrumenta. Omnis audientia est ipsi in quocunque negotio deneganda, omnisque proclamationis et appellationis beneficium ei est specialiter interdictum: universa ejus bona sunt perpetuo confiscata, ejusque filii et nepotes ad nullum



recommending to them the son of the king of Bohemia, under the name of Charles IV.<sup>29</sup> In order to secure for him the majority of

sunt unquam beneficium ecclesiasticum, nullumque publicum officium admittendi. Cunctis fidelibus cum dicto Ludovico, nisi pro ipsius conversione et animarum salute, est communio interdicta; ipseque moriens carere debet ecclesiastica sepultura. Omnes sæculares potestates ipsum Ludovicum de terris eorum jurisdictioni subjectis pro viribus exterminare jubentur. Then follows the fearful curse: divinam suppliciter imploramus potentiam, ut Ludovici præfati confutet insaniam, deprimat et elidat superbiam, et eum dexteræ suæ virtute prosternat, ipsumque in manibus inimicorum suorum et eum persequentium concludat, et tradat corruentem ante ipsos. Veniat ei laqueus quem ignorat, et cadat in ipsum. Sit maledictus ingrediens, sit maledictus egrediens. Percutiat eum Dominus amentia, et cæcitate, ac mentis furore. Cælum super eum fulgura mittat. Omnipotentis Dei ira et beatorum Petri et Pauli, quorum ecclesiam præsumpsit et præsumit suo posse confundere, in hoc et futuro sæculo exardescat in ipsum. Orbis terrarum pugnet contra eum: aperiatur terra, et ipsum absorbeat vivum. In generatione una deleatur nomen ejus, et dispereat de terra memoria ejus. Cuncta elementa sint ei contraria. Habitatio ejus fiat deserta, et omnia Sanctorum quiescentium merita illum confundant, et in hac vita super eum apertam vindictam ostendant, filiique ipsius ejectione de habitationibus suis, et videntibus ejus oculis in manibus hostium eos perdentium concludantur. Porro quia Romanum Imperium — jam per longa tempora dignoscitur vacavisse; — nos hoc ulterius tolerare nolentes, — omnes et singulos principes ecclesiasticos et sæculares, ad quos Regem in Imperatorem postmodum promovendum jus pertinet eligendi, præsentium tenore apostolica auctoritate monemus, districtius injungentes eisdem, quatenus sine moræ dispendio pro electione Regis in Imperatorem postmodum promovendi de persona idonea facienda conveniant, et ad electionem ipsam procedere non postponant. *Alioquin sedes ipsa, a qua jus et potestas electionis prædictæ ad principes pervenit eisdem, super hoc de opportuno remedio providebit.* A particular call on the electors dd. 28 Apr. 1346, *ibid.* no. 9 seq. In this de declares Lewis, Margrave of Brandenburg, incapable of taking part in the election: but to the other electors he says: illi ex vobis, qui propter favorem — Ludovici essent forsitan prædictis excommunicationum sententiis innodati, dummodo ab illis desistant, — ne dictum negotium (electionis) impediri valeat propter hoc, absolventur juxta formam Ecclesiæ consuetam.

<sup>29</sup> During a residence of two years in Paris Charles had been in habits of intimacy with Clement, at that time Abbas Fiscanensis and counsellor of the king: he relates himself in the *Commentarius de vita sua in Freheri Rerum Boh. Scriptt.* Hanov. 1602. fol. p. 89: me multum caritative ac paterne confovebat de sacra scriptura me sæpius informando. Afterwards on a visit to Avignon he resided with Clement, who, in the mean time had become cardinal and archbishop of Rouen (*Ibid.* p. 103): dixitque una hora mecum existens in domo sua: *tu eris adhuc rex Romanorum.* Cui respondi: *tu eris ante Papa.* Quod utrumque secutum est, prout infra describetur. See the conditions to which Charles had to agree in Avignon on the 22d of April, in *Raynald.* ann. 1346, no. 19 seq. e. g. promitto et juro, quod omnes processus factos, — et quæcunque alia — gesta per Ludovicum de Bavaria, per Ecclesiam de hæresi et schismate justo judicio condemnatum — nulla esse ac cassa et irrita pronuntiabo et declarabo, illa etiam, quatenus processerunt de facto, annullando et penitus revocando. He then secures to the church all its possessions, also regna Sicilia, Sardinia et Corsica, quæ de directo dominio, jure et feudo ejusdem Romanæ Ecclesiæ esse noscuntur: — nec aliquod dominium, jurisdictionem, superioritatem, servitutem, potestariam, capitaneatum, vel aliud officium, quocunque nomine censeatur, accipiam vel vendicabo — in prædictis Roma, regnis, provinciis, ducatibus, comitatibus — et territoriis supradictis. — Promitto ut supra, quod ante diem, mihi pro coronatione imperiali præfigendam, non ingrediar urbem Romanam, quodque — ipsa die, qua coronam hujusmodi recepero — dictam urbem — exhibo cum tota — gente mea, et — extra totam terram Romanæ Ecclesiæ me recto gressu transferam versus terras imperio subjectas, nunquam postmodum ad urbem, regna prædicta Sicilia, Sardinia, Corsica, — vel alias terras Romanæ Ecclesiæ, nisi de speciali licentia Sedis

the electors, he removed Henry of Virneburg from the archbishopric of Mentz (April 7), and bestowed it on Gerlach, count of Nassau.<sup>30</sup> With the other electors every art was put in requisition to secure them,<sup>31</sup> and so successfully that Charles was really chosen, having received five electoral votes at Rense, on the 11th of July.<sup>32</sup> This disgraceful proceeding only confirmed the rest of the electors in their adherence to Lewis,<sup>33</sup> who had so decidedly the advantage that the priest's emperor<sup>34</sup> had to take refuge in France.<sup>35</sup> And even after the death of this noble emperor (October 11, 1347),<sup>36</sup> Charles was by no means at once successful. The papal absolution which he brought with him for the German nation to

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Apostolicæ accessurus. — Item si per Henricum Imp. avum meum, vel per jam dictum Ludovicum, seu per quemcunque alium — fuerint aliqua ad jurisdictionem pertinentia attentata in Roma, regnis, etc. promitto et juro, quod illa omnia decernam et pronuntiabo nulla: quodque si aliqua fidelitates, honagia — donationes — seu concessiones qualescunque a prædictis domino Henrico et Ludovico — factæ fuerint vel receptæ pro Roma, regnis, etc. illa omnia nulla fore pronuntiabo, et quatenus processerunt de facto, totaliter revocabo. — Promitto etiam bona fide, quod intrusus in ecclesiis infra — imperium consistentibus, si — super hoc per vos dominum nostrum Papam — fuero requisitus, expellam ac pro posse faciam expelli de illis: et provisos per sedem Apostolicam juvabo et faciam juvari, ut ad ecclesias, quibus de eis per sedem Apostolicam provisum est vel fuit, in futurum realiter admittantur.

<sup>30</sup> Documents in *Raynald*. ann. 1346, no. 12 seq.

<sup>31</sup> *Alb. Argent.* p. 135: pro quo facto prædicti Coloniensis et dux Saxonie magna pecunia sunt corrupti. cf. *Schaten* Ann. Paderborn. p. 310. That this is not a calumny, as is maintained by *Raynald*. ann. 1346, no. 31, is now clear from two documents of John of Bohemia, in Jun. 1346. In one he promises the elector of Cologne for his vote various grants from the emperor, namely, 100,000 marks of silver, and as a pledge therefor the city and free county of Dortmund, and the bailiwick of Essen, see *Bodmann* codex epist. Rodolfi I. Lips. 1806. 8. p. 339: in the second he promises to pay 40,000 reals (*Ibid.* p. 383). — The electors received also absolution from the Pope. *Raynald*. ann. 1346, no. 31. As to that, however, *Jo. Vitoduranus*, p. 78, relates as early as A. D. 1345: Tunc temporis religiosi et sæculares Clerici, qui divinum cultum in locis Imperialibus vel aliis interdicto suppositis resumpserant, absolutionem ab hoc a Romana Curia impetrarunt, aliis Clericis in eisdem locis libere et absque pavore in celebratione persistentibus. Hujusmodi autem absolutio pro uno floreno facillime obtinebatur. O quam lamentabilis et execrabilis scissura et difformitas Ecclesiæ illis in temporibus facta est! Hoc verbum Evangelii: *gratis accepistis, gratis date*, irritum visum est.

<sup>32</sup> The summons to the Diet was issued by the new Elector from Mentz on the 20th of May, see the document in *Bodmann*, p. 382. Concerning the election itself, see *Alb. Argent.* p. 135.

<sup>33</sup> *Alb. Argent.* p. 139. — Jac. v. Königshoven, S. 180.

<sup>34</sup> *Jo. Villani* XII. c. 59: per dispetto della detta elezione per li più si chiama *l'imperadore de' preti*.

<sup>35</sup> *Jo. Vitoduranus*, p. 80: perterritus a cæpto itinere et opere resiliens, ad Regem Franciæ protinus refugiebat.

<sup>36</sup> It is remarkable that several of the later Popes, e. g. Eugenius IV., Innocent VIII., Alexander VI., also the council of Basle, speaks of him as Divæ memoriæ Ludov. Rom. Imperatorem, see *Herwart* præf. p. VIII. He is most abused by *Bzovius* Ann. Eccl. T. I. P. I. p. 412 seq., who was answered by *Herwart* and *Gewold*, and compelled by Duke Maximilian of Bavaria to retract (see *Bayle* Diet. art. *Bzovius*). But *Raynald*, and even *Murator* Annali d'Italie, T. VIII. mark the years 1314 — 1346 as vacante Imperio.

secure their favor, only awakened their contempt.<sup>37</sup> They wanted no emperor who was to be the minion of the popes, but one who would teach them to keep within their proper limits.<sup>38</sup> The Bavarian

<sup>37</sup> *Albert. Argent.* p. 142: Venit autem Rex Basileam in vigilia Thomæ, anno Dom. 1348, ubi interdictum Papale diu servatum fuit, nec Basilienses eum recipere intenderant, nisi divina rehaberent. Et ecce in sero venit Marquardus de Randecke præpositus Babenbergensis de Curia Avinionensi, ferens commissionem factam Babenbergensi Episcopo, et absolutionibus et relaxationibus impendendis. — Summa autem commissionis Babenbergensi Episcopo factæ talis erat: *Cum multi, qui sententias, processus et pœnas Joannis Papæ, inflicta adhærentibus quondam Ludovico de Bavaria hæretico et de hæresi damnato, [incurrerunt], redire cupiant ad ecclesiam unitatem: committimus tibi, ut, qui confessi fuerint errores suos confessatos et non confessatos, et pœnas, quas inciderunt explicite vel implicite, et juraverint, deinceps fidem catholicam habere, et fideles fore sedi Apostolicæ, et nulli deinceps hæretico vel schismatico favere, et credere, quod non spectat ad Imperatorem, Papam deponere, et alium creare, sed hoc hæresim esse damnatam: et quod nullum pro Imperatore habeant, nisi per sedem Apostolicam probatum, nec relicta (widow) et liberis ipsius Ludovici faveant, nisi cum ecclesia reformentur, et Carolo Romanorum regi per sedem approbato pareant; ab hujusmodi sententiis et pœnis absolvas, ect.* (cf. *Raynald.* ann. 1349, no. 15). Visa autem forma hujusmodi dura omnibus displicente, aliqui consuluerunt, eam non acceptandam esse per Regem, sed occultandam, et pro alia forma Papæ scribendum. Sed quia timor erat, Basilienses non juraturos Regi, nisi reformarentur divina, rescriptum oportuit exhiberi. Cum autem cives nec errores vellent fateri, nec secundum formam jurare; clerus autem quasi penitens quod cessavit, etsi non tam occasionem quæreret celebrandi, animo nunquam mandata similia receptandi: ecce comparuerunt Magistri et Consules Basilienses coram Rege, et prædictis Episcopis; — coram quibus Chunradus de Berenvels magister civitatis, nomine universitatis vulgariter coram tabellione proposuit in hæc verba: Domine Bambergensis, sciatis, quod nec fateri nec credere volumus, quod quondam dominus noster Ludovicus Rom. Imp. unquam fuerit hæreticus. Quemcumque etiam nobis dederint Principes Electores, vel major pars ex eis, pro Romanorum rege vel Imperatore, illum pro tali habebimus, etiamsi nunquam Papam requireret: nec quicquam aliud faciemus, quod sit contra jura Imperii quovis modo. Sed si habetis potestatem a domino Papa, quod vultis nobis remittere omnia peccata nostra, placet. Et convertens se ad populum, dixit: Datis mihi et Chunrado Monacho potestatem petendi, ut absolvamini a peccatis vestris? Qui dicebant: placet nobis. Nec aliud procuratorium habuerunt. Qui duo milites seorsum coram Secretario Papæ, Joanne de Pistorio præsentate, juraverunt secundum mandati formam, sicque relaxatis processibus divina publice sunt reassumpta, civesque regi solitum præstiterunt juramentum. — Civitates autem, præsertim Argentina, exasperatæ fuerunt propter formam hujusmodi. — When Charles came to Worms, where the Interdict had not been observed, the clergy accepted the offered absolution, and then wanted to refuse to conduct public worship: however, factus est tumultus, clausisque portis omnibus populus ad hospitium Regis, ad quod Bambergensis confugerat, armatus accessit, ipseque Bambergensis mandante Rege terrore omnem clerum et populum Wormatiensem sine omni conditione et juramento absolvit. — Post hæc Rex ivit *Moguntiam*, ubi sub pacto ne introduceret Gerlacum provisum Papæ, vel aliquas legi literas permitteret, honorifice est receptus.

<sup>38</sup> This is seen in the expectation, now more lively than ever, of the return of Frederick II. to life (see § 87, note 26), as described by *Jo. Vitoduranus*, p. 85, ad ann. 1348, with which he closes, therefore from personal observation: In his temporibus apud homines diversi generis, immo cuncti generis multos valde assertissime vulgabatur, Imperatorem Fridericum secundum hujus nominis ad reformandum statum omnino depravatum Ecclesiæ venturum in robore maximo potentatus. Adjiciunt quoque homines prædicta sentientes, quod necesse sit cum venire, si in mille partes secatus esset, immo si in pulverem per combustionem redactus foret, eo quod divinitus sit decretum ita debere fieri, quod immutari impossibile est. Secundum igitur istam assertionem cum resuscitatus ad Imperii sui culmen reversus fuerit, puellæ vel fœminæ pauperi in matrimonio junget virum divitem, et

party set up a rival candidate, Gunther of Schwarzburg,<sup>39</sup> Charles was forced to make every kind of concession for the sake of peace,<sup>40</sup> and submitted even to be chosen and crowned anew (July, 1349).<sup>41</sup>

In the mean time Joanna of Naples sold the county of Avignon to Clement (A. D. 1345), in order to get money for the war against the king of Hungary.<sup>42</sup> Both parties at length consented to submit to the decision of the Pope. He decided in favor of Joanna, and she once more ascended the blood-stained throne (A. D. 1351).<sup>43</sup>

e converso; moniales et sorores in seculo degentes maritabit, monachos uxorabit; pupillis, orphanis, viduis omnibus et singulis spoliatis res ablatas restituet, cunctisque faciet justitie complementum. Clericos persecutur adeo atrociter, quod coronas et tonsuras suas stercore bovino, si aliud tegumentum non habuerint, obducent, ne appareant tonsorati: religiosos, qui denunciando processus Papales contra eum, praeipue fratres minores, ipsum de Imperio repulerant, de terra fugabit. Post resumptum Imperium justius et gloriosius gubernatum quam ante, cum exercitu copioso transfretabit, et in monte Oliveti, vel apud arborem aridam (*Matth.* xxi. 19) Imperium resignabit.

<sup>39</sup> *Alb. Argent.* p. 145–152.

<sup>40</sup> Amongst others (*Jo. Vitodur.* p. 48) relaxatio interdicti, dispensationes, absolutiones ab excommunicationibus, suspensionibus, irregularitatibus contractis et ab aliis censuris ecclesiasticis. Hæc beneficia administrabant hominibus Prælati plures in diversis partibus terræ Teutonia, quibus Papa ea commisit. Hæc autem gratiæ tantum impertiebantur hominibus Regi juratis a Prælatibus. Even the Margrave Lewis of Brandenburg was gained at last, *Heinr. de Rebdorff* ad ann. 1349: comitatum Tirolis et omnem terram quam tenuit in Alpibus concessit, et apud dominum Papam obtinere promisit dispensationem super matrimonio cum filia Ducis Carinthiæ—per ipsum defuncto contracto;—ac multos alios casus apud sedem Apostolicam et alios terminare promisit. This last promise, however, was not so easily performed: it was not till 1359 that Lewis received absolution, and then only on confession (*Raynald.* ad h. a. no. 7 seq.).

<sup>41</sup> *Oleuschlägers Staatsgeschichte*, S. 411.

<sup>42</sup> The licentious Joanna, without waiting for the papal dispensation, had married her near relative, Lewis of Tarentum, on the 20th of Aug. 1347 (see *Jo. Villani* XII. c. 98, in *Muratori* XIII. p. 976. *Matth. Palmerius* de vita Nicol. Acciajoli. *Ibid.* p. 1207), and having been driven from Naples by the king of Hungary, came now to Avignon to ask for aid. She still resisted every attempt to investigate the murder of her husband (*Raynald.* ann. 1348. no. 11); but the sale above-mentioned was thought sufficient to justify the Pope in bestowing the dispensation for her marriage: Tertia vita Clementis VI (*Baluz. Vitæ*, PP. Aven. T. I. p. 292): Regina autem cum filio Principis Tarentini matrimonium propria auctoritate contraxit, qui se secundo gradu consanguinitatis attingebant. Tandem ad Romanam curiam venientes pro dispensatione obtinenda, obtinuerunt. Ipso vero multum gravati super expensis, non inveniebant consilium de quo possent ad locum proprium [redire]. Quod dictus Pontifex circumspectus et providus velut Argus advertens, tanquam ille quem zelus domus Domini comedeat, opportunis exquisitis tractatibus et cautis intermediis viis, civitatem Avenionensem—omni modo juris meliori quo potuit emit a Regina prædicta pro pretio invicem concordato. Et sic Regina et ejus socius per venditionem hujusmodi pecunia redundantes simul in regnum redierunt. *Matth. Palmerius*, p. 1208: jura Dominatus, quæ Regina in civitatem populumque Avenionensem habebat, Romano Pontifici vendidit, et ab eodem tunc primum Pontifice Ludovicus titulos Regis accepit. The price was 80,000 gold guilders, the document, dated 9th Jun. 1348, in *Bzovii Ann. Eccl.* ad h. a. no. 10. *Leibniti Cod. jur. gent.* P. I. p. 200.

<sup>43</sup> *Matth. Villani* II. c. 24, 41, 65. *Raynald.* ann. 1350, no. 27; 1351, no. 32; 1352, no. 1.

## § 98.

INNOCENT VI. (December 18, 1352 – September 12, 1362), URBAN V. (October 28, 1362 – December 19, 1370), GREGORY XI. (December 30, 1370 – March 27, 1378).

Though the long-continued contest between the popes and Lewis of Bavaria had spread abroad much sound knowledge concerning the church and its concerns,<sup>1</sup> there was still a great want of concert, and, for the most part, of firmness amongst its opponents; whilst, as yet, there was no common centre of union, nor any feeling of security and strength. Hence we find that even during the contest the better convictions of the understanding were not unfrequently sacrificed to political considerations, and its issue, apparently so entirely favorable to the popes, seemed to warn the princes anew that the time for the final struggle had not yet arrived. On the other hand, the popes began to feel that the chief prop of their power, public opinion, was undermined. And we see the influence of this feeling on their conduct. They no longer treated royal sinners, as, for example, Peter the Cruel, king of Castile,<sup>2</sup> with the same implacability they had

<sup>1</sup> Especially in France. It was there the universal opinion, since the time of Philip the Fair, that the church had no power over the prince, which was shown in full 1370, by *Raoul de Pralles*, Conseiller et Maître de Requestes at the command of Charles V., in the *Traict. de potestate pontificali et imperiali seu regia* (in *Goldasti Monarchia*, T. I. p. 39). Still more to the purpose is the *Somnium Viridarii de jurisdictione regia et sacerdotali*, dedicated to Charles V. by a contemporary, (a Latin translation in *Goldasti Monarchia* l. p. 58; the French original in the *Traitez des Droits et libertez de l'eglise Gallicane*, T. II. p. 1), in which the usurpations of the Pope and the clergy are attacked by a soldier, and defended by a priest. The views of the former, who even goes so far as to maintain the original equality of all bishops, and the gradual growth of the papal power, according to Marsilius Patavinus (see above, § 96, note 13), are plainly those of the author, and are supported by altogether the strongest arguments. It is true that at the end, the Somnians leave all to the judgment of the Roman church: *illud credo, teneo et firmiter profiteor, quod ipsa sacrosancta eeccl. Romana credit, tenet atque profitetur: necnon et illud teneo et credo verum, quod ipsa duxit statuendum in Extravaganti quæ incipit Unam sanctam*: but the mention of the bull *Unam sanctam* to a king of France, seems almost like irony.

<sup>2</sup> Who, it is true, offended against the laws of God more even than the interest of the Pope. This monster, whose whole reign was a series of crimes, set aside his wife Blanca very shortly after their union, for the sake of a mistress, Maria de Padilla (1353), but soon after was divorced from this last also, by two of his bishops, and married again (*Raynald*, 1354, no. 21). This brought upon him an act of excommunication (*Ibid.* 1355, no. 29): and this being followed by serious troubles amongst his subjects, Peter again took Blanca to his bed, but only to put her away again immediately (*Ibid.* no. 31). The tyrant now heaped murder upon murder.—The Pope contented himself with remonstrances as far as concerned Blanca (*Raynald*, 1356, no. 38), but grew more in earnest when Peter proceeded to confiscate the estates of some of his cardinals (*Ibid.* 1356, no. 40).—He directed his efforts chiefly, however, to delivering his vassal, Peter of Arragon, from the Castilian yoke. A truce was effected by the interference of a legate. This having been broken by Peter, he came under the ban (*Ibid.* 1357): but the Pope nevertheless continued his efforts to induce him to make peace with Arragon by means of a new legate (*Ibid.* 1359). Peter listened to his propositions

shown towards Lewis, but were ready to be satisfied with the mere appearance of expiation.

In Italy, where the religious respect for the popes had long been declining, they seemed now to have none but a political consideration. Most of the cities of the papal territory having renounced their allegiance, the warlike Cardinal Giles Albornoz was sent thither (A. D. 1353) to reduce them.<sup>3</sup> Charles IV., who was at that time on his expedition to Rome, might easily have embraced such an opportunity of reviving the imperial rights in Italy; but, true to his promise, he was content with the empty splendor of two crowns, without attempting to assume the power which those crowns should have given him.<sup>4</sup> The warlike prelate could, therefore, prosecute his undertaking unhindered. But in the attempt to complete his undertaking by regaining Bologna from the powerful Bernabo Visconti, the tyrant of Milan (A. D. 1360),<sup>5</sup> he roused an adversary who was unrestrained by fear of church or pope.<sup>6</sup> Urban V. did indeed hurl against him the thunders of excommunication, accompanied by the darkest accusations, and preached against him a crusade (A. D. 1363),<sup>7</sup> but he soon after

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only to gain time to make head against the Moors. The Pope's request that he would receive again his first wife, he answered by causing her to be poisoned (*Ibid.* 1361, no. 6). The peace with Arragon he soon broke, and massacred the inhabitants of Calatajuba for refusing to surrender to him immediately. The excommunication which ensued was soon forgotten (*Ibid.* 1362, no. 18); and Urban IV. loaded him with praises for offering his assistance against the robber-bands by which Avignon was threatened (*Ibid.* 1365, no. 7); although all the attempts of the popes to bring about a peace between him and Arragon (*Ibid.* 1364, no. 18) still continued unavailing.

<sup>3</sup> Concerning which, see especially *Matteo Villani*, from lib. III. c. 84.

<sup>4</sup> The disappointment of the Italians seen in *Petrarchæ* Epist. 3-5 (in *Goldast* *Monarchia* II. p. 1350 seq.). Ep. III.: Ergo tu Cæsar, quod avus tuus innumerique alii tanto sanguine quæsierunt tantique laboribus, sine labore adeptus complanatam apertamque Italiam, patens limen urbis Romæ, sceptrum facile imperturbatum ac pacificum Imperium, incruenta diademata, — hæc linquis, et — ad barbarica rursum regna revolveris? Non audeo clare tibi dicere, quod mens resque exigunt, ne te verbo contristem, qui me et mundum facto contristas tuo. — O si in ipsis Alpium jugis avus tibi nunc paterque fiant obvii, quid dicturos putas? — Profecisti eximie, ingens Cæsar, hoc tuo per tot annos dilato in Italiam adventu, et festinato habitu refers demum istud ferreum, illud aureum diadema, simul ac sterile nomen Imperii. Ep. IV.: vincor, ne — jam Pontifex Romanus Principem Romæ esse veterit, quod et fama loquitur, et fuga Cæsaris indicio est, qui non cupidius Italiam petit, quam reliquit.

<sup>5</sup> In A. D. 1352 Clement VI. had been forced to give up Bologna to John Visconti, archbishop of Milan, and his family for twelve years (*Raynald*, ann. 1352, no. 7 seq.). The legate got it again from Bernabo before the expiration of this term by craft (*Matteo Villani* IX. 74 seq. *Raynald*, ann. 1360, no. 6 seq.).

<sup>6</sup> See Jacob v. Königshoven, S. 203.

<sup>7</sup> See the Bull of November 30, 1362, in which Bernabo is summoned before the Pope, filled with the bitterest accusations (*Raynald*, ad h. a. no. 12), e. g. Robertum Archiepiscopum Mediolanensem, pro eo quod quendam monachum — noluerat — ad ordinem promoveri, ad suam presentiam accedere compulerat, omnique reverentia Dei et officii pontificalis, abjecta eidem Archiepiscopo sermonibus contumeliosis, multis ibidem presentibus, dixerat: *Genuflecte ribalde*; et cum sic genuflexus existeret, adjecerat: *Nescis, pultrone, quod ego sum Papa et Imperator ac dominus in omnibus terris meis, et quod nec Imperator, immo nec Deus posset in terris meis facere, nisi quod vellem?* — ipsumque Archiepi-

found it expedient to make peace with the reckless Italian on equal terms (A. D. 1364).<sup>8</sup> At length Urban conceived the hope of bringing the affairs of Italy into order by his presence in Rome, and repaired thither A. D. 1367. But the French cardinals, for the most part, remained at Avignon,<sup>9</sup> whither Urban himself very soon saw fit to return (A. D. 1370).<sup>10</sup> This encouraged Bernabo Visconti to new attacks on the papal dominions. Gregory XI. put to the ban both

scopum deinde post multa ignominiosa opprobria sibi dicta in quadam camera recludi ausu sacrilego fecerat. — Per civitates, castra, villas et loca, quæ tenebat, fecerat etiam publice proclamari, quod nullus — sub pœna concremationis ad dicti prædecessoris (Innocentii VI.), seu etiam — Apostolicæ sedis legati curias præsumeret accedere, aut inibi gratiam vel aliud impetrare, seu eidem prædecessori, aut dicto legato de aliquibus — respondere, aut dare consilium, auxilium vel favorem; quodque absque ejus vel ejuſdam sui familiaris Gerardoli nomine, quem vulgus Papam nominat, licentia nulla electio — seu provisio fieret in ecclesiis ac monasteriis: — Apostolicas et legatorum Apostolicæ sedis ac inquisitorum hæreticæ pravitatis literas et processus, ac etiam literas elausas, quæ jam dicto prædecessori et eisdem Cardinalibus — de diversis mundi partibus mittebantur, aperiri, legi, et sapissime lacerari, eorumque latres capi et carceribus mancipari. The Pope, moreover, complained, according to Raynald's Relation: varia crudelitatis genera a Bernabone in sacerdotes et viros religiosos injuste exercita, alios in cavea ferrea flammis exustos, alios in equoleo discernucios, alios amputatos capite, etc. — eo etiam propupisse, ut Parmensem sacerdotem turrim conscendere, atque ex ea Innocentium VI. et Cardinales anathemate defixos proclamare cogeret: ad suam vero ac suorum satellitum avaritiam satiamdam in bona ecclesiastica adeo grassatum, ut plures sacerdotum vectigalibus exuti divina ministeria abjecerint, etc. Bernabo paying no regard to this summons, he was condemned on the 5th of March, 1363. *Raynald*, ann. 1363, no. 2: — velut hæreticum condemnamus, decernentes, — eundem Bernabonem militari cingulo, ac omnibus honoribus, — bonis et juribus suis universis et singulis fore privatum, ac universis pœnis — promulgatis adversus hæreticos subjacere, et eum velut hæreticum, et ab ecclesia Dei præcisum ab omnibus Christianidelibus evitandum. cf. *Matteo Villani* XI. c. 41. The Bull for a crusade appeared in July (*Raynald*, l. c. no. 4).

<sup>8</sup> *Raynald*, ann. 1364, no. 3. See the beginning of the treaty of peace: In nomine Domini Amen. Suborta dudum inter reverendissimum in Christo patrem et dominum Ægidium Episcopum Sabinensem A. S. L. nomine Romanæ ecclesiæ occasione vicariatus civitatis Bononiensis ejusque districtus et ex aliis causis, et magnificentium dominum Bernabonem de Vicecomitibus Mediolan. gravis et nociva dissensio, et deinde inter eandem ecclesiam — et præfatum dominum Bernabonem — guerra pestifera inde secuta quasi totam provinciam Lombardiæ ac partes vicinas in discrimine posuerunt. Et tandem pro hujusmodi guerra sedanda — intervenientibus invictissimo domino, domino Carolo IV. — Imp. — ac serenissimis dominis, dominis Joannæ Franciæ, Ludovico Ungariæ, ac Petro Jerusalem et Cypri illustribus Regibus — partes ipsæ super concordia et pace hujusmodi convenerunt. — Amongst the conditions, according to Raynald's Relation; remissæ imprimis acceptæ illatæve injuriæ, thus all the censures before passed on Bernabo were repealed, and he was reinstated in all his honors. True he was forced to give up his possessions in Bologna, Modena, and Romandiola; but the Pope had to promise him 500,000 guilders as compensation.

<sup>9</sup> Only five cardinals accompanied him (Secunda Vita Urb. V. in *Baluz*. I. p. 406), and even these broke out into lamentations as the fleet left Marseilles (*Petrarchæ* rer. senil. lib. IX. Ep. 2 to Brunus, a secretary of the Pope, in *Raynald*, 1367, no. 3): *O malum Papam, o patrem impium, quonam terrarum miseros filios rapit?* non quasi ad Christianitatis unicam ac supremam areem urbem Romam, — sed quasi Ctesiphontem aut Memphim Saracenorum in carceres traherentur.

<sup>10</sup> As he himself tells the Romans (*Raynald*, 1370, no. 19), ex certis causis non solum utilibus pro universali Ecclesia, sed etiam urgentibus; but Petrarch (*Raynald*, l. c.) states distinctly that the cause was the urgency of the French cardinals.

him and his brother Galeazzo (A. D. 1372),<sup>11</sup> but, unfortunately, his long contest with the house of Arragon in Sicily, ending just at this time in his acknowledging Frederick III. as king of Trinacria,<sup>12</sup> gave his opponents fresh proof that the terrors of the church were not irresistible even in Italy. The discontented and oppressed cities of the papal territory soon renewed their declaration of independence, and formed an alliance with the Florentines and Visconti.<sup>13</sup> Whilst Charles IV. was humbly acknowledging the newly-usurped rights of the popes over the imperial power,<sup>14</sup> Gregory was shut out from his undisputed rights in Italy, in spite of all the terrors of excommunication<sup>15</sup> and his own personal return to Rome (A. D. 1377).<sup>16</sup> At

<sup>11</sup> *Raynald*, ann. 1372, no. 1 seq.

<sup>12</sup> Boniface VIII. had bestowed the island on Frederick II. only for his life-time (see § 59, note 30); but Frederick had nevertheless caused his son Peter to be crowned as his successor (*Raynald*, ann. 1321, no. 40). Frederick II. was put under ban and interdict on account of his connexion with Lewis of Bavaria (l. c. 1329, no. 88); and this continued under Peter II. (1337–42), Lewis (to 1355), and Frederick III., on account of their having no right to the crown; though without producing the desired effect. Joanna of Naples now made peace with Frederick (*Raynald*, ann. 1372, no. 5), and the Pope, with some conditions, confirmed it (*ibid.*, no. 7 seq.). Frederick was to hold the island with the title of king of Trinacria, from Joanna as a fief, and from the Pope as the superior et directus dominus, and take the oath of allegiance to both.

<sup>13</sup> *Prima vita Gregor. XI.* in *Baluz.* I. p. 434: Eodem tempore communitas Florentina contra dictum Gregorium Papam et Romanam Ecclesiam insurrexit, doloseque et malitiose operata est, quod fere omnes civitates et loca alia, quæ ad dictam Ecclesiam in Italia pertinebant, ei se confederaverunt et colligaverunt, in unumque convenerunt, ut amodo excusso a se quocunque alio superiori vel domino, in sua libertate viverent et permanent; factoque vexillo, in quo solum magnis litteris erat descripta *Libertas*, ordinaverunt magnam gentem armigeram, quæ cum vexillo hujusmodi dictæ ligæ adhærere volentes confoveret, resistentes vero vi et potentia ad eam sectandam comprimeret et arctaret.

<sup>14</sup> He begged permission from the Pope, on the 6th of March, 1376, to have his son Wenzel chosen king of Rome, cum ad hujusmodi electionis celebrationem nobis viventibus procedi non valeat sine vestris beneplacito, assensu et gratia ac favore; and Gregory answered on the 3d of May: ut electio prædicta modo præmisso *hac vice dumtaxat* valeat celebrari, nostrum beneplacitum assensum ac favorem et gratiam auctoritate apostolica tenore præsentium impertimur. See *Raynald*, 1376, no. 13. *Leibnitzii* Cod. jur. gent. *Mantissa*, P. II. p. 260 seq.

<sup>15</sup> The Bull against the Florentines of March 31 (in *Raynald*, ad h. a. no. 1 seq.) gives fresh example of what liberties the Italians allowed themselves to take with church and Pope. e. g. Inquisitorum hæreticæ pravitatis officium in ipsius libera executione impediens, statuerunt, quod non possit in eorum civitate — et districtu contra hæreticos nisi certo modo procedi; nec dicti inquisitoris familiares, nisi ad certum numerum et habita licentia eorundem officialium temporalium arma deferre valeant ordinarunt; quodque priores artium et vexillifer dictæ civitatis in principio eorum officii de observandis inquis eorum legibus contra dictum inquisitorem et ejus officium editis, teneantur præstare corporale juramentum. Ipsius quoque inquisitoris carcerem, in quo hæretici ponebantur, concitato tumultu populi totaliter destruxerunt, et inquisitorem qui tunc erat expulerunt; et quamplurima alia statuta et ordinationes in præjudicium inquisitionis hujusmodi hæreticæ pravitatis et hæreticorum favorem, ac in ecclesiæ libertatis præjudicium ediderunt, et ea de facto servare non verentur; ac etiam ordinarunt, quod auctoritate literarum Apostolicæ sedis possessionem alicujus beneficii ecclesiastici — nullus recipere audeat, nisi prius literæ ipsæ prioribus et vexillifero dictæ civitatis præsententur, et licentiam obtineant ab eisdem; et quod quando clericus accusatur coram iudice temporali, vel ab eo aliquid civiliter petitur, et allegat, privilegium clericale, quod ex



length he was forced, in spite of his boasted plenitude of power, to enter into negotiations with his opponents,<sup>17</sup> by which, though interrupted by his death, peace was soon after restored.

hoc sit extra custodiam dietæ civitatis, ita quod quilibet possit eum impune offendere et occidere; omnesque allegantes hujusmodi privilegium clericale in quodam libro seu chartulario describuntur, ut pateat omnibus libera licentia offendendi eos et etiam occidendi. Et insuper dudum priores et vexillifer dietæ civitatis Florentinæ, qui tunc erant, ac populus et commune supradicti, spiritu furoris accensi, quendam Nicolaum monachum in sacerdotio constitutum quibusdam sceleratis viris, cum nullus officialis justitiæ partitum earundem de hoc se intrmittere vellet, torquendum dederunt, qui monachum ipsum, in suæ religionis et ordinis clericalis vituperium, ad ostendendum eum fore sacerdotem de novo radi fecerunt, et eum in quodam curru posuerunt, et cum tenaculis (hooks) igneis ipsius carnes evellent, eas canibus projecerunt; et sic eum per civitatem Florentinam prædictam transeundo, etiam prope ecclesiam cathedralem ad majus ordinis clericalis vituperium, usque ad locum ubi fures suspenduntur, deduxerunt: ipsunq[ue] coram populo clamantem, quod a sibi impositis innocens erat penitus et immunis, vivum sepeliri fecerunt atque mori. Then of the incitement of revolt in the papal dominions. Et a clero civitatis et diocesis Florentinæ et aliarum terrarum, quas tenent, diversas pecuniarum summas importabiles, etiam omni humanitate prorsus abjecta, extorserrunt; ac octo viros sceleratos, — quos publice octo sanctos appellant, ad rapiendum bona ecclesiastica deputarunt, qui ecclesias, monasteria, et alia pia loca, eorumque personas bonis suis spoliant, et hujusmodi bona mobilia et immobilia vendunt et distrabunt pro libito voluntatis. Et insuper dilectum filium Lucam de Florentia ordinis fratrum Humiliatorum professorem, sacræ theologiæ magistrum, ad revelandum et declarandum quemdam hominem, qui eidem peccata sua, et inter cætera quædam furta per eum commissa confessus fuerat, sigillum confessionis frangere cogerunt: ac deinde præfatum hominem, cujus peccata fuerant revelata, suspendi et mori fecerunt. Ad hæc priores artium et vexillifer, — ac populus et commune civitatis Florentinæ venerabilem fratrem nostrum Lucam Episc. Narniensem, Apost. Sedis nuntium, quem specialiter ad partes dicti patrii monii destinabamus, — injuriis, violentis et sacrilegis ausibus capere, et captum aliquandiu crudelissimo carcere detinere miserabiliter præsumperunt, etc. Besides excommunication and interdict, the following punishments were pronounced upon the Florentines: Et ne ipsorum temeritas transiret præsumptoribus in exemplum bona — quorumcumq[ue] Florentinorum, ubicumq[ue] consistentium, immobilia — confiscavimus: et personas ipsorum omnium et singulorum, absque tamen morte seu membri mutilatione, exponimus fidelibus ut capientium fiant servi, et bona eorum mobilia quibuscumq[ue] fidelibus occupanda. Then follow the other punishments usual with heretics, infamy, outlawry, forfeiture of the right on the part of their posterity to hold offices of honor. Of the effects of this Bull, see *Prima vita Greg. XI. in Baluz. PP. Aven. l. p. 435*: Quorum occasione multi tam in Avinione quam aliis partibus collocati cum damnis et detrimentis innumeris ad propria redire sunt compulsi. (According to *Thomas Walsingham* de rebus Angl. the Florentine merchants in England were made slaves and their estates confiscated.) Ex quibus eorum communitas ad cor minime reversa est, immo fortius in sua malitia extitit indurata, continue pejora prioribus contra dictam Ecclesiam procurando et machinando, libellos etiam diffamatorios, falsa tamen et erronea continentés, contra statum ipsius Ecclesiæ et personam dicti Papæ ubiq[ue] transmittendo.

<sup>16</sup> Which had been implored long before by St. Birgitta († 1373), (*Revelationum*, lib. IV. c. 139–143): Now, however (*Prima vita Greg. XI. l. c. p. 437*): fuit per litteras et nuntios speciales insinuatam dicto Gregorio Papæ, quod, si ipse personaliter veniret ad Partes Italiæ, confestim prædicta omnia recuperaret, et alia quæcunq[ue] præmissa ad statum debitum reducerentur. Hence the success of the similar representations of St. Catharine of Siena, whose attempts at mediation had before been frustrated by the obstinacy of the Florentines (*Vita S. Catharinæ* by her confessor, *Raimundus Capuanus*, P. III. c. 8, in *Act. SS. April. T. III. p. 956 seq.*). See *Raynald*, ann. 1376, no. 10.

<sup>17</sup> The first attempt was made in Florence, through the mediation of St. Catharine, at the peril of her life. See *vita s. Cathar. l. c. p. 957*. She declared, how-

II. ECCLESIASTICAL HISTORY OF THE POPES DURING  
THEIR RESIDENCE AT AVIGNON.

## § 99.

## COMPLETION OF THE CODE OF PAPAL LAW.

[ Compare § 60. ]

From the canons of the council of Vienna and his other decretals, Clement V. caused the V Libri Clementinarum (Clementines), the last authentic collection of the kind, to be compiled (A. D. 1313).<sup>1</sup> The later decretals have been only here and there preserved (Extravagantes).<sup>2</sup> The usual selection of them placed together in the common editions of the corpus juris canon. (namely, the XX. Extravagantes of John XXII. in 14 Titles,<sup>3</sup> and the LXXIV. Extravagantes Communes in 5 books),<sup>4</sup> is no older than the edition of John Chapuis. Paris. 1500.

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ever, p. 958, se non posse a territorio illo recedere quousque pax esset præconizata inter patrem et filios, sicque dixit se habere a Domino in mandatis. The Pope's party at length triumphed, and soon after the accession of Urban VI. a reconciliation took place. Peace had already been made with Galeazzo Visconti, and soon afterwards with Bernabo.

<sup>1</sup> *Sexta Vita Clementis V.* (in *Baluz. PP. Aven. I. p. 110*): Anno 1313, 12 Kal. April. — dictus Papa — in consistorio publico suas constitutiones decretales, quas in Concilio Viennensi ordinaverat, publicari fecit, quæ hodie Clementinæ vocantur: sed postea infirmitate præventus ad studia generalia per eum transmissæ non fuerunt, donec per suum successorem executioni demandatæ fuerunt. Clement sent them to the university of Orleans, which he had himself founded (see *Boëmer de Clementinis*, § IX.); but that he did not send them to the other principal universities is certainly very remarkable, since he lived a year after their publication, and other reasons are given for it besides the one just quoted. See *Aventinus Ann. Bojorum*, lib. VII. p. 462: quod multa, quæ simplicitati Christianæ, libertati religionis imponerent (comp. § 95, note 17), ibi continerentur (Clemens), publicare supersederat, atque animam agens aboleri jusserrat. *Hæc a Wilhelmo Occomensis accepi*. It was not till 1317 that they were sent by John XXII. to the university of Bologna, as the fountain-head of the canon law; see the Bull prefixed to the Clementines. They soon received a gloss and commentary (see *Lang Gesch. u. Institutionen des Kirchenrechts*, Th. 1, S. 264): the glossa ordinaria is by Johannes Andreae (see § 60, note 11). cf. *G. L. Boëmer diatr. de Clementinis* in his *Observatt. juris canon.* Gætt. 1791. no. 1.

<sup>2</sup> See *J. W. Bickell über die Entstehung u. d. heut. Gebrauch der beyden Extravagantensammlungen des Corp. juris can.* Marburg. 1825.

<sup>3</sup> Only a selection from the Decretals of this Pope, which, however, received a gloss as early as 1325 from the hand of Zenzelinus de Cassanis, in Toulouse. See *Bickell*, S. 7 ff.

<sup>4</sup> In the editions before Chapuis, there are but few of the Extravagantes in various quantities and different arrangement. See *Bickell*, S. 14 ff. Chapuis brought all the more usual ones together (communes i. e. tritæ), *Bickell*, S. 34. The oldest amongst them is by Urban IV. 1262, the latest by Sixtus IV. 1483, the most by John XXII. All of them have not a gloss. The most distinguished commentators of this period are: Joannes Monachus, afterwards cardinal, Guillelmus de Monte Lauduno, abbot in Poitiers, and Zenzelinus de Cassanis, canonist in Toulouse.

## § 100.

## ECCLESIASTICAL USURPATIONS OF THE POPES DURING THEIR RESIDENCE IN AVIGNON.

The idea of the papal power, which had grown up in the preceding period (see § 61), was not, indeed, susceptible of further exaggeration, but it was now carried out in its most revolting absurdity<sup>1</sup> by

<sup>1</sup> e. g. *Augustini Triumphum* Summa, Qu. 6. Art. 1: Utrum a Papa possit appellari ad Deum?—Solutus Papa dicitur esse vicarius Dei, quia solum quod ligatur vel solvitur per eum, habetur solutum et ligatum per ipsum Deum. Sententia igitur Papæ et sententia Dei una sententia est, sicut una sententia est Papæ et adiutoris ejus. Cum igitur appellatio semper fiat a minori iudice ad superiorem, sicut nullus est major seipso, ita nulla appellatio tenet, facta a Papa ad Deum, quia unum Consistorium est ipsius Papæ et ipsius Dei, cujus Consistorii claviger et ostiarius est ipse Papa. Nullus ergo potest appellare a Papa ad Deum, sicut nullus potest intrare ad consistorium Dei nisi mediante Papa, qui est æternæ vitæ consistorii claviger et ostiarius, et sicut nullus potest appellare ad seipsum, quia una sententia est et una curia Dei et Papæ. Qu. 19. Art. 1: Utrum solus Papa sit sponsus Ecclesiæ?—Papa, qui obtinet vicem Christi in tota ecclesia, universalis ecclesiæ sponsus dicitur. Episcopus vero dicitur sponsus suæ diœcesis, presbyter autem suæ parochiæ. Nec tamen propter hoc sequitur, quod sint plures sponsi unius ecclesiæ: quia sacerdos sicut minister cooperatur Episcopo tamquam principali, et simul omnes Episcopi cooperantur Papæ, et Papa Christo. Unde Christus, Papa, Episcopus et sacerdos non dicuntur nisi unus sponsus Ecclesiæ. Art. 4: Papa succedit Christo in officio et universali jurisdictione, quia Petrus in persona omnium summorum Pontificum recepit universalem jurisdictionem a Christo.—Quantum ad officium et universalem jurisdictionem Papa est Episcopus universalis ecclesiæ, sed quantum ad personalem administrationem singulariter est Episcopus urbis Romæ. Art. 5: Utrum Papa possit immediate in qualibet diœcesi et parochia, quod potest Episcopus vel sacerdos?—Papa tenet locum Petri in ecclesia, Episcopi vero locum Apostolorum, Presbyteri vero locum LXXII discipulorum. Absurdum autem videtur, quod Petrus non potuisset solvere et ligare sine auctoritate Apostolorum vel discipulorum, etiam in provinciis et parochiis eis deputatis, cum singulariter Petro fuit dictum: *dabo tibi claves*, et ipsi non nisi per usum clavium potestatem ligandi et solvendi haberent. Eodem modo absurdum est dicere, quod Papa non possit solvere et ligare in diœcesi cujuslibet Episcopi et parochia cujuslibet Presbyteri, vel absolutionem et ligationem committere quibus placet. Potest etiam in provinciis et parochiis eis deputatis omnia facere per seipsum, vel per commissionem, quæ ipsi Episcopi vel Presbyteri facere possunt, et adhuc amplius.—Qu. 20. Art. 3: Utrum solus Papa habeat potestatem clavium?—Singulariter solus Petrus dicitur habere claves per immediatam commissionem, per immediatam derivationem, per universalem administrationem. Per immediatam quidem commissionem, quia soli Petro, cujus successor Papa existit, claves sunt commissæ.—Per immediatam vero derivationem, quia potestas clavium ab eo tanquam a capite in omnes Prælatos ecclesiæ derivari debet.—Per universalem autem administrationem, quia solus ipse in tota ecclesia universaliter Christi Vicarius existit.—Qu. 64. Art. 2: sicut Apostoli missi sunt ad prædicandum non nisi præsupposita auctoritate Petri:—sic Episcopi admittuntur et assumuntur in partem sollicitudinis non nisi præsupposita auctoritate Papæ, qui sicut dat eis auctoritatem exequendi officium receptum super tanta vel tali materia, si bene utantur, ita culpa exigente, si commisso officio abutuntur, potest eos dicta executione privare.—Qu. 65. Art. 5: non minoris auctoritatis est Papa in tota ecclesia, quam quilibet Episcopus in sua diœcesi, immo majoris, cum in propria diœcesi Episcopus jurisdictionem non exerceat nisi auctoritate Papæ. Sed quilibet Episcopus in propria diœcesi potest et debet religiosos et alios idoneos viros ad sanctæ prædicationis officium assumere, qui vice ipsorum plebes Christi eis commissas ædificent verbo et exemplo, absque omni requisitione presbyterorum, in

the mendicant orders,<sup>2</sup> whose often contested privileges had no other foundation. Nor did their contemptible flattery blush to ascribe to the popes little less than divine honors.<sup>3</sup> The opposing voices, which

quorum parochiis prædicant. — Ergo similiter Papa potest et debet in tota ecclesia aliquos religiosos et idoneos viros ad sanctæ prædicationis officium ordinare, — qui in qualibet diœcesi et in qualibet parochia — absque omni requisitione Episcoporum et Presbyterorum possunt prædicare, et alia spiritualia per sedem apostolicam eis commissa administrare. — *Alvari Pelagii* de planctu ecclesiæ, Lib. I. c. 6: Papa super omnia, etiam generalia, concilia est, et ab ipso ipsa recipiunt jurisdictionem et auctoritatem, et licentiam congregandi se. c. 14: Omnis creatura per eum valet judicari, et ipse a nulla in terris, etiam universali concilio. c. 17: Plus potest Papa solus in iis, quæ non sunt contra capitulos fidei, et adjacentia eis, et sacramenta, quam tota ecclesia catholica, et concilia seorsum. c. 29: unum est consistorium et tribunal Christi et Papæ in terris. c. 58: Sciendum est, quod potentia summi Pontificis et Christi vicarii plena dicitur. Primo quia ab hac potentia nullus ad ecclesiam militantem qualitercumque pertinetur excipitur. — Secundo quia omnis potestas ad gubernationem fidelium a Deo ordinata et hominibus data, sive spiritualis, sive temporalis, in hac potestate comprehenditur. — Tertio quia omnis potestas in Ecclesia ab hac potestate derivatur, et ad eam ordinatur, — quia ipsa principium est et finis cujuslibet potestatis, et ideo quælibet potestas humana ei jure subditur. Quarto quia a nulla potestate humana exceditur, vel superatur. — Quinto quia a nulla alia potestate puri hominis limitatur, aut ordinatur, aut judicatur: sed ipsa alias limitat, ordinat, et judicat. — Sexto quia ordine potestatum, aut legibus ab ipso positus non coaretatur: potest enim agere et mediantibus aliis potestatibus, et non mediantibus, quando viderit expedire, quia ordinarius omnium est. — Potest etiam agere et secundum leges quas ponit, et præter illas, ubi opportunum esse judicaverit. — Merito ergo in summo Pontifice plenitudo dicitur existere potestatis: unde et propter hoc dicitur potestas ejus esse sine numero, pondere et mensura. — Est enim sine numero, quantum ad eos, qui ejus potestati subduntur, qui quoad nostram notitiam sunt innumerabiles. — Est autem sine pondere, quantum ad locum: pondus enim est inclinatio rei ad locum proprium et determinatum: hæc autem potestas non determinatur ad unum locum, vel ad unam ecclesiam, sed ad omnes prorsus ecclesias in quibuslibet locis positus extenditur. Est sine mensura, quantum ad actum et modum agendi, quia quodammodo immensa est in agendo et in modo agendi. Unde sicut homini Christo datus est spiritus non ad mensuram, *Jo. iii. 34*, ceteris autem datur secundum aliquam mensuram donationis Christi, *Eph. iv. 7*; *Rom. xii*: sic vicario Christi Pontifici summo data est potestas non ad mensuram, sed in quadam immensitate; aliis autem datur potestas secundum mensuram aliquam participationis hujus immensæ potestatis. Et quum sit ipsa potestas vicarii Christi sine numero, pondere et mensura, imponit tamen et determinat aliis potestatibus pondus, numerum et mensuram.

<sup>2</sup> Compare the Augustine monk, *Augustini Triumphii* Summa de potest. eccl. see § 96. note 14, the Franciscan *Alvari Pelagii* de planctu ecclesiæ, Lib. II. *Ibid.* note 15, the Dominican *Petri Paludani* (about 1330, Patriarch of Jerusalem, † 1342) tract. de causa immediata Ecclesiasticæ potestatis, ed. Paris. 1506, and the Franciscan *Rogeri Connovii* (or Conway, in Oxford) defensio religionis Mendicantium, soon after 1357 (in *Goldasti* Monarchia, T. II. p. 1410 seq.).

<sup>3</sup> *Augustini Triumphii*, Qu. IX. Art. 1. Utrum Papæ debeatur honor, qui debetur Christo secundum quod Deus? *Videtur*: — quia honor debetur potestati, sed una est potestas Christi secundum quod Deus et Papæ: quod probatur, quia potestas Christi secundum quod Deus est peccata dimittere juxta illud *Marc. ii. quis potest peccata dimittere nisi solus Deus?* istud autem convenit Papæ, quia quodcumque ligat vel solvit super terram, est ligatum vel solutum in cælis. — Porro latria est servitus soli Deo debita: — sed omnis servitus debetur Papæ, ergo honor qui debetur Deo debetur sibi. — *In contrarium est*, quod honor, qui debetur creatori, sine peccato idololatriæ non debetur puræ creaturæ. — *R. Dicendum*, — quod honor potest exhiberi Deo dupliciter. Primo ratione communis potestatis, cum qua convenit cum creaturis convenientia ejusdem analogiæ univocationis. Convenit ergo creatori et creaturæ potestas et dominatio, et multa alia, ut bonitas.

were heard on the side of Lewis of Bavaria (from the Minorites), made no general impression, and died entirely away on Lewis' death, when the victory was so decidedly with the papal power. In France, it is true, under Philip the Fair, sounder views were very generally prevalent amongst the clergy,<sup>4</sup> but as the French kings had no inclination to oppose the extension of the papal power as long as it was wholly subservient to themselves, no opposition was made from this quarter.

In these new ecclesiastical usurpations we trace the most revolting union of narrow selfishness and low rapacity with the most undisguised neglect of the wants of the church. The papal court at Avignon was distinguished by a recklessness and luxury hitherto unexampled,<sup>5</sup> whilst the rich revenues from the papal territories in

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scientia et justitia, quæ attribuuntur Deo, tamen convenient creaturæ, Deo quidem essentialiter, creaturæ vero participative et ministerialiter vel instrumentaliter: et ratione istorum quidam honor, et quædam servitus impenditur Deo, quæ sine peccato potest exhiberi creaturæ, ut ibificatio et genuflexio et alia servitus, quæ græco nomine dulia appellatur. Quædam vero servitus Deo impenditur ratione ejus singularis majestatis, — ratione ejus singulare genus servitii sibi exhibetur, quod latria appellatur. — Sacrificium est ille singularis honor et illa singularis servitus, quæ sic debetur Christo secundum quod Deus, non debetur Papæ, nec alicui puræ creaturæ. — *Ad primum ergo est dicendum*: — in Christo secundum quod Deus invenitur dominatio, quæ est summa potestas, et ideo servitus summa sibi debetur, quæ latria appellatur: in Papa autem non invenitur nisi participative et ministerialiter, etc. — Art. 3: It is shown that the same honor is due to the Pope as to the saints, (honor Papæ exhibetur ratione potestatis et auctoritatis: verum quia potestas talis est ordinata potissime, quia est a Deo sibi tributa, et quæ a Deo sunt, ordinata sunt, sic dicit Apost. ad Rom. xiii: ideo includit talis potestas vitæ sanctitatem et doctrinæ veritatem. — Propter quod licet honor sit sibi exhibendus ratione potestatis, non est sibi subtrahendus honor, qui debetur sanctis ratione sanctitatis et doctrinæ veritatis.) and Art. 4: As to the angels, (exhibebatur honor angelis per patres veteris Testamenti, quia in eis representabatur Deus per subjectam creaturam de aëre vel undecunque visibiliter ab eis assumptam: sed longe melius Deus representatur per Papam, et quantum ad naturæ conformitatem, quia Dei filius nunquam angelos apprehendit, sed senem Abrahamæ in unitatem personæ, et quantum ad officii potestatem, quia nulli angelorum concessit claves ligandi et solvendi in celo et in terra, sicut concessit Petro et successoribus ejus). — *Zenzelinus*, A. D. 1325, in his gloss to Extravag. Jo. XXII. Tit. XIV. c. 4, in fine says: Credere autem Dominum *Deum* nostrum Papam, conditorem dictæ decretalis, sic non potuisse statuere, prout statuit, hæreticum censeretur. So also in the Lyons editions of 1584 and 1606, and in the Paris editions of 1585, 1601 and 1612: in the later editions the *Deum* is left out.

<sup>4</sup> See § 63, note 22. Compare § 98, note 1. This is especially seen in the controversies of the university of Paris with the Mendicant Orders, see below, § 109, note 3.

<sup>5</sup> Francesco Petrarca († 1374), who was for a long time at the papal court in Avignon, gives a shocking description of the prevailing corruption. Epistolarum sine titulo, Lib. Ep. 10, he calls Avignon the third Babylon, and the fifth Labyrinth: quam juste autem, qui noscere cupit, huc properet. Non hic carcer horrendus, non tenebrosæ domus error, non fatalis urna humani generis fata permiscens, denique non imperiosus Minos, non Minotaurus vorax, non damnatæ Veneris monumenta defuerint: sed remedia, sed amor, sed charitas, sed promissorum fides, sed amica consilia, sed fila perplexum iter tacita ope signantia, sed Ariadna, sed Dædalus. Una salutis spes in auro est, auro placatur rex ferus, auro immane monstrum vincitur, auro salutare lorum textitur, auro durum limen ostenditur, auro vectes et saxa franguntur, auro tristis janitor mollitur, auro cælum panditur, quid multa? auro Christus venditur. Compare Epist. 14 and 15, especially Epist. 18.

Italy had either ceased entirely, or were at best very uncertain. Other sources of supply must, therefore, be sought. The search was soon successful, but the most insatiable avarice was now awakened, and a course of oppression followed altogether intolerable. The ill-gotten gains were either hoarded in Avignon, or converted to political uses, or squandered in licentiousness and debauch.

Of all these abuses the most pernicious was the extended *Reservation* of ecclesiastical offices, by means of which even bishoprics came to be bestowed on laymen (as *commendams*), and were thus held by the most unworthy characters. This began as early as Clement V., who exercised the right of Reservation over a great number of churches (which, in France, he was forced to bestow according to the royal will),<sup>6</sup> gave away many benefices in commendam,<sup>7</sup> and

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Omne bonum ibi perditur, sed primum omnium libertas, mox ex ordine quies, gaudium, spes, fides, charitas, animæ jacturæ ingentes. Sed in regno avaritiæ nihil damno adscribitur, molo pecunia salva sit. Futuræ tibi vitæ spes inanis quædam fabula, et quæ de inferis narrantur fabulosa omnia, et resurrectio carnis et mundi finis et Christus ad judicium venturus inter nannias habentur. Veritas ibi dementia est, abstinencia vero rusticitas, pudicitia probum ingenium: denique peccandi licentia magnanimitas et libertas eximia, et quo pollutior eo clarior vita, quo plus scelerum eo plus gloriæ, bonum nomen cæno vilius, atque ultima mercium fama est. — Taceo hæreditatem Simonis, et illam hæresis speciem, non ultimam, spiritus sancti dona mercantium. Taceo mali illius avaritiam matrem, quæ idolorum servitus ab Apostolo dicta est. Taceo utriusque pestis artifices, et concursantes Pontificum thalamis proxenetas. Taceo crudelitatem humanitatis immemorem, et sui ipsius oblitam insolentiam, atque illos vanis flatibus tensos utres. Taceo denique illa prodigia, — quorum moesta nimis et severa narratio: ad ridicula simul atque odiosa festino. Quis enim oro non irascatur et rideat illos senes pueros coma candida, togis amplissimis, adeoque lascivientibus animis, ut nihil illuc falsius videatur, quam quod ait Maro: *Frigidus in Venerem senior?* Tam calidi, tamque præcipientes in Venerem senes sunt, tanta eos ætatis et status et virum cepit oblivio, sic in libidines inardescunt, sic in omne ruunt dedecus, quasi omnis eorum gloria non in cruce Christi sit, sed in comessionibus, et ebrietatibus, et, quæ has sequuntur in cubilibus, impudicitias: sic fugientem manu retrahunt inventam, atque hoc unum senectutis ultimæ hærum putant, ea facere, quæ juvenes non audeant. — Mitto stupra, raptus, incestus, adulteria, qui jam pontificalis lasciviæ ludi sunt: mitto raptarum viros, ne mutire audeant, non tantum avitis laribus, sed finibus patriis exturbatos, quæque contumeliarum gravissima est, et violatas conjuges et externo semine gravidas rursus accipere, et post partum reddere ad alternam satietatem abutentium coactos. Quæ omnia non unus ego, sed vulgus novit, etsi taceat, quamvis ne id ipsum taceat jam major est indignatio quam metus, etc. — cf. *Nicolaus de Clamengis* de ruina ecclesiæ (written 1414), c. 42, in v. d. Hardt Concil. Constant. T. I. P. III. p. 45: Ex illo plane suava cladem imminere prænosse debuit (Ecclesia), ex quo propter suas fornicationes odibiles Romuli urbe relicta Avinionem confugit. Ubi quanto liberius, tanto apertius et impudentius vias suæ Simoniacæ et prostitutiones exposuit, peregrinosque et perversos mores, calamitatum inductores, in nostram Galliam innoxit, rectisque usque ad illa tempora moribus frugalibus disciplina instante, nunc vero luxu prodigioso usque adeo solutam, ut merito ambigere possis, utrum res ipsa audita mirabilior sit, an visa miserabilior.

<sup>6</sup> Thus Clement writes to Philip, A. D. 1306 (*Baluz*, PP. Aven. II. p. 65): De Ecclesiis vero, de quibus nobis tua serenitas scripsit, scire te volumus, quod nos earum provisiones hac vice nobis duximus reservandas. Quibus Ecclesiis de personis Deo, nobis ac tibi gratis et Ecclesiis ipsis utilibus curabimus — providere: and Philip thanks him, p. 87, for the promotio per uberem gratiam clementiæ vestræ facta de dilectis et fidelibus clericis nostris. The Pope at length was tired of being thus the mere instrument of the king, and when Philip, A. D. 1309, re-

drew upon himself the imputation of Simony.<sup>8</sup> But this was nothing

quested of him to bestow the archbishopric of Sens upon the bishop of Cambray, he wrote him, p. 145: *considerantes attentius, quod super translatione hujusmodi per alium modum non poteramus decenter satisfacere votis tuis, provisionem ipsius Ecclesie Senonensis, quamvis reservationes hujusmodi menti nostrae displiceant, prout nosti, hac vice dispositioni nostrae — duximus reservandam: — tuam celsitudinem exhortantes, ut nos super similibus reservationibus faciendis, quae nostrae voluntati reddunt contrariae, saltem absque magna causa non infestes.*

<sup>7</sup> On the 20th of Feb. 1307, Clement issued a Constitution (Extrav. Comm. Lib. III. tit. 2. c. 2. *Raynald.* 1307, no. 28), in which he says, that in the beginning of his administration he had bestowed many benefices at the instance of those high in temporal and ecclesiastical dignity: *ad eorum importunas et multiplicatas precum instantias nonnullis clericis — patriarchales, archiepiscopales et episcopales Ecclesias ac monasteria — sub commendae vel custodiae, seu cura, vel guardia, aut administrationis titulo — duximus — committenda. Super iis autem, an tales videlicet et tantas gratias per nos fieri decuisset, variorum et arduorum negotiorum multiplicitate distracti usque ad tempus, quo infirmitate satis periculosa nos iis diebus Deus visitavit omnipotens, nequivimus plenarie cogitare. Verum in debilitate ipsius aegritudinis constituti, et a negotiorum utcumque discussione semoti, ad haec sub diligenti examine direximus aciem nostrae mentis, demumque prospeximus evidenter, quod Ecclesiarum et monasteriorum eorundem cura negligitur, bona et jura dissipantur ipsorum, ac subjectis eis personis et populis spiritualiter plurimum et temporaliter derogatur. — Volentes opportunum et debitum in hac parte remedium adhibere, omnes et singulas commissiones hujusmodi per nos — factas quibuscumque cujusvis ordinis, dignitatis, aut status, si etiam s. Romanae Ecclesiae Cardinalibus — factae noscantur, auctoritate Apostolica — cassamus et annullamus. How far this Constitution was acted upon, may be seen at the council of Vienna, 1311. *Guil. Durandus* complains in his work written at that time, de modo celebrandi generalis concilii, P. II. Tit. 21: *domini Cardinales in grave animorum ipsorum periculum et universalis Ecclesiae dispendium multa millia florenorum — sibi et multis pestifera adinventione super Ecclesias etiam Parochiales et Curatas faciunt cumulari, et Ecclesias etiam cathedrales et ultramarinas sub diversis coloribus commendari, et certas sibi solvi ab illis, qui eorum promoventur auxilio, pensiones, quae nunquam in Romana Ecclesia moriuntur, sed ab uno Cardinali in alium vel in ejus vel Domini Papae propinquum vel nepotem detinentur. Ex quibus sequitur, cum sibi vendicent universa, infelix quod Clericus, qui de praedictis beneficiis sustentari et eis personaliter deservire debuerat, mendicat in plateis. — Ex hac peste etiam noviter introductum est contra jura, quod Prioratus Conventuales, et alia beneficia ecclesiastica, consueta regi per Monachos et alios Regulares, domini Cardinales — sibi et suis faciunt assignari, quamquam non efficiantur Monachi. — Ex quibus in dictis Prioratibus et beneficiis Regularium perit in totum regularis observantiae disciplina, cum non sit inter eos, qui corrigat, etc. Similar complaints from a bishop at this council (*Raynald.* 1311, no. 59): *Quia multi vita et moribus detestabiles de diversis mundi partibus ad sedem Apostolicam concurrentes — beneficia cum cura, vel sine cura quotidie impetrare noscuntur, — et a Praelatis veneranter instituti vel admissi ita detestabilem vel deformem vitam ducunt, quod ob hoc ecclesiae destruuntur; — Praelati non possunt hodie bonis personis de beneficiis — obstante numerosa multitudine clericorum impetrantium providere. — Heu mittuntur ad Ecclesias vel personae inutiles, peregrinae linguae, barbarae nationis; vel si sunt bonae personae et utiles, nunquam in eisdem resident Ecclesiis, sed in Romana curia, aut Regis aut Principum curiis commorantes per privilegia fructus beneficiorum percipiunt, qui eisdem Ecclesiis de nihilo serviunt. — Cum tam secundum jura divina quam humana singula ecclesiastici juris officia sint singillatim singulis committenda personis; — hodie — una persona, aliquando minus idonea, quatuor vel quinque in diversis ecclesiis obtinet beneficia, — quinimo decem vel duodecim — et aliquando plures, sicut vidi. Heu aliquando una persona tot obtinet dignitates, personatus vel officia, quod ex eis posset quinquaginta vel sexaginta exercitatis et literatis personis sufficientissime provideri. — Quid autem de pueris, qui omni discretionem carentes — tot obtinent dignitates et beneficia, referam, nescio, etc.***

<sup>8</sup> *Jo. Villani* IX. c. 58: *questi fu huomo molto cupido di moneta e simoniaco,*

compared to the shameless conduct of his successor, John XXII. Without considering it necessary to make known his will any further than by a verbal announcement to his own chancery,<sup>9</sup> he extended, in various ways, the right of bestowing the benefices of those who died at Rome (vacantes in curiâ),<sup>10</sup> and claimed the right of disposing of the more profitable places in the cathedrals and colleges,<sup>11</sup> as well as of all the churches in the north of Italy.<sup>12</sup> Occasional re-

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che ogni beneficio per moneta in sua corte si vendea, e fu lusurioso, che palese si dicea che tenea per anica la Contessa di Palagogo, bellissima donna. — E lasciò i suoi nipoti e suo lignaggio con grandissimo e innumerabile tesoro.

<sup>9</sup> In like manner he published his *Processus* by placing them on the church door at Avignon. See above, § 96, note 6. — *Baluz.* PP. Aven. I. p. 722, gives us the following remarkable document: Anno Dom. MCCCXVI. 17 Kal. Oct. Lugduni sanctissimus Pater et Dominus Johannes P. XXII. pontificatus sui anno primo reservavit suæ et sedis Apostolicæ collationi omnia beneficia ecclesiastica, quæ fuerunt et quocunque nomine censeantur, ubicunque ea vacare contigerit per acceptationem alterius beneficii prætextu gratiæ ab eodem Domino Papa factæ vel faciendæ acceptati; mihiq; Gaucelmo Vicecancellario suo præcepit in presentia magistri Petri Fabri, quod hæc ad memoriam redigerem in scripturam. This is the first trace of the famous *Regulæ cancellariæ*. Compare *Gesch. d. röm. Kanzleyregeln*, in *Le Brets Magazin f. Staaten- u. Kirchengesch.* Th. 2. S. 605 ff. Th. 3. S. 1 ff.

<sup>10</sup> By the *Decretal Ex debito* (*Extravagg. Comm. Lib. I. Tit. III. c. 4*) A. D. 1316, which was only an extension of the *Regulæ cancellariæ* just mentioned. Hujusmodi autem sedes, monasteria, ecclesias, et alia præfata beneficia ecclesiastica per mortem vel depositionem ac privationem eorum, qui ea obtinerent, per electionum cassationem. — quorumlibet provisionem, translationem — vacare apud sedem intelligimus prælibatam. Episcopales in super vel alias dignitates — fratrum nostrorum s. Rom. eccl. Cardinalium apud dictam sedem per eorum obitum vacare censemus, sive inibi, sive alibi, ubicunque ipsos migrare contigerit de hac luce. Et hoc idem in dignitatibus et beneficiis quibuslibet — officialium nostrorum, videlicet vicecancellarii, ejusdem ecclesiæ camerarii, notariorum, auditoris contradictorum, correctorum, scriptorum litterarum, ac pœnitentiariorum nostrorum, nec non abbreviatorum curiæ Romanæ locum sibi volumus vindicare. According to these principles he got into his power by the *Decretal Excecrabilis* (*Extravagg. Comm. III. Tit. 2. c. 4*), the nomination to places innumerable. In this *Decretal*, after much complaint of the avarice of those who held several benefices at once, (cardinalibus tamen s. Rom. eccl. — ac regum filiis — exceptis) he commands them to choose one cum cura, and one sine cura, and give up the rest. Quæ omnia et singula beneficia vacatura — vel dimissa nostræ et sedis apostolicæ dispositioni — reservamus.

<sup>11</sup> *Jo. Villani* XI. c. 20 (Papa Giovanni) infino l'anno 1319 puose le riservazioni di tutti i benefici collegiati di Christianita, e tutti gli volea dare egli, dicendo il faceva per levare le simonie. E di questo trasse e ragunò infinito tesoro. Et oltre a ciò, per la detta riservatione quasi mai non confermò electione di niuno Prelato, ma promovea uno Vescovo in uno Arcivescovado, e al Vescovado del Vescovo promosso promovea un minore Vescovo, e allora avenia bene sovente, che d'una vacazione d'una Vescovado grande, o Arcivescovado, o Patriarcato faceva sei o più permutazioni; e simile d'altri benefici: onde molte e grandi provisioni di moneta tornavano alla camera del Papa.

<sup>12</sup> Bull of the 30th of Jul. 1322, in *Raynald.* 1322, no 4, complete in *Ughelli Italia sacra*, T. III. p. 185: Statu Ecclesiarum, necnon — monasteriorum — tam in terris Italiæ Ecclesiæ Romanæ immediate subjectis, quam in patriarchatu Aquilejensi, nec non Mediolanensi, Ravennate, Januensi et Pisana provinciis consistentium, quas et quæ — malitia temporis in eorum provisionibus variis noscitur discrimibus subjecisse (see § 96, note 4), nostræ mentis obtutibus occurrente; ac propterea similibus in posterum obviare periculis, donec — sublata procella temporis impacati, eisdem ecclesiis — plena in eligendo securitas ministretur, sollicitis affectibus cupientes; provisiones omnium patriarchalium, archiepiscopalium, epis-



monstrances passed unheeded,<sup>13</sup> and how he disposed of all these places is best proved by the immense treasure he left behind him.<sup>14</sup> His successor, the conscientious Benedict XII., recalled the commendams granted by John,<sup>15</sup> but confirmed the Reservations of his predecessor.<sup>16</sup> These he used himself, it is true, only to fill the various places in the church more worthily,<sup>17</sup> but by such confirmation he

copalium, et aliarum quarumlibet ecclesiarum collegiatarum, nec non abbatiarum, monasteriorum, prioratuum et aliorum quorumcunque piorum locorum sæcularium et regularium — consistentium in patriarchatu et provinciis supradictis, — vacantium, — dispositioni et ordinationi nostræ et sedis Apostolicæ — usque ad ejusdem sedis beneplacitum — reservamus.

<sup>13</sup> Thus the kings of Castile and Portugal complain to the Pope (*Raynald.* ann. 1330, no. 44), that, whilst formerly their clergy had rendered them important assistance in the wars against the Moors, nunc istis (indigenis) exclusis pariter et contemptis alienigenæ, qui nec zelo fidei, nec devotione aliqua ad præmissa invitantur, sed de imburseanda pecunia, quam de ipsius beneficiis percipere possunt, ad alias transferendi partes, continuam gerunt sollicitudinem, eisdem ecclesiis, monasteriis, personatibus, dignitatibus sunt prælati. Quare supplicant iidem Reges humiliter et instantur, quatenus præmissis alienigenis ad alia beneficia in aliis partibus translatis de prælatiis, personatibus, etc. per eos detentis indigenis regnorum prædictorum dignetur eadem sanctitas providere. In Germany there was a more vigorous resistance: *Heinricus de Rebdorff* ad ann. 1333: In Alemania magnum schisma est in clero et populo, ex provisionibus sedis Apostolicæ ad Episcopales et solemnes prælaturas et alia beneficia, quas idem Ludwicus in odium sedis Apostolicæ fortiter impedivit.

<sup>14</sup> According to *Jo. Villani* XI. c. 20, who gives the same on the authority of his brother, a merchant in Avignon, who had it from the papal treasurers, it amounted to 18 millions of gold guilders\* in coin, and 7 millions in jewels. Besides this his court also had grown rich, cf. *Quinta vita Benedicti XII.* (*Baluzi* PP. Aven. I. p. 232): temporibus retroactis, quando per Papam gratiæ seu supplicationes gratiarum signabantur, ipsæ supplicationes præsentabantur per Camerarios Domini Papæ aut per alios de ipsorum mandato, unde frequenter quæstus illicitos ab eis fieri continebat.

<sup>15</sup> *Secunda vita Bened. XII.* (*Baluz.* I. p. 214): Prælatos omnes ad eorum Ecclesias redire cœgit, volens eorum ambiciosi pravitatis obviare; et commendas Ecclesiarum, præterquam Dominis Cardinalibus factas (compare the bull *Execrabilis*, note 10), expectationes omnes secundum formam juris canonici revocavit, et fugavit realiter simoniam.

<sup>16</sup> In A. D. 1335, he confirmed the Constitution *Ex debito* (see note 10) by the bull *Ad regimen* (*Extravag. Comm.* III. II. 13).

<sup>17</sup> *Prima vita Benedicti XII.* (*Baluz.* I. p. 209): Quantum in ipso fuit, dedit operam efficacem, ut in beneficiis, dignitatibus, et prælaturis suo tempore vacantibus ponerentur et præfererentur bonæ et honestæ personæ, — ac sufficientes in litteratura, ac maturæ in moribus, essentque ætatis propectæ, juxta — qualitatem beneficiorum, — ad quæ — essent assumendæ. — Et in hoc multotiens se decipi formidavit. Et ob hoc, antequam provideret de talibus suæ dispositioni reservatis, inquirebat summa cum diligentia de meritis et sufficientia illorum, qui ad hoc sibi nominabantur. Et cum eos non reperiebat juxta gustum suum bene idoneos et sufficientes, potius volebat, quod vacarent et remanerent in manibus suis, quam si aliter provideret. Propter quod suo tempore multa beneficia, dignitates, et prælaturæ quamplures diutius in vacatione permanserunt. Dicebat enim, quod melius et securius erat, quod vacarent, quam si haberent malos vel minus idoneos præsidentes. Ipse enim de suis consanguineis vel propinquis exaltandis vel promovendis nullatenus curavit. How the corrupt court looked on these proceedings see in *Octava Vita*, p. 240: Huic Domino Benedicto maxime insitum cordi fuit clericos et religiosorum ordinum professores et status reformare, et, ut dicatur

\* The gold guilder was about equal to a ducat. See *Convers. Lexicon.* — Tr.

left the way open for the abuses of his successor, the profuse Clement VI,<sup>18</sup> Treading in the steps of John XXII., this pontiff disposed at will of the benefices of every country,<sup>19</sup> and bestowed so many as commendams on those around him, that bitter complaints were heard from more than one quarter, and Edward III. of England even resorted to more serious means of resistance.<sup>20</sup> Innocent VI.<sup>21</sup> and

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verius, infirmare. Paucos enim vel nullos bonos credebat, et omnes a via mandatorum Domini et consiliorum semita declinasse dicebat. — Hic Dominus Benedictus Papa avarus, durus et tenax, in conferendis gratiis remissus, tardus et negligens in providendo statum Ecclesiarum supra modum fuit; et in excusatione duritiæ suæ paucos ad hæc dignos vel sufficientes dicebat. Omnes Dominos Cardinales fore deceptores sui credebat. Raro supplicationes ipsorum recipere volebat, ipsosque non modicum suspectos habebat. Ordines mendicantium supra modum per facti evidentiam exosos habebat. Paucos vel nullos de ip-sis ordinibus ad prælationes promovebat. Dissensiones eorum libenter audiebat, et subditis contra Prælatos favere videbatur mirabiliter. At his death the following verses were written on him (Septima vita, p. 240) :

Iste fuit Nero, laicis mors, vipera clero,  
Devius a vero, cuppa (cask) repleta mero.

<sup>18</sup> Prima vita Clementis VI. (*Baluz.* I. p. 264) : Habuit hanc humanitatem — ac liberalitatem generaliter ad omnes ad ipsum recurrentes, — quod nunquam vel raro aliquem a se emiserit sine consolatione reali aut verbali, sæpius tamen ad rem, quam ad verba intendens. — Suos fratres, nepotes, — compatriotas et servitores valde dilexit. Plurimos — in aliis et magnis prælaturis et dignitatibus sublimavit, multos vero in inferioribus beneficiis fere ubique terrarum existentibus collocavit. Et quamquam inter eos fuerint multi idonei et sufficientes, quia tamen quandoque ipsos prætulit ceteris magis aut aequè sufficientibus, alios vero sic passim et indistincte et quasi ubique collocavit, fortassis aliquid ultra debitum caro et sanguis sibi revelasse censentur, etc. Quinta vita, p. 311 : Ipse sumptuosissimum tenuit statum et multum pomposum ac sæcularem, ut audivi et pro parte cognovi.

<sup>19</sup> Tertia vita (*Baluz.* I. p. 284) : volens pauperibus clericis universis de eo quod gratis acceperat gratis dare, bullam gratiæ suæ clementer aperuit, ut infra duorum mensium spatium (anno 1342) de suæ clementiæ plenitudine gratiam pro gratia cuncti reciperent. — Eadem ætate pontificatus sui prima, cunctis Ecclesiis cathedralibus, collegiatis et aliis, quas prædecessor ejus immediatus, zelo forsitan justitiæ, rectoribus viduatas dimiserat, — Episcopos et rectores restituit, — quamvis lucide nosceret, quod proventus non modicos apostolicæ cameræ defalecabat. Benedicta sit igitur, si qua fuerit in Benedicto P. XII. præfato, justitia, quæ habenti contulit, et abstulit non habenti, quodque tam largo tam libero donatori tantam donandorum copiam conservavit. — labia mea laudabunt te, in Clemente VI. clementiam, quæ per ejus prædecessorem rigore retenta, misericordiæ liquore condita dispergens omni petenti se tribuit gratiosum, etc. — Quinta vita, p. 310 : Qui cum eodem anno (1342) circa Pentecosten faceret gratias generales, in Avinione tanta convenit multitudo clericorum volentium in gratia pauperum impetrare, quod numerus clericorum pauperum tunc in examinationibus diocesium per universum orbem fuit computatus ad centum millia clericorum, prout ego personaliter ibidem tunc existens veridicorum relatione intellexi. Hic Papa eum in principio sui pontificatus faceret reservationes abbatiarum et prælaturarum, electiones conventuum et capitulorum irritas habens; et super hoc sibi fuerit intimatum, quod hujusmodi reservationes a suis prædecessoribus minime fuerint factæ, ipse fertur respondisse : *Prædecessores nostri nesciverunt esse Papa.* These reservations appear to have been made on the strength of the Regulæ cancellariæ. How widely they extended over the French bishoprics is seen from the documents in *de Marca* de concord. Sac. et Imp. Lib. VI. c. 3. § 14, where the Pope condemns the Suffragans of the archbishop of Narbonne, who refused to take the accustomed oath to their metropolitan, because they had been appointed by the Pope.

<sup>20</sup> *Thomæ Walsingham* (about 1440) histor. Angliæ, in Anglica, Hibernica a veteribus scripta ex Bibl. Guil. Camdeni. Francof. 1602. fol. p. 161 : Eodem anno

(1343) Papa Clemens iterum fecit in Anglia provisiones duobus Cardinalibus de beneficiis proximo vacantibus præter Episcopatus et Abbatias ad extantam duarum millium marcarum. Quod rex et tota regni nobilitas pati noluit, sed procuratores dictorum Cardinalium sub pœna carceris Angliam exire cœgit. The Pope complains bitterly of this, and explains to the king the motives which had actuated him in these appointments, in a letter of August 28 (p. 162): Dudum post creationem novorum — Cardinalium, provida et matura deliberatione prævia per nos facta, honoribus Dei et Ecclesiæ suæ sanctæ, ac utilitati reipublicæ convenire, quod Cardinales ipsi, qui super expediendis negotiis ad alveum Apostolicæ sedis undique confluentibus nobiscum labores et onera partiuntur, et haberent congrue unde suis valeret necessitatibus secundum status sui decentiam provideri; demum excogitatis viis et modis licitis, quibus absque minori ecclesiarum — gravamine hujus provisionis sequi posset, de beneficiis ecclesiasticis tunc in diversis regnis — vacantibus et in antea vacaturis usque ad certam summam pro singulis eorundem novorum Cardinalium — præfatis Cardinalibus, distinctis eis prout expedire vidimus provinciis, gratias fecimus speciales. Certum est autem, quod non solum in regno et terris tuis, immo quasi in omnibus regnis, — ubi Catholicæ fidei viget cultus, aliis novis Cardinalibus consimilem gratiam fecimus, in quibus rebellionem aliquam — nullatenus audivimus usquequaque. To this Edward answered on the 26th of September in a letter, plena fructu, cui pro tunc Papa aut Cardinales respondere rationabiliter nesciebant (*Walsingham*, p. 161. *Raynald*, ann. 1343, no. 90). He speaks first of the services rendered by his ancestors to the church, and then complains of the existing corruptions, dum per impositiones et provisiones sedis apostolicæ, quæ solito gravius invalescunt, ipsius peculium — manus occupant indignorum, et præsertim exterorum, et ejus dignitates et beneficia conferuntur pingua personis alienigenis, plerumque nobis suspectis, qui non resident in dictis beneficiis, et vultus commissorum eis pecorum non agnoscunt, linguam non intelligunt, sed animarum cura neglecta, velut mercenarii, solummodo temporalia lucra quærunt, et sic diminuitur Christi cultus, animarum cura negligitur, — clerici dicti regni, viri magnæ literature, et conversationis honestæ, qui curam et regimen possent sibi salubriter peragere, — studium deserunt propter promotionis congruæ spem ablata. Jus patronatus, quod nos et fideles nostri in talibus obtinemus beneficiis, enervatur, — regni thesaurus ad extraneos, ne dicamus nostros malevolos asportatur: — quæ singula — fuerunt nuper coram nobis in parlamento nostro — palam exposita, unanimi — petitione subjuncta, ut prædictis dispendiis — celeriter occurramus. Nos autem — ad vos successorem Apostolorum principis, qui ad pascendum, non ad tundendum oves dominicas — mandatum a Christo suscepit, ista deferimus votivis affectibus supplicantes, quatenus — velitis ut pater filiis thesaurizans alleviare dictarum impositionum et provisionum ac onerum, jam per sedem apostolicam invalescentium gravitatem, permittentes ulterius, ut patroni patronatus sui solatium non amittant, ecclesiæque cathedrales et aliæ dicti regni liberas electiones et earum effectum habeant, quas quidem ecclesiæ dicti progenitores nostri dudum singulis vacationibus earundem personis idoneis jure suo regio libere conferebant, et postmodum ad rogatum — dictæ sedis sub certis modis et conditionibus concesserunt, quod electiones fierent in dictis ecclesiis per capitula earundem. Sed — dicta sedes per reservationes et provisiones suas dictis capitulis electiones admittit prædictas, et nobis jus et prærogativam, quæ — nobis compe-  
tunt in hac parte, propter quod juxta legem dicti regni nostri, ex quo lex in concessione posita non observatur, concessio revolvitur, et rei status revertitur in primævum super præmissis, etc. Clement after this ventured still to appoint his Nuntio in England to the see of Norwich, and Edward for this time allowed it, but not only renewed his request to the Pope, but made provision by law for such cases in future: Clementis Epist. ad Eduardum in *Raynald*, ann. 1344, no. 55 seq. Ad nostram — audientiam — pertulit rumor, — quod in regno tuo edicta et brevia in derogationem et enervationem prædictæ libertatis ecclesiasticæ, primatus ejusdem Romanæ ecclesiæ ac auctoritatis et potestatis ipsius sedis Apostolicæ, ad diversas partes missa fuerunt: ut de captione et incarceratione multarum personarum ecclesiasticarum sacrilega, et impedimentis literarum et gratiarum apostolicarum ibidem appositis taceatur ad præsens. Immo ad tantæ ferocitatis in regno eodem audaciam dicitur fuisse devenit, quod vix aliquis audet ibidem literas apostolicas præsentare. When, therefore, a vacancy in the Abbey s. Augustini in Canterbury was filled up by the Pope, without any regard to a choice which had already been

Urban V.<sup>22</sup> imitated, indeed, the more worthy conduct of Benedict, but were unable to remedy all the ill-effects of former abuses.<sup>23</sup> But Gregory XI. returned to the old course.<sup>24</sup> Thus in the use of the newly-assumed right the evil far outweighed the good.

Besides all this the churches were burdened with new taxes. From the prelates consecration fees were demanded,<sup>25</sup> and from the inferior

made, the king ordered the monks, under severe penalties, ne ipsum Praefectum, quantum in vobis est, administrationem seu dispositionem aliquam de terris, — bonis seu catallis praedictis absque licentia nostra — speciali aliquo modo habere permittatis, see *Guil. Thorn* (a monk in the convent about 1380) *Chron. de gestis Abb. s. August. Cantuar. c. 38.* The court of Rome was still more deeply offended when Edward, during his wars with France, took possession of the incomes, which the cardinals and other absent ecclesiastics drew from his kingdom, *Raynald*, ann. 1345, no. 12; 1352, no. 17; which example was soon followed by his opponent Philip, *Rayn.* 1346, no. 39; 1347, no. 24. Edward was already threatened with excommunication (*Rayn.* 1352, no. 17), when Clement died. — Alphonso of Castile also attempted to resist these usurpations of the Pope, but was more easily appeased, *Raynald*, ann. 1314, no. 54; 1348, no. 14.

<sup>22</sup> Tertia vita Innoc. VI. (in *Baluz. I. p. 357*): Hic fuit vir justus et durus in concedendo beneficia et jura ecclesiastica. Subito post suam coronationem multas reservationes factas per Clementem suum praedecessorem suspendit, et constituit Praelatos et alios beneficiatos in curia tunc morantes unumquemque ad suum beneficium personaliter applicare et ibi residentiam facere sub pena excommunicationis: quod et factum est. Hic diminuit expensas et familiares suos et etiam omnium Cardinalium. He himself gives as the ground of discontinuing the commendams (see *Raynald*, ann. 1354, no. 31), quod occasione commendandarum, — sicut experientia docuit, ut plurimum divinus cultus minuitur, animarum — cura negligitur, hospitalitas consueta et debita non servatur, ruinis aedificia patent, etc.

<sup>23</sup> Prima vita Urb. (*Baluz. I. p. 394*): Simoniaco execratus est. Ementes enim et vendentes beneficia sive spirituales gratias — puniri multimode ordinavit, immo et eorum quamplurimos, curiam exire coegit. Beneficiorum multiplicationem, praesertim incompatibilem, in eandem personam concurrentium invitisime toleravit, immo multos ex illis qui plurima obtinebant privavit, relictis eis tantummodo illis, quae suis statui et sufficientiae congrue convenire judicavit. Super quo etiam constitutionem edidit, quae incipit *Horribilis*; in qua quod suo tempore licere sibi non passus est suis successoribus indicavit, etc.

<sup>24</sup> Even Urban V. had to bestow the archbishopric of Cologne on Cuno, archbishop of Triers A. D. 1368, for some years, in commendam. At the same time the old *Reservations* were still continued.

<sup>25</sup> Prima vita Gregorii XI. (*Baluz. I. p. 441*): Ipse multum dilexit suos, — ac eorum consilio et instigatione ac favore multa fecit, praesertim in promotionibus nonnullorum, quibus sufficientiores in moribus et scientia forsitan reperiri potuissent.

<sup>26</sup> From an early time, taxes for consecration had been sometimes customary, and sometimes condemned as Simony. See *de Marca de Conc. Sac. et Imp. lib. VI. c. 10*; in Alexander IV's time, about 1260, they had been partially introduced, being paid to the Pope and cardinals under the name of *Annatae* (because they were proportioned to the yearly income), and this had become a subject of complaint (*Ostiensis comm. in Decr. Greg. I. Tit. 32, c. 15*); under Clement V., however, they were exacted for every appointment, whether consecrated at the papal court or not. See *Guil. Durandus de modo generalis concilii celebrandi, P. II. Tit. 20*: Cum illa decreta, in quibus agitur de simonia, in novo et veteri testamento, in Conciliis, a ss. Patribus et Romanis Pontificibus damnata, non servantur, et maxime in curia Romana, in qua etiam cactus Dominorum Cardinalium vult habere una cum Domino Papa certam portionem a Praelatis, qui promoventur ibidem: videretur super hoc maxime providendum. cf. *Joannes Andreae* (above, § 60, note 11) *comm. in Decr. Greg. I. Tit. 32, c. 15*: Pluries clamavi in tantum, quod de hoc fuit sermo in Concilio Viennensi, quod optarem, quod curia reciperet

clergy the popes not unfrequently reserved to themselves the fruits of the first year (*fructus primi anni*).<sup>26</sup> Most oppressive of all, however, were the exactions which the popes were incessantly making, either for themselves or for the temporal princes, under pretext of a crusade.<sup>27</sup>

vicesimam reddituum clericorum totius orbis ad sustentationem Papæ et Cardinalium, et nihil exigi posset pro servitiis prelatorum, quos promovet, exceptis laxatis salariis laborantium, puta scriptorum et similium: et tunc provideret legatis et nuntiis, quos mittit, de predicta quota; abstineret autem ab exactione fructuum primi anni, exactionibus decimarum et similibus, quæ nunc pullulant.

<sup>26</sup> At an earlier period, the bishops of various countries had succeeded in establishing, with respect to the benefices, to which they had the right of appointing, a *jus deportum*, altogether answering to the *jus regalia* (see above, § 63, note 6); in order, however, to make sure of their share, they had changed these vacantia into *fructus primi anni*, so that even in case of another change, the patron might still have the proceeds of the first year. This *jus deportum* Clement V. now usurped to himself, first of all in England: *Matthæi Westmonasteriensis* (about 1377) *flores histor.* ad ann. 1306 (ed. Francof. 1601. fol. p. 454): Ipse vero Papa videns insatiabilem quorundam Episcoporum Angliæ avaritiam, importune postulantium primas vacantes ecclesias per annum in suis diocesis sibi concedi, advertensque, quia quod postulat inferior, potest et superior, appropriavit sibi ipsi per biennium omnes proventus de primo vacantibus ecclesiis in Anglia, videlicet de primo anno primos fructus, tam de episcopatibus, abbatibus, prioratibus, præbendis, rectoriis et vicariis, quam de cæteris minutis beneficiis. This income from England was drawn still by John XXII. A. D. 1317 (*Raynald.* ann. 1317, no. 49): but soon after he extended this right to the whole church, reserving to himself (see the bull *Cum nonnullæ* A. D. 1319, *Extravag. comm.* III. II. 11, an explanation of earlier bulls, no longer extant), pro ecclesiæ Rom. necessitatibus fructus, redditus et proventus primi anni beneficiorum ecclesiasticorum, etiam [*leg. et jam*] vacantium, et quæ in diversis orbis partibus usque ad triennium vacare contingeret, with exception only of the Archiepiscopales et episcopales ecclesiæ, ac regulares Abbatia. In the *Declaratio Nationis Gallicæ in Conc. Const.* (1417) de *Annatis non solvendis*, cap. 2 (in v. d. Hardt *Concil. Const.* T. I. P. XIII. p. 764), it is remarked that this is the first reservation of the kind. Deinde postmodum nonnulli Romani Pontifices, ipsius (Joannis XXII.) successores, etiam certis temporibus similes fecerunt Reservationes, certis causis expressis. Quas Clerus, Principes et populus aliquo tempore tolerarunt. Sed postmodum nimium gravati ex his, in aliquibus regnis et provinciis, recusaverunt solvere. Prout fuit factum in Anglia et quibusdam aliis locis. That these reservations differed from the *Anatæ* is shown in *Bochmeri observatt. sel. ad de Marco*, lib. VI. c. 10, p. 153 seq. The origin of these last, see below, § 102, note 3.

<sup>27</sup> *Continuatio Chron. Guil. de Nangis* ad ann. 1326 (in *d'Achery Spicil.* T. III. p. 86): Papa depauperatum se videns, misit nuntios speciales per universas provincias Regni Franciæ ad petendum Ecclesiarum — subsidium pro guerra sua in Italia proseguenda. Quod Rex Franciæ, asserens hoc in Regno Franciæ inconsumtum, prohibuit: sed domino Papa sibi super his rescribente, postmodum Rex considerans *Do ut des*, faciliter concessit; unde et pro duobus succedentibus annis Papa Regi biennem decimam super Ecclesiam concessit; et ita dum miseram Ecclesiam unus tondet, alter excoirat. How often and how long contributions were levied by the French kings on this pretext, see above, § 96, note 33; § 97, note 1. *Thomassini* vetus et nova *Ecl. discipl.* P. III. Lib. I. c. 43, § 10; they were almost constantly granted to the Spanish kings to carry on their wars with the Moors. See *Thomassini*, l. c. c. 44, § 3; not unfrequently also to the kings of England, thus A. D. 1306 for two years (*Matth Westmonaster.* p. 454), 1317 for one year (*Raynald*, ad h. a. no. 49), 1333 for four years (*Thomas Walsingham*, p. 131), etc. Of which the Minorite *Johannes de Rupescissa*, 1349, says in his *Prophetia* (in *Edw. Brown Appendix ad Fascic. Rerum expendarum et fugiendarum.* Lond. 1690. fol. p. 495): propter impositionem decimarum et visitationum, orationes quæ deberent fieri per clerum — convertuntur in maledictiones et lamentationes, et maxime contra illos, qui talia imposuerunt, quia tanta est pau-

Thus every kind of oppression, which in earlier times had been resisted to the utmost when attempted by the secular powers, was now practised in the church by the popes themselves. But most revolting of all was the base flattery of those who attempted, by a miserable

pertas in clero, quod onera non possunt supportare. Et quia prætextu guerrarum prædictarum sunt imposita, utinam reducerentur ad mentem verba, quæ ego audiui a domino Benedicto (XII.) sanctæ memoriæ super factis guerrarum, quod nunquam fuit intentionis faciendi guerras, etiam pro patrimonio Ecclesiæ, nisi cum armis spiritualibus: et dicebat etiam quod guerra, quæ fuerunt factæ per Ecclesiam, vel fierent in futurum, sortientur tristem effectum; et quod plus confidebat orationibus et lachrymis, quam impositionibus decimarum et visitationum, et ideo nunquam voluit talia concedere, sed cunctos ab omni gravamine conservabat; tamen dicta et facta sua et plurium aliorum Deum timentium reputantur phantastica, et conversa sunt in cantica et musicum earmen. Under Gregory XI. A. D. 1372, the chapters and convents of Mentz united to resist a contribution of this kind which he had ordered. See the *Unio in Gudenii* codex diplomaticus, T. III. p. 507: having proved, qualiter sanctissimus in Christo Pater et Dominus noster, Dom. Gregorius, digna Dei providentia Papa modernus, decimam omnium ecclesiasticorum fructuum, reddituum et proventuum præsentis anni, per Provinciam Maguntinam et nonnullas alias Provincias Alemaniæ duxerit imponendum; they first enumerate the misfortunes which make such a measure impossible, amongst which usualis moneta debilitas, quæ ut plurimum ex transportatione florenorum harum partium ad Romanam Curiam et aliunde facta communitè accidisse refertur. This had already gone so far, quod non est reperire personam ecclesiasticam civitatis et diocesis Maguntinæ, quæ de relictibus ecclesiasticis, deductis omnibus debitis, juxta sui beneficii et status exigentiam valeat sustentari. — Ex ante gestis tamen verisimiliter præsumimus, — quod idem S. D. N. Papa, quorundam, a quorum dextris stat diabolus, præferentium cupiditatem propriam juri, — sinistris informationibus fallacique ingenio circumventus excusationes nostras — non admittet, quin immo ad solutionem — dictæ decimæ nos artare et compellere erubuit. — Ex quibus et propter exactiones Papales per plurimas in his terris Clerici ad magnam paupertatem reducti, servis immo Judæis comparati, detestabiliter despiciuntur, et a Laicis — quasi licite capiuntur, — ipsorumque bona diripiuntur et ignibus devastantur, ipsaque sancta sedes et nomen Apostolicum — adeo vilipensa diffamantur, quod proinde fides catholica magna vacillat in parte, Laicis videntibus Clericos — per sedem Apostolicam et ejus diversarum impositionum modos, videlicet *servitiorum communium, decimarum papalium et imperialium, procuracionum, Primarum, Annatum, subventionum nuntiorum Apostolicorum, ecclesiasticarum reservationum, ac specialiter decedentium Prælatorum continuis extorsionibus* affligi. Et exinde diversa et gravissima animarum pericula et schismata — jam insurgunt, — laicis ipsis clamantibus, et despective contra Romanam Ecclesiam invehentibus, quod sedes ipsa — ad partes externas nunquam his temporibus mittit prædicatores vel vitiorum correctores, sed quotidie mittit bene pompizantes, — pecuniarum pertinissimos exactores. Et propter hæc et alia, — paucissimi jam in terris istis inveniuntur, nisi solo nomine Christiani. They therefore unite, ne quoque nobis, miserabiliter sicut præmittitur afflictis, intolerabilis afflictio superaddatur, nosque per artationem et compulsionem solutionis hujusmodi Decimarum et aliarum Collectarum, quocunque nomine censeantur, imposterum ut verisimiliter præsumitur imponendarum, paulatim et successive ad extremam exinanitionis dispendium deducantur, they agree to share all cost and danger, sic etiam, quod talis, quicunque hujusmodi rei occasione qualitercunque gravatus sen damnificatus, a nobis et a Clero non vitetur, nec in suis Ecclesia aut Monasterio — ab aliquibus actibus excludatur, sed quod suis præbendis ac beneficiis — pacifice gaudeat et fruatur, ac si gravatus nullo modo fuisset. Item nullus dictam Decimam in parte vel in toto solvat, seu se soluturum promittat, aut super ea componat — absque Nostrum scitu — et assensu. Et si aliqui forsan tenui conscientia tenti, trepidantes ubi trepidandum non est, etiam hujusmodi Decimam solverint, vel super ea se composuerint; — præter perjuriæ pœnam quam ipso facto incurrunt, a perceptione omnium fructuum — beneficiorum suorum — suspensi maneant, et sint infames, nec ad aliquam dignitatem, beneficium seu officium aliquod — per electionem se alterius dispositionis modum ullatenus admittantur.

casuistry, to defend these manifest abuses of the popes,<sup>28</sup> not excepting even their Simony.<sup>29</sup>

<sup>28</sup> e. g. *Augustinus Triumphus*, Qu. 68, Art. 1: Utrum Papa possit dispensare in pluralitate beneficiorum? — In collatione beneficiorum aliquid est de jure divino et naturali, et aliquid est de jure positivo. De jure namque naturali et divino est, ut beneficium detur propter administrationem officii. — De jure vero positivo est paucitas vel pluralitas beneficiorum; non enim possunt talia cadere sub una regula, quia considerata quandoque ecclesie necessitate vel personae dignitate plura beneficia conferenda sunt uni quam alteri. Cum igitur Papa non solum possit illa, quae sunt juris positivi, verum etiam supra ipsum jus potest dispensare (Deer. Greg. III. 8, 4. See above, § 61, note 8): ideo dicendum est, quod sicut de jure positivo communi, cujus Papa est conditor, facta est talis restrictio, ut nulli liceat plura beneficia habere, sed quicumque recipit aliquid beneficium curam habens animarum annexam, si prius tale beneficium habebat, est eo ipso jure privatus; sic Papa, qui est supra jus, potest talem restrictionem relaxare, etc. Qu. 72, art. 2: Utrum Papa peccet providendo compatriotae et domestico magis, quam extraneo? *Videtur*, — quia bona communia sunt communiter dispensanda. Porro in provisione spiritualis beneficii causa spiritualis debet considerari, sed patria vel familiaritas est causa carnalis, non spiritualis. Porro scandalum multorum Papa debet maxime vitare; sed multi scandalizantur, cum compatriotis et familiaribus Papae vel Praelati providetur magis quam aliis. — *In contrarium* est Apostolus I Tim. 5: Qui suorum et maxime domesticorum curam non habet, fidem negavit, et est infideli deterior. — *R. dicendum*, quod in provisione ecclesiastici beneficii vel potest attendi beneficium quod confertur, vel intentio conferentis, vel locus, in quo confertur. Si vero consideretur beneficium, quod confertur, cum sit spirituale, non debet dari nisi pro officio. Quanto ergo quis est sufficientior et dignior in officii administratione, tanto citius meretur beneficii provisionem. Si vero consideretur intentio providentis, aut providet compatriotae et domestico ex aliqua causa debita magis quam extraneo, utputa propter ejus majorem paupertatem, vel propter receptum honestum obsequium, puto quod non peccat. Si vero faciat hoc ex causa illicita et indebita, ut praecise propter patriae affectionem, vel consanguinitatem, vel propter cumulandas ejus divitias, peccato non caret provisio.

<sup>29</sup> *Alvarus Pelagius* de planctu eccl. lib. II. c. 14: Quærendum est, an Papa possit committere simoniam. Et tenet Thomas, quod sic. — Quamvis enim res ecclesiae sint ejus, ut principalis dispensatoris, non tamen sunt ejus ut domini et possessoris. Against this: Papa legibus loquentibus de simonia et canonibus solutus est. Credo, quod si Papa in iis, quae sunt prohibita quia simoniaca, ut vendere sacramenta, quorum venditio in veteri testamento etiam prohibetur, — pactum vel conditionem vel conventionem apponeret, committeret simoniam. — Secus in iis, quae sunt simoniaca, quia ab ecclesia prohibita, ut vendere beneficia, sepulturas et similia, — quod tunc, etsi peccet malum exemplum dando, — si tamen ex certa scientia hoc faciat, nolens subijci juri positivo, quo solutus est, non committeret simoniam, licet ut dixi illa pactio et conventio etiam in iis de se grave peccatum sit. Sic sentio. — *Augustinus Triumphus*, Qu. 5, art. 3: Certum est, summum Pontificem canonicam simoniam a jure positivo prohibitam non posse committere, quia ipse est supra jus, et eum jura positiva non ligant. — Potest tamen forte simoniam committere prohibitam a lege naturae, ut quod pro re temporali intenderet spirituale tribuere. — Certum est similiter, quod summus Pontifex pro bono publico ab Episcopis et aliis Praelatis ecclesiarum accipere potest summam pecuniae, prout secundum Deum et rationem videtur sibi expedire, quod alii inferiores Praelati facere sine peccato non possunt.

## III. HISTORY OF THE PAPAL SCHISM.

- Original documents in *d'Achery* Spicileg. T. I. p. 763 seq. *Martene et Durand* thesaur. novus Anecdotorum, T. II. p. 1073 seq. *Eorundem Veterum Scriptorum* ampliss. collect. T. VII. p. 425 seq.
- Theodorici de Niem* (writer to the Roman Popes from 1378 – 1410, then appointed bishop of Verdun, and finally of Cambrai, † 1417), libb. III. de Schismate, and a continuation with the title *Nemus Unionis*, published together. Basil. 1566. fol. Argentor. 1608 and 1629. 8vo.
- Works: *Pierre du Puy* histoire du Schisme (in his *Traitez concernant l'hist. de France*. à Paris. 1700. 12mo. à Bruxelles. 1713. 8vo.). *Louis Maimbourg* hist. du grand Schisme d'Occident. à Paris. 1678. 4to. *Jaq. Lenfant* hist. du Concile de Pise (T. II. Amsterd. 1724. 4to.), liv. I. et II. The *Præfatio* to *Martene et Durand* ampliss. coll. T. VII.
- ROMAN POPES: Urban VI. (April 8, 1378 – October 15, 1389), Boniface IX. (November 2, 1389 – October 1, 1404), Innocent VII. (October 17, 1404 – November 7, 1406), Gregory XII. (December 2, 1406).
- FRENCH POPES: Clement VII. (September 20, 1378 – September 16, 1394), Benedict XIII. (September 28, 1394).

## § 101.

## ORIGIN AND PROGRESS OF THE SCHISM.

Urban VI., the successor of Gregory XI. († April 8, 1378),<sup>1</sup> offended the cardinals to such a degree by his severity,<sup>2</sup> that the greatest part of them withdrew to Anagni, declared his election unlawful, as having been compelled by the disturbances of the Romans,<sup>3</sup> and

<sup>1</sup> According to the French accounts (see *Prima vita Gregorii XI.* in *Baluzii* PP. Aven. I. p. 442, and *Secunda vita ejusd.* *ibid.* p. 456) the choice of an Italian was brought about by the popular commotions, which is likely enough (see *Baluzii* notæ. *ibid.* p. 999 seq.): but according to the Italian accounts (*Theod. a Niem* I. c. 2. *Raynald*, ann. 1378, no. 2 seq.; 1379, no. 3 seq.) the choice was free, and there was only a transient tumult, occasioned by a misunderstanding, which took place after the election: comp. *Lenfant* hist. du Concile de Pise I. p. 7 seq.

<sup>2</sup> Also, it is true, by upbraiding them with the prevailing abuses. Thus *Theod. a Niem* l. 4: inceptit increpare Episcopos, — dicendo quod omnes essent perjuri, quia Ecclesias suas desererent in eadem Curia residendo. He then preached a sermon, cap. 5: in quo etiam mores — Cardinalium et Prælatorum inceptit redarguere, quod ipsi ægre tulerunt. — Veniens etiam illo tempore quidam Collector fructuum Camerae Apostolicæ de quadam provincia ad præsentiam dicti Urbani, ei quandam pecuniæ summulam ratione sui Collectanæ officii offerebat: cui respondens ait: *pecunia tua tecum sit in perditionem*, ac illam recipere non curavit. Similia multa insolita et abusiva de die in diem faciens, per quæ pene omnium Cardinalium et Prælatorum contra se magis iracundiam concitavit. — Cap. 7: eum delirum communiter ipsi Cardinales judicabant. — Sed paulo post suscitata nimis periculosa discordia inter ipsum et dictos Cardinales, prædictum schisma, magis propterea ex rancore mutuo partium, quam allegata impressione in electione dicti Urbani — habuit ortum.

<sup>3</sup> Their proclamation ad universos Christifideles ed. Anagninæ 9 Aug. 1378, in *Secunda Vita Gregorii XI.* in *Baluz.* I. p. 465 seq. cf. *Bulæi* hist. Univ. Paris. T. IV. p. 468 seq.



on the 20th of September, 1378, chose Clement VII. in his stead at Fondi. Joanna, queen of Naples, declared at once in favor of the new choice,<sup>4</sup> though the prevailing sentiment in Italy was in favor of Urban.<sup>5</sup> Clement betook himself, therefore, to Avignon, where he remained under the protection, and entirely under the influence of France.<sup>6</sup> By the interference of the French<sup>7</sup> he was immediately acknowledged in Scotland, Savoy, and Lorrain, and afterwards in Castile (A. D. 1381),<sup>8</sup> Arragon (1387),<sup>9</sup> and Navarre (1390).<sup>10</sup> — Germany, England, Denmark, Sweden, Poland, and Prussia, on the other hand, declared for Urban.<sup>11</sup>

<sup>4</sup> She was at first much pleased with the choice of Urban, as being a Neapolitan (*Theod. a Niem* I. 6), but was afterwards alienated by his arrogance and refusal to comply with her wishes (*Theod. a Niem* I. 8. *Raynald*, ann. 1378, no. 46).

<sup>5</sup> The two St. Catharines were in his favor. St. C. of Siena, who is said to have foretold the schism three years before (*Raymund Capuan.* in vita s. Cathar. P. II. c. 10, i. d. Act. SS. Apr. T. III.), expressed the greatest abhorrence of the revolted cardinals (Ep. 31: *induti humana carne dæmones antipapam dæmonis gerentem vices elegerunt*), and to her death († 1380) was a zealous partizan of Urban's. St. C. of Sweden, a daughter of St. Birgitta, was called as an eyewitness of Urban's election (protocol in *Raynald*, 1379, no. 20), and declared it to have been regular and not controlled by the populace: *interrogata quæ fuit ergo causa istius schismatis, respondit et dixit, quod credit, quod rigor justitiæ domini nostri, qui Cardinalibus non erat blandus in eorum petitionibus, et corrigere eos optabat.* — The most celebrated jurists of the time declared also for the regularity of the election, namely, *Joannes de Lignano*, papal vicar in Bologna (see *Raynald*, 1378, no. 31 seq., and in App. ad T. XVII. p. 510. *Bulæi* hist. Univ. Paris. IV. p. 482), *Baldus*, then Prof. in Perugia (*Rayn.* 1378, no. 36 seq., and in App. ad T. XVII. p. 497), *Jacobus de Sena*, Doctor Bonon. (in *Bulæi* hist. Univ. Paris. T. IV. p. 485 seq.). The strongest argument against the revolted cardinals was, that for several months they had acknowledged Urban as Pope.

<sup>6</sup> Charles V. declared at once for Clement, on political grounds. The university of Paris did not decide till after long consultation, on the 22d of May, 1379 (*Bulæi* hist. Univ. Paris. T. IV. p. 566): the *Natio Anglicana privilegiata mansit Parisius de gratia D. Regis sub obedientia alia*, namely under Urban (*Bulæus* V. p. 65). The chief work in defence of Clement was that of Cardinal *Petrus de Barchina*, in answer to *Jo. de Lignano*. See *Bulæus* IV. p. 529. Of the Pope's dependence on the French court, see below, § 102, note 1.

<sup>7</sup> *Prima vita Clementis VII.* in *Baluz.* I. p. 495: *Rex Francorum, ut per agnitionem veritatis et justitiæ dicti Clementis — schisma sedari posset et extinguere, quamplures ambaxiatores fere ad omnes Principes et regiones universas sæpius destinavit.* — *Sed heu tanta fuit fere ubique obstinatio, quod — quorumcunque missorum per dictum Clementem aditio impedita fuit.* See the instructions given to a French ambassador, in *Bulæus* IV. p. 520 seq. cf. *Richardi Ullerstoni* (professor of theology in Oxford) *Petitiones quoad reformat. Eccl.* (A. D. 1408, in *v. d. Hardt* Conc. Const. T. I. P. XXVI. p. 1170): *Occasio schismatis et fomentum erat discordia inter regna. Quod profecto exinde patuit, quod regna inter se prius divisa partibus a se invicem divisit et inter se de Papatu contententibus se pariformiter conjunxerunt.*

<sup>8</sup> *Raynald*, 1381, no. 29. *Baluzii* vitæ. PP. Aven. I. p. 1281 seq. *Lenfant* hist. du conc. de Pise I. p. 34.

<sup>9</sup> Peter IV. offered his allegiance to Urban, but on such terms that it was refused (*Raynald*, 1383, no. 5). Hence no pope was declared in Arragon till John I., immediately after his accession, declared for Clement (*Rayn.* 1387, no. 10).

<sup>10</sup> *Raynald*, 1390, no. 20.

<sup>11</sup> The decision of after times on the question is as follows: The two historians of the fifteenth century, Antoninus, archbishop of Florence (in *Pagi* breviar.

The contest between the two popes was carried on with temporal as well as spiritual weapons. Urban deprived Joanna of the crown of Naples, and bestowed it upon Charles, duke of Durazzo. On the other hand, Joanna, with the aid of Clement, adopted the Regent of France, Lewis, duke of Anjou, and made him her successor (A. D. 1380). Charles, however, had already overrun the whole kingdom, taken Joanna prisoner (1381), and put her to death, before Lewis, whom the Pope had invested with various high-sounding titles,<sup>12</sup> appeared with his army (1382). The former still maintained his advantage, and the death of Lewis (1384) would have decided the contest as far as the possession of Naples was concerned, but for the disputes which now arose between Charles and Urban.<sup>13</sup> These were carried to such a pass during a visit of the obstinate pontiff to Naples, that he excommunicated Charles, and was shut up by him in the castle of Nocera (1385). He escaped thence to Genoa (September, 1385), but was not yet brought to his senses. By the cruel execution of five cardinals, he embittered the hatred with which he was regarded; whilst, by refusing to invest Charles' son, Ladislaus, with the kingdom of Naples, he had nearly brought that kingdom once more into subjection to France. The capital was already taken by the generals of the young Lewis of Anjou (1387), and the whole kingdom would have fallen into his hands, but for the death of Urban, and the vigorous aid rendered to Ladislaus by his successor, Boniface IX. (1390).<sup>14</sup> In order to secure the papal territory against the attacks of Lewis, Boniface bestowed many of the cities and castles on powerful nobles as fiefs.<sup>15</sup> This aroused once more the desire of independence at Rome, the effect of which was to exclude the Pope from that city for a long time.<sup>16</sup> Still he gained his great object. Lewis was forced to abandon Italy altogether,<sup>17</sup> and Naples remained subject to the Roman Pope.

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gest. Pontiff. Rom. T. II. P. II. p. 145), and Werner Rolewinck (fasc. temporum Act. VI. in *Pistorii Scriptt. Rer. Germ. T. II. p. 567*), leave the question undecided. Since that time the opinions out of France, where the French popes have always been considered the true ones, have been mostly in favor of the Italians. In the later lists, therefore, the French popes are not reckoned, and thus we have another Clement VII. 1523, and Benedict XIII. 1724.

<sup>12</sup> He appointed him king of a new kingdom, *Adria*. See *Leibnitii Cod. juris gentium*, P. I. p. 239 (omnes — singulas terras, quas ad præsens nos et Ecclesia Romana in Italia extra regnum Siciliae habemus et habere debemus, per quoscunque et quacunque auctoritate possideantur seu detineantur ad præsens, exceptis duntaxat urbe Romana cum ejus districtu et provinciis Patrimonii sancti Petri in Tuscia, Campania et maritima ac Sabina, in unum Regnum erigimus, ipsas provincias — dignitate regia decoramus, ac Regnum Adriae ordinamus, statuimus et decernimus perpetuo nuncupari). Also *generalis Capitaneus*, ut nedum nomine proprio, sed etiam Ecclesie et suo (Papæ) ad negotia procederet supradicta (Prima vita Clementis VII. in *Baluz. l. p. 504*).

<sup>13</sup> Of which and what follows, see *Theodor. de Niem* l. c. 28 seq.

<sup>14</sup> *Raynald*, ann. 1390, no. 10 seq.

<sup>15</sup> *Raynald*, ann. 1390, no. 18.

<sup>16</sup> *Raynald*, ann. 1393, no. 5; 1395, no. 17.

<sup>17</sup> *Raynald*, ann. 1400, no. 11.

## § 102.

## OF THE OPPRESSIONS IN THE CHURCH.

By diminishing the resources of the popes, while it increased their expenses, the schism aggravated the evils which had already been almost intolerable.

The French Pope, Clement VII., was indeed compelled to consult the wishes of the court on which he was wholly dependent, in the disposition of various benefices,<sup>1</sup> but otherwise the church was given

<sup>1</sup> *Nicolaus de Clamengis*, Prof. artium in Paris, de ruina Ecclesie (in the older editions entitled de corrupto Eccl. statu (written 1394), c. 18 in v. d. *Hardt* Conc. Const. T. I. P. III. p. 19: Sed me praterire non decet, — quantum et quam abominabilem fornicationem Papa et hi sui fratres cum sæculi principibus inierint. Namque ut sua dominia, imo verius ut suam tyrannidem, omnibus nec injuria supra modum invisam, inconcussa stabilitate confirmare possent, sicque tuto quodcumque libitum esset peragere: temporalium principatum, ad quorum se imitationem componere atque conformare in animum induxerant, captare amicitias, favoresque conquirere, quacumque possent industria, studuerunt: nunc multa beneficiorum his, pro quibus exegissent, largitione, nunc xeniis et donis, nunc promissis uberimis, sæpe assentationibus et gnathonica doctrinæ versutis, fraudulentis. Itaque ne longum faciam, adeo se et Ecclesiam universalem eorum arbitrio subjecerunt atque dederunt, ut vix aliquam parvulam præbendam, nisi eorum mandato vel consensu, in provinciis eorum tribuere ausi essent. Si Episcopus aliquis obierat, si Decanus vel Præpositus, vel alia qualibet persona Ecclesiastica; quis, in demortui locum surrogari appetens, non prius ad Regem quam ad Papam ibat? imo vero quis ita insanus, ut absque regis literis ad Papam postulaturus accederet? Mirabile dicturus sum, et quanquam vix credibile, verum tamen. Si quis Papæ necessarius, propinquus, familiaris, aut quilibet alio titulo dilectissimus pro sua apud eum promotione institisset, regales ante omnia ab ipsomet Pontifice jubebatur literas querere. — Quam vero importune, quam imperiose, quam manu, ut ita dicam, ensifera, terreni ipsi domini per suos sollicitati, Papam per suas quotidianas literas urgebant, nequaquam credibile foret, nisi res usu assiduo promulgata certitudinem faceret. Plus enim præceptoris et comminatoris scriptis res agebatur, quam commendatoris vel preceptoris. Quibus si detrectassent Pontifices obtemperare, et alteri, quam pro quo petebatur, contulissent, certum erat illum non recipi. — Cap. 42, p. 46: Quid Clemente nostro, dum ad vixit, miserabilis? Qui ita se servum servorum Gallicis principibus addiceret, ut vix minas et contumelias, quæ illi quotidie ab aulicis inferebantur, deceret in vilissimum mancipium dici. Cedebat ille furori, cedebat tempori, cedebat flagitantium importunitati, fugebat, dissimulabat, largiter promittebat, diem ex die ducebat, his beneficia dabat, illis verba: omnibus, quos aut ars assentatoria aut ludiera in curiis acceptos fecerat, summopere placere studebat, eosque beneficiis promereri, quo talium patrocinio dominorum gratiam et favorem assequeretur. His itaque et juvenibus nitidis et elegantibus, quorum maxime consortio gaudebat, singulos fere vacantes Episcopatus cæterasque præcipuas dignitates impendebat. Denique ut Principum benevolentiam facilius assequeretur, assecutam foveret, fotamque conservaret, conservatam amplificaret, plurima ultro donaria atque xenia illis dabat; quæcumque super clero exactiones petere voluissent, annuebat, ultro sæpius etiam ingerebat. Sic omnem clerum secularium magistratum dispositioni ita subiciebat, ut Papa magis quilibet eorum, quam ipse putaretur. Also Prima Vita Clem. VII. (in *Baluz.* I. p. 537): Multis etiam secularibus tam Principibus quam aliis fuit admodum familiaris et gratus, eorumque contemplatione et amore plures episcopavit et alias promovit, eis aliquando sufficientiores et idoneiores — postponendo, quandoque, ut eorum benevolentiam et favorem sibi et Ecclesie acquireret, quandoque ut ipsorum odium et indignationem evitaret, etc. *Theodor. a Niem* de schism. II. c. 4: Clemens multum favebat magnatibus sive nobiles: unde penitentibus ipsis terras, castra et dominia Ecclesiarum cathedralium et monasteriorum pro modico annuo censu ab ipsis solvendo in feudum sine difficultate concessit, etc.

over to his extortions as long as the complaints were not too loud.<sup>2</sup> Tithes, Vacances, and Annates<sup>3</sup> became now standing sources of revenue. Besides these, Clement claimed also the effects (*spolia*) of deceased prelates.<sup>4</sup> His successor, Benedict XIII., went beyond him, if possible, in this system of extortion.<sup>5</sup>

<sup>2</sup> Chronique saint Denys, A. D. 1381, in the Preuves des libertez de l'eglise Gallicane, Chap. XXII. no. 6. Clement avoit bien trente-six Cardinaux, lesquels meus de grands avarices soustindrent d'avoir à peine tous les bons benefices de ce Royaume par divers moyens, et envoyèrent leurs serviteurs parmi le Royaume enquerans de la valeur des Prelatures, Prieurez et autres benefices: et usoit Clement de *reservation*, donnoit *graces expectatives* aux Cardinaux et *anteferré*. Et fut la chose en ce point, que nul homme de bien tant de l'Université que autres ne pouvoient avoir benefices. Exactions se faisoient tant de *vaguans* que de *dixiesmes*, et *d'arreraiges* des choses qu'on disoit estre dedans la Chambre Apostolique, et poursuivoit-on *les heritiers des gens d'Eglise*, et disoit-on, *que tous leur biens devoient estre au Pape*: et seroit chose trop longue à reciter les maux qui se faisoient, et les inconveniens qui en venoient: et tout souffroit le Duc d'Anjou Regent, aussi disoit-on qu'il en avoit son butin: et estoit grande pitié de voir les Escoliers à Paris et Regens, lesquels s'en alloient comme gens esgarez et abandonnez. Some restraint was imposed by the royal edict of the 6th of Oct. 1385, contra exactiones Curie Romanæ et Cardinalium. *Ibid.* no. 8.

<sup>3</sup> Of the origin of the Annates, see Nationis Gallicæ in Conc. Const. (1417) declaratio de Annatis non solvendis, cap. 2 (in v. d. *Hardt* Concil. Const. T. I. P. XIII. p. 764, see above, § 100, note 25): De vacantibus vero et fructibus primi anni *majorum Prelaturarum, Abbatialium videlicet, Episcopatum et supra*, nullum aliud initium fuisse invenitur, quam voluntaria et gratuita oblatio quorundam, qui in discordia electi ad Abbatialem vel Cathedralium ecclesiam, dum prosequerentur in Curia per appellationem ad eam factam, per eum, qui obtinebat finalem victoriam, et promovebatur sive eligebatur. Et talis oblatio et gratuita datio juxta vulgare Italicum dicta fuit servitium, et secundum Alemanos propina dicitur. Et dicta fuerunt servitia communia, quia communiter inter eos dividebantur, eo quod singulos, quibus dare volebat, non convocabat. Et singulis dare fuisset nimium onerosum his, qui tunc agebant in publico Consistorio. Sed postmodum deductum est in Consistorium secretum, quod tamen fuerat simoniacum. — Et successivo tempore volentes gratuite dare et voluntarie conferre summam certam vel aliquid, eo quod tunc nulla certa taxa esset in Camera: quoad aliqua ad tertiam partem valoris Episcopatus, Monasterii, aliqua vero ad mediam, in aliquibus etiam taxa dictum valorem excedit, prout in libris Cancellariæ scripta sunt, et ultra pro minutis servitiis, compulsi sunt dare, et offerre ad solvendum se et monasterium, sive etiam obligare per suarum literarum retentionem. Et novissime additum est, et compelluntur per eandem retentionem se obligare ad id, quod reperiretur esse debitum in libris eorum Camere, sive dominorum Cardinalium, per oblationem vel obligationem alicujus prædecessoris Monasterii vel ecclesiæ, ad quam assumitur vel transfertur. — Cap. 3: Non petuntur, neque exiguntur *hæ annatæ* per Cameram Apostolicam et dominos Cardinales ex eo quod vacant, sed quia conferunt, seu quia collationi et promotioni, quæ fit per Papam, assentiunt. Et hoc est clare secundum canones Simoniacum. *The forma obligationis*, which the newly appointed prelates had to bind themselves to, see cap. 4. p. 786 seq.; compare an anonymous work of A. D. 1418, in *Bulæi* hist. Univ. Paris. T. IV. p. 914: Circa modum exactionis istarum vacantiarum est advertendum, quod ante tempora schismatis nulla solutio, aut obligatio exigebatur, sed habita possessione Collectores Apostolici levabant in multis et prolixis terminis taxam: ita quod taxa vix tribus. decem vel duodecim annis erat levata, et communiter remittebatur pars, et aliquando totum propter paupertates vel alias considerationes. — Post vero tempus schismatis ante traditionem bullarum solvebatur una magna pars, — et de reliqua parte recipiebantur obligationes formarum in durissima et cum tot censuris gravissimis, quod pauci fuerunt, qui non inciderunt in illas.

<sup>4</sup> Compare the edict mentioned in note 2, of Oct. 6, 1385: nunc cum Episcopum in Regno nostro ab hac luce migrare contingit, Collectores et Subcollectores summi

During the life of Urban VI. the Roman popes were favorably dis-

Pontificis — bona mobilia et immobilia ex decessu talium Episcoporum relicta — capiunt. — Et non solum bona prædicta Episcoporum capiunt, sed etiam Monasteriorum, postquam Abbates viam universam carnis sunt ingressi, licet dicti Abbates non habeant, nec habere possint proprium. Of the oppressions under Clement generally, see *Nicol. de Clamengis* de ruina eccl. c. 8. in v. d. *Hardt* Conc. Const. T. I. P. III. p. 11: Adjecerunt autem summi Pontifices personis Ecclesiarum et Ecclesiis ipsis — vectigalia alia ad illam suam cameram, imo potius charibdim, fulciendam. Statuerunt namque, ut quoties aliquem virum Ecclesiasticum — ex ista luce migrare contingeret, aut suum cum altero quovis qualescunque beneficium permutare, toties omnes *proventus primi anni* secuturi, certam ubique ad summam suo arbitratu taxatos, sua memorata camera acciperet. — Quid Prælatorum *spolia*, quid creberrimus *decimas*, omnibus Ecclesiasticis indictas, quid *angarias* alias commemorem? Quid *concessas principibus* super clero universo a Papa et Pontificibus *exactiones*, cum seculari in illos solvendi coercitione? Quid retentas *procuraciones*, et sine ulla visitatione ab ipsis Episcopis et Archidiaconis ubique subtractas? — Quid infinita alia quotidiana onera tributorum, ab infortunatissimis Ecclesiarum minutis exacta, quæ longum esset exequi particulatum, referam? — Cap. 9: Ad hæc autem omnia exigenda — suos per omnes provincias *collectores* instituerunt, illos videlicet, quos scirent in extorquendo argento — acriores, et qui nulli omnino parcerent, nullum eximerent, sed vel ex silice aurum elicerent. Quibus et auctoritatem annuerunt, quoscunque, etiam prælatos, anathemate feriendi, — nisi intra præfinitos dies de postulata pecunia satisfacere curassent. Thus these Collectores suspensiones a divinis, interdictiones and anathemata became very common. Quis nescit, tot abbatibus, totque aliis prælatis, cum decessissent cameram præ inopia obnoxii, negata funeralia, negata exequiarum solemnia, negatam humationem, nisi forte in agris aut hortulis aut prophanis aliis sedibus clanculo tumulati sint. Cap. 10. Of the venalia judicium of the Court. Cap. 14. Of the avarice of the cardinals, who often drew the income of 400 — 500 benefices. Cap. 15. Cernentes igitur inopes alii et calamitosi Ecclesiastici, nihil se posse consequi, — ad hos ipsos (Cardinales) se conferunt, et aut cum *simoniaca pravitate* beneficia ab iis mercantur, aut pensione annua, quod æque Simoniacum est, ab illis redimunt, etc.

<sup>5</sup> This is seen from the Appellatio interposita per Universit. Parisiensem a Dom. Benedicto dd. 6 Jan. 1406 in *Martene et Durand* thesaur. anecdot. T. II. p. 1295 seq. and the royale Ordonnance dd. 18 Febr. 1406, in the *Preuves des Lib. de l'Égl. Gall.* Chap. XXII. no. 9. In this Appellatio we read, p. 1302: Quantum hoc illud gravamen est, o piissime Jesu, quo (Benedictus XIII) sibi beneficii cujuscumque vacantis *unius anni fructuum perceptionem* usurpavit? Et vere omnium unius anni fructuum in non taxatis et exemptis, per æquivalentiam in taxatis, altera parte penes se reservata, altera capellano deputata, sic totum convellendum et secum rapiendum decrevit, ut plerumque beneficio atque beneficiato nihil penitus remaneat. Quantum etiam illud gravamen, et quam religioni ac moribus nostris contrarium, quo visitandi *procuraciones* prælatis et archidiaconis ad mores reformandos deputatas — sibi duxerit appropriandas. — Nec minus est onus *decimarum*, quibus est uti solitus. Nuper unam imposuit, propter quam alma mater Universitas a sermonibus et lectionibus decem septimanis cessare coacta est. Ab hæc pauperes hujus regni sacerdotes ita fuerunt oppressi, ut et excommunicationem et ab officio suspensionem multo tempore passi sint. — Illud etiam novum et pene inauditum mihi gravamen videtur, quod ecclesiastico viro mortuo et adhuc efflante animam — *spolia* ipsius ac universa temporalia, quæ successori vel ecclesiæ debent attribui, per suos ministros tam impie rapiantur, quo tanta crudelitas sequuta est, ut inhumatus evulso monumento atque corrupto corpore suis spoliis effossus privaretur. — Non contentus vir iste fructibus unius anni, quem beneficii vacantem appellant, multo tempore *beneficia pingua vacare* permittit, et eo decursu sæpe duorum vel trium annorum et amplius spiritualium fructus vel temporalium rapi atque comportari suis jubet aptissimis satellitibus. — Sed adhuc istius cupiditatis insatiabilis ardor non quiescit, petit *fructus* quos appellat *male perceptos*: — petit *vacantes* a quadraginta annis, pro quibus solvendis ecclesiæ plurimæ radicibus everterentur. Talium enim summa mille nullia transcendit. An etiam omitten-

tinguished in this respect from the French.<sup>6</sup> But Urban's successor, Boniface IX., imitated all the extortions of his rivals, whilst in Simony, which was openly practised, and even defended by him and his court,<sup>7</sup> he went far beyond them.<sup>8</sup>

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dum putatis, quod temporibus fructuum a suis injuste captorum pensiones ecclesiarum atque debita nullo modo persolvunt, quo fit ut pro talibus oneribus anni fructus sequentis non sufficiant. Exquisivit vir iste modos alios astutiores congerendæ pecuniæ. *monetam mutavit*, qua sæpe pro quatuor millibus quinque colliguntur. — Monetam auream regni recipere nolunt iidem ministri, nisi supra proprium valorem certam summam recipiant. — Litteras, absolutiones, quittancias pretio taxant intolerabili. Excommunicant sæpe, ut absolutione pauperes spolient. Relaxant dumtaxat quartam unius anni pro quatuor francis. — Omitto quæstus pecuniarum insolitos sub officio pietatis et indulgentiarum colore, quibus fallaciter innumeras pecunias a simplicibus exigunt, ut eos, sicut dicunt, ad statum reducant innocentia. Concerning the profits of the Annates, see *Nationis Gall. in Conc. Const. Declaratio de Annatis non solvendis*, c. 4, in v. d. *Hardt Conc. Const. T. I. l. XIII. p. 780.* According to this document they yielded 209,000 francs yearly in France alone.

<sup>6</sup> See above, § 101, note 2. Still Urban did not restore the freedom of election, and also took Annates. Thus *Thom. Walsingham* hist. Angl. ad ann. 1382 (Anglica, Hibernica a Veteribus scripta ex bibl. Camdeni. Francof. 1602, p. 289), relates that Urban refused to confirm the choice of a certain abbot of Bury, and appointed another in his place; and that he was obliged at last by the king to admit the first election, yet he did not confirm the electionem de ipso factam, sed per provisionem concessit Abbatiam, ita dumtaxat, ut solveret Romana curiæ duplicis vacationis censum. In A. D. 1389, Richard II. forbade the archbishop of Canterbury to collect the new contribution levied by the Pope on the clergy, see *Thom. Rymer fœdera, conventiones, etc. inter Reges Angliæ et alios*, old ed. T. III. P. IV. p. 47 seq.

<sup>7</sup> *Theodor. a Niem* de schism. II. c. 7: Ipse (Bonifacius) reperit plures bonos et legales Cardinales, — qui simonia vitium detestabantur omnino, quorum præ timore, quoad vivebant, quasi per septem annos non audebat simoniam publice exercere, attamen per aliquos mediatores secreta — exercebat, intercedentibus pactis clandestinis de promotionibus per ipsum faciendis. — Cardinalibus autem pro majori parte successive defunctis, quos ipse simoniam odio habere cognovit, exhilaratus est nimium, quia tunc liberas habebat simoniam pro libito etiam publice exercendi. (According to *Raynald*, ann. 1392, no I, he had, however, in this very year passed a decree, ut redigendorum ex omnibus sacerdotis, quæ conferrentur a sede Apostolica, *rectigalium, quæ primo labente anno obvenirent, dimidia pars* in fiscum Pontificis inferretur). Sed demum circa decimum annum sui regiminis, ut cautius ageret in hac parte, palliaretque simoniam, quam exercuit, quodam necessitatis colore *primos fructus unius anni omnium ecclesiarum cathedralium et Abbatiarum vacantium* suæ camera reservavit, ita quod quicumque ex tunc in Archiepiscopum vel Episcopum aut Abbatem per eum promoveri voluit, ante omnia cogebatur solvere primos fructus ecclesiæ vel monasterii, cui præfici voluit, etiamsi nunquam possessionem ejusdem consequi posset. De quo ipse Bonifacius penitus non curabat, imo sæpe dicebat: utinam non adipiscatur possessionem ecclesiæ vel monasterii hujusmodi, ut iterum de alio rursus pecunias extorqueret. Dicti autem primi fructus per ipsum æstimati fuerunt ad triplum illius, quod in *litteris cameræ Apostolicæ pro communi servitio* solvendo taxata fuerunt. Et quia non omnes promovendi venientes ad Curiam sufficientibus pecuniis cum sacco parati erant, usura in Curia — tantum invaluit, quod genus amplius non reputabatur peccatum. — Ut nihil ipse Pontifex omitteret, multas *uniones* ecclesiarum parochialium et aliorum benedictorum ecclesiasticorum simonia intercedente fecit. Cap. 8: Hic Bonifacius sui que secretarii et cubicularii in principio sui Pontificatus unius anni spatio vel plus, primam, quæ erat V Id. Nov., plus offerentibus vendiderunt tam inverecunde ac frequenter, quod passim devenit in derisionem etiam populorum illa venditio, et ibidem Bonifacius sub pacto quacunque beneficia ecclesiastica ubicunque locorum vacantium, sive reservata essent sive non, dispositioni Aposto-

Thus at the end of this period both divisions of the church groaned under a heavy yoke.

licæ sub dato obitus eorum, qui ea vivi possidebant, vendidit, et hæc mercimonia publica multis annis diraverunt in curia Bonifacii. Invenies etiam tunc plerosque cursores per Lombardiam et alias partes Italiae discurrere, perscrutantes, num infirmarentur aliqui pinguia ecclesiastica beneficia obtinentes, et si aliquos invenirent ægrotantes, tunc currebant ad Romanam Curiam, et mortem talium intimabant illis, qui super hoc ipsos pretio conduxerunt. Sed Pontifex ipse, utpote improbus mercator, quandoque etiam sub eodem dato unum et idem sacerdotium pluribus vendens, veluti novum proclamabat pro secundo, tertio, vel quarto: concurrentibus simul in dato super uno et eodem beneficio sic vacante, — novas gratias posteriores in dato vendidit cum clausula *Anteferrî*, per multos annos et tam diu, donec nulli vel pauci illarum gratiarum deinceps invenirentur emtores. Quod videntes ipsi proxenetae, ad inauditam prius practicam lucri captandi causa se improbe converterunt. Cap. 9: Fecerunt enim alias novas *gratias expectativas*, quæ omnes gratias illas in Dato præcedenti, quæ vocabantur cum clausula *Anteferrî*, prosternebant, sed illæ fuerunt nimis caræ, quia illæ cum simplicis clausula *Anteferrî* pro XXV florenis vel circa, sed aliæ gratiæ cum antelationis prærogativa pro L ducatis communiter vendebantur. Simul quod ultimæ gratiæ per multos assidue ambitiosos emerentur, præfati mercatores seu institores, ut plus lucrarentur, novas cautelas inveniunt. Fecit enim dictus Pontifex perquam multas regulas cancellariæ et alias ordinationes, per quas videbatur se hujusmodi gratiarum expectatarum a se tum passim venditarum effrenatam multitudinem restringere velle. Quod cum multi dictarum gratiarum sentirent emtores, novo pacto intercedente pecuniario questu impetrarunt ab ipso, quod sub illis declarationibus non comprehenderentur gratiæ ipsis factæ. Beneficia etiam dispositioni dicti Pontificis generaliter reservata, et illa potissime, quæ vacabant in Curia præfata, plus offerenti vendebant sub conditione, quod emptores illorum etiam primos fructus eorundem beneficiorum in prompta pecunia ad utilitatem cameræ Apostolicæ ante omnia solverent, quo facto tunc primum signabantur supplicationes pro ipsis emptoribus, in quibus dicta beneficia petebantur, et etiam postquam signatæ fuerunt, si alter venisset forte, qui plus obtulisset, jam signatæ supplicationes hujusmodi sæpe de regi-*stri* supplicationum dicti Bonifacii cancellabantur, et superveniens præferebatur præcedenti in dato: dicebat enim ipse Bonifacius, quod illi, qui minus obtulerunt, eum decipere voluissent. — Cap. 10: Præterea dispensationes, quæ petebantur ab ipso antistite pro quibuscunque, dummodo corresponderet pecunia, quam ejus rei causa petebat, indifferenter docto et illi carius, et indocto et huic remissius, pacto etiam intercedente, vendere non negavit. Omnia etiam beneficia in ecclesiis urbis vacantia vendidit, et si non potuit habere pecunias, res alias in commutationem recepit, ut porcos, sues, equos, granum et frumentum, etc. — Hic etiam Argus antistes libros, vestes, utensilia et pecunias suorum Curialium et Prælatorum adhuc quandoque ipsis agonizantibus per quosdam officiales suæ Curiæ ad hoc deputatos pro se recolligi fecit ad instar corvi in prædam hiantis. Cap. 11. — postremo ad profundum iniquitatis descendens, nullam penitus supplicationem — signare voluit, nisi pro singulis supplicationibus — singulos florenos auri — recepisset. Cap. 12: Præterea idem Bonifacius circa septimum Pontificatus sui annum — certam ordinationem seu regulam suæ Cancellariæ edidit, continentem in effectum, quod quicumque Archiepiscopi, Episcopi, necnon Abbates per eum promoti infra annum a tempore promotionis — computandum literas ipsius Bonifacii super eisdem promotionibus usque ad Thesaurariam expeditas non haberent, caderent a jure sibi acquisito ex promotionibus ipsis, ac ecclesiæ et monasteria ex eo per annum vacarent: dictaque literæ, licet solvissent per eum promoti aliquando pro majori parte expensas et onera, quæ de novo promotis incumbunt, non dabantur de ipsa Thesauraria, nisi totaliter persolvissent. — Et licet Innocentius VII — dictam ordinationem tanquam injustissimam et nequissimam in principio sui Pontificatus refutasset, postremo tamen ad importunam instantiam aliquorum lucri causa eam circa aliquos prælatos renovavit in principio secundi anni sui Pontificatus, propter quod Deus subito punivit eum, ut creditur, etc. — Under Boniface multi religiosi, et præsertim mendicantium ordinum fratres, quod possent ecclesiastica beneficia regere, et extra eorum ordines et loca religiosa morari, ac alia similia multa impetrarunt, nec potuit adeo quid injustum aut absurdum postulari, quod non concederetur interce-

## § 103.

## ATTEMPTS TO RECONCILE THE SCHISM.

These aggravated evils combined with religious scruples to urge on the efforts for a reconciliation. The university of Paris, in particular, labored with unwearied industry to this end.<sup>1</sup> After waiting long in

dente simoniaco pacto et soluta pecunia. Compare the work *Matthæi de Cracovia* (from 1105 bishop of Worms, † 1409) written in the time of Boniface IX. de squaloribus Rom. Curie (best ed. in *Walchii* Monim. mediæ avi fase. 1) e. g. c. 11. p. 48: Nee solum hoc modo destruuntur ecclesie et monasteria: sed etiam per hoc, quod dantur Cardinalibus vel mulieribus in *commendas*, vel assignantur et committuntur prioratus. *Gobellini* Personæ Cosmodromii Et. VI. c. 84, in *H. Meibomii* Rer. Germ. T. I. p. 316.

<sup>1</sup> See above, § 100, note 28. *Theod. a Niem.* II. c. 9: Curiales pro majori parte affirmabant talia licite fieri, cum Papa in talibus, ut dicebant, peccare non posset. Cap. 32: Vivente eodem (Bonifacio) quidam integri magistri in sacra theologia et alii in scientiis illuminati, dolentes ita communiter et aperte simoniam committi in Curia, et quod sic fieri posset, multis Juristis et aliis pertinaciter asserentibus; in contrarium arguendo, et conclusiones in quaternas et codices redigendo determinarunt, licet sub magno timore, quod Papa vendendo ecclesiastica beneficia ex pacto intercedente simoniacus esset, quia non foret constitutus, ut illa venderet, sed ut dignis gratuito dispensaret. Of these works, in which the principle is attacked, that the Pope could not be guilty of simony, the most conspicuous are *Matth. de Cracovia* de squaloribus Rom. Curie liber (see note 7) cap. 11 seq. and the *Speculum aureum* (written 1101. According to the ill-founded supposition of *Goldast*, in his *Monarchia*, T. II. p. 1527 seq. the author is commonly called *Paulus Angliens*, but according to *Theodorus Engelhusius* († 1434) in *Leibnitii* Script. Brunsv. vol. II. p. 1139, it was *Albertus Engelstat* (s. *Eugelschale*) Doctor s. theol. Pragensis: on the other hand, in a Codex of the *Speculi* in the library at Bonn, he is called *Petrus Averunus*: the best edition in *Walchii* Monim. mediæ avi. vol. II. fase. 1. p. 67 seq.), see *Pars II.* et *III.* p. 136. cf. P. II. cap. 1: Video tot et tantos scribentes in jure canonico, et summistas simoniæ vitium in romana curia excusare. Their grounds: *Bernardus (de Botono)* in glossa ord. (to *Decc. Greg.* I. 29, 12) ponit hanc communissimam distinctionem simoniæ dicens: quod quedam sunt simoniaca, quia prohibita, scil. constitutione ecclesie: quedam prohibita, quia simoniaca de sui natura, quæ scil. sunt novo et veteri testamento prohibita, ut emere vel vendere sacramenta. — Hanc distinctionem recipiunt communiter doctores, scribentes in jure canonico et summistæ — . Simoniaca, quia prohibita, dicuntur, quæ solum sunt spiritualia ex constitutione ecclesie, quæ antea non fuerunt, sicut tituli beneficiorum ecclesiasticorum: et dicunt, talia jure positivo introducta, quia tempore Apostolorum non fuerunt decanatus, archipresbyteratus, canonicatus, etc. Sic similiter dicunt, ea vendere vel emere est simonia ideo, quia constitutione ecclesie emptio vel venditio talium est prohibita. — Et ideo dicunt, — quod excusat auctoritas Papæ, qui habet in talibus dispensare. — Quis enim dubitat, titulos ecclesiasticos jure positivo inductos? Nam solus Papa facit dignitates, instituit prelatos. — Unde sola voluntas, tacita vel expressa, tollit jus. — Et ideo dixit *Goffr.* et alii, quod simonia non habet locum in curia Romana. These principles are vehemently opposed in the dialogue by *Paul*, till *Peter*. P. III. c. I. p. 189, is made to admit: Jam clare video, quod excusatoribus simoniæ est subdata excusatio, et fundamentum, quo videbantur innixi, radicibus extirpatum. Ino, ut mihi videtur, hæresis est, asserere, quod Papa licite possit pro spirituali titulo recipere pecuniam: et multo magis, hoc facere in effectu. Propter quod videtur mihi, Paule, quod tota Romana Curia est in via damnationis, per ea, quæ superius demonstrasti. Omnis enim curtisanus ipso facto sui officii videtur particeps simoniæ.

<sup>1</sup> The university had, to be sure, suffered particularly during the schism, see § 102, note 2. The first steps were, therefore, taken in resistance to oppression, *Bulæi*



vain for some compromise between the two Popes,<sup>2</sup> the university at length received permission from the court to give an opinion on the subject (A. D. 1394).<sup>3</sup> Benedict XIII. showed even less disposition than his predecessors had done (notwithstanding the promise given at his election) to take any effectual step towards a reconciliation,<sup>4</sup> and

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hist. Univ. T. IV. p. 582 seq. — In the same year, however, appeared *Henrici de Langenstein*, or de Hassia (Vice-chancellor of the university of Paris, from A. D. 1384, professor of theology in Vienna) *Consilium pacis de unione ac reformatione ecclesiæ in concilio universali quaerenda* (in v. d. *Hardt* Conc. Const. T. II. p. 10 seq.; and in *Jo. Gersonii* Opp. ed. du Pin, T. II. p. 809 seq.); and the professor of theology, *Petrus de Alliaco*, also recommended a general council to the duke of Anjou, as the best means of reconciling the schism, and assured him that such was the opinion of the university (*Jo. Launoji* hist. Regii Navarrae Gymnasii, Paris. P. III. lib. 1. c. 4).

<sup>2</sup> According to *Bulæi* hist. Univ. Paris. T. IV. p. 618, Clement, in a letter written as early as A. D. 1387, to all princes and prelates, declared himself ready, se Concilii generalis auctoritati et definitioni libenter submissurum imo cessurum, si sic Ecclesiæ videretur expedire. The Roman Pope, Urban, however, in answer to the German princes, who attempted to prevail on him (*Theod. a Niem* l. 66), ut unionem faceret cum Clemente, persisted in maintaining, quod ipse esset verus Papa, nec expediret illud in dubium vertere. His successor, Boniface IX, offered duke Stephen of Bavaria, to appoint his rival, if he would yield his pretensions to the papal crown, to be cardinal in partibus ultramontanis, quas Gallias et Hispanias appellant, etc. — and Apostolicæ sedis legatus et pro Ecclesia Romana in temporibus generalis Vicarius for life.

<sup>3</sup> This opinion, dated 6 Jun. 1394, is in *Bulæus* IV. p. 687 seq.; in *d'Achery* Spicil. l. p. 776. The university proposes tres vias ad pacem in Ecclesia obtinendam, namely, cessionis, which it recommends, compromissionis and Concilii generalis, aut secundum formam juris ex Prelatis tantummodo celebrandi, aut quia plures eorum satis, prohi pudor! hodie illiterati sunt, pluresque ad alterutram partem inordinate affecti, mixtis una cum Prelatis ad æqualem eorum numerum Magistris et Doctoribus theologiæ ac Juris de studiis solemnibus utriusque partium antiquitus approbatis. — Si alter dissidentium aut uterque vias tres expositas inire obstinatius refugerit. — eum velut schismaticum pertinacem, et — hæreticum — judicandum, etc. At the same time they wrote to Clement VII (*Bulæus* IV. p. 699), admonishing him to aid in putting an end to the schism, and complaining of his legate, *Petrus de Luna* (afterwards Benedict XIII): nobis ea quæ audivistis erga præfatum Principem pro Ecclesiæ salute agentibus — supervenit inimicus homo, qui — hunc totum laborem nostrum — extinguere et cassare, licet frustra, molitus est. Et primo quidem tentavit audientiam nostram in Regia præsentia impedire. — Deinde — super hac materia perpetuum silentium imperari nisus est, sed certe dignam — repulsam retulit, qui a Rege Christianissimo — tam execrabile scelus poposcisset. — Nequam qui hoc cogitavit, nequior qui tam iniquo cogitatu consensit, nequissimus qui hoc ipsum abominandum facinus explere voluit. — Beatitudinem vestram talium vindicem esse decernatis, quam et nos in ultionem hujuscemodi malorum appellamus, imploramus atque expectamus. Nam de modis et remediis, per quos suum damnabile propositum obtinere conatus est, quid attinet scribere? noti pene omnibus: — satis certe scimus eos, — scient prohi pudor extera Nationes, scient, inquam, utinam non ad *Vestræ sinceritatis dedecus, utinam non ad vestræ causæ detrimentum*. — Ea propter, Pater beatissime, per fidem integerrimam, — per amorem amplissimum et sanctissimum, quem ad sponsam Ecclesiam habere debetis, — vos hortamur, — ut ad hanc sanctissimam concordiam, quæ in manu vestra sita est, non ultra jam prorogando intendatis. Satis jam satis huc usque cessatum est, satis tepuimus, satis quievimus, satis expectavimus, etc. In a Ms. there is a note to this letter (l. c. p. 701), that the Pope, when he read it, remarked: *literæ istæ malæ sunt et venosæ*: from that time he continued to be dissatisfied, and soon after died.

<sup>4</sup> The wish of the king and the minority to defer the election (*Bulæus* IV. p. 710; *d'Achery* l. p. 770) was disappointed. Still the cardinals had previously

returned an evasive answer to the urgent proposition of the French national synod (1395).<sup>5</sup> The university, however, was not to be discouraged,<sup>6</sup> and persevered till it at length brought about an agreement between the king of France and the emperor Wenceslaus, to force both Popes to resign (A. D. 1398).<sup>7</sup> The latter was too weak to perform his part of the contract, but France renounced its allegiance to Benedict at another national synod A. D. 1398,<sup>8</sup> and the

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bound themselves by oath (*Bulæus* IV. p. 730), that whoever should be chosen Pope, omnes vias utiles et accomodas ad unitatem Ecclesiæ — sine machinatione seu excusatione vel dilatione quacumque servabit et procurabit — usque ad cessionem etiam inclusive per ipsum de Papatu faciendam, si Dominis Cardinalibus — hoc pro bono Ecclesiæ et unitatis prædictæ videatur expedire.

<sup>5</sup> See the account of this council by a Monachus s. Dionysii, in *d'Achery* I. p. 773; the Acta in *Martene* ampl. coll. T. VII. p. 437 and 458, both in Mansi XXVI. p. 773. The via cessionis was considered the best, and the king sent the Duke de Berry, Burgundy and Orleans to Benedict, to recommend it to him, (see the instructions given them in Mansi, l. c. p. 787). Benedict proposed, instead (see *Responsio* in *d'Achery* I. p. 789), a personal meeting with his rival, and a compromise, the futility of which was to be foreseen. Compare the Narratio of the university (*Bulæus* IV. p. 800, agreeing with the more detailed account of *d'Achery* I. 791, and the statement in the royal edict of 1398, *ibid.* p. 858): DD. Duces cum omni humilitate — D. Benedictum monuerunt, ut dictam viam vellet recipere, sibi reducentes ad memoriam juramentum per eum præsitum: — ad quæ respondit glossando juramentum. — DD. Cardinales collegialiter omnes dempto uno asseruerunt ad dictum D. Benedictum, — qualiter prædictæ via adhererant, tanquam meliori et breviori pro sedatione Schismatis, — quare finaliter humillime sibi supplicarunt, quatenus ad ipsam viam condescendere vellet. Et ipse — negavit verbis comminatoriis, ipsos Cardinales — requirendo, ut cum ipso in sua via starent. — DD. Principes videntes et percipientes has responsiones, DD. Cardinalibus supplicaverunt, ut super deliberatione et conclusione per eos ad dictam viam cessionis facta et habita sedulam suis — sigillis munitam vellet dare. — Hanc supplicationem — audiens D. Benedictus, inhibuit sub penis excommunicationis, inobedientiæ et infidelitatis, ne hujusmodi sedulam conficerent. The Pope's letter, containing this prohibition, see in *Bulæus* IV. p. 731 (where it is erroneously referred to the schedula conclavis note 4) and *d'Achery* I. p. 794.

<sup>6</sup> As Benedict de prædictis indignatus sine causa contra ipsam Universitatem et nonnulla ejus Supposita, processus aliquos et sententias, seu beneficiorum privationes facere disposuit et facere præcepit et ad hoc faciendum aliquos commisit: the university appealed 1396 (see *Bulæus* IV. p. 799 seq.) a prædicto Benedicto prætensisque Commissis et Committendis, — nec non ab omnibus et singulis gravaminibus — illatis et alias inferendis ad proximum futurum mitem, verum, orthodoxum et universalem Papam, etc. To this appeal, dd. 30 May, 1396, which he asserted (l. c. p. 820) to have been made sub occasione nonnullorum per nos eis, ut falso dicebat (Procurator Univ.), comminatorum et in posterum forsitan inferendum gravaminum, quin potius ut sub pallio hujusmodi conceptarum malitiarum suum intentum valerent prosequi, Benedict answered, *non licuisse seu licere a Rom. Pontifice appellare, seu etiam provocare*: et nihilominus provocationem seu appellationem a jure prohibitam et damnatam esse, ac nullam, nulliusque efficaciam existere, etc. The university answered this letter with much effect in a second appeal (l. c. p. 821).

<sup>7</sup> *Theod. a Niem* II. e. 33. Anonymus in *Martene* ampliss. coll. VII. p. 431. Eberhard Windeck (about 1431) *Gesch. Kayser Siegmunds* in *Mencken* Scriptt. *Rev. Germ.* T. I. p. 1077.

<sup>8</sup> The Acta in *Bulæus* IV. p. 829. Mansi XXVI. p. 839 seq. The royal edict of 27 Jul. in *Bulæus* IV. p. 853; and in the *Pieuves des libertez de l'Égl. Gall.* chap. XX. no. 1: — ab obedientia totali ipsius Benedicti et ejus adversarii, ejus mentionem non facinus, etiam nusquam sibi obeliverimus — nos. Ecclesia, Clerus,

example was soon followed by Castile,<sup>9</sup> the Pope being kept as a prisoner at Avignon.<sup>10</sup> Nor was it till several years after that France was won back to the cause of Benedict, through the influence of the duke of Orleans, and then only under an express promise that he would comply with the wishes of the court (A. D. 1403).<sup>11</sup> But this promise it was soon evident that he had little intention of fulfilling.<sup>12</sup> Still, as the Italian cardinals had extorted a similar promise from their Pope, Innocent VII. (1404), at his election,<sup>13</sup> it became necessary, for appearance' sake, to open negotiations. The failure of these excited general dissatisfaction, and France had already threat-

et populus Regni ac Delphinatus — recedimus, nuntiamusque auctoritate præsentium recessisse. Volentes inter cetera, quod abinde inante ipsi Benedicto — de emolumentis Ecclesiasticis — solvere aut respondere nemo præsumat. Quod etiam occurrentibus vacationum casibus assumantur ad Prælaturas, dignitates, et alia beneficia electiva per electionem; cæteris etiam beneficiis provideatur per collationem eorum, ad quos hujusmodi electio et collatio spectant: — districtius inhibentes universis et singulis subditis nostris, — ne præfato Benedicto, ejusque sequacibus — obedire quomodolibet — præsumant, etc. The 18 cardinals of Benedict thereupon wished a totali obedientia ipsius recedere and betook themselves to Villa-nova (*d'Achery* l. p. 799).

<sup>9</sup> The edict of Henry III. of 12 Dec. 1398, in *Raynald*. ad h. a. no. 25.

<sup>10</sup> See Acta vett. in *Baluzii Vitæ*, PP. Aven. II. p. 1122.

<sup>11</sup> The negotiations began as early as 1402. The dukes of Berry and Burgundy, as also the university of Paris, were against the restoration of Benedict, and the duke of Orleans, with the university of Toulouse, in favor of it. A long letter on the subject was addressed to the king by the latter (*Bulæus*, V. p. 4), and answered by the university of Paris (*ibid.* p. 25 and 30), as also in a large work of *M. Guil. Ronacensis* Præpositus (*ib.* p. 53). (An unprinted answer by Simon Cramand, patriarch of Alexandria, who had presided at both the previous national councils, is in the library of the university of Bonner). Finally, the Orleans party succeeded in bringing about the restoration at a new council, *Bulæus*, V. 63. Preuves des lib. de l'Egl. Gall. ch. XX. no. 7. The promises referred to in the text were given to the assembly by the duke of Orleans (*li. cc.*): Monseigneur le Duc d'Orleans se fait fort d'avoir Bulles de nostre S. Pere, de l'acceptation de la voye de cession en trois cas, sçavoir *Adversario cedente, decedente, vel ejecto*. — Item que nulle discussion ne sera jamais faite de la soustraction en Concile general, ne autre part, et toutes injures, qui ont esté faites ou dictes à cause d'icelle, et empeschemens donnez d'une part et d'autre soient annullez et pardonnez, et mondit seigneur d'Orleans se fait fort d'avoir Bulles, comme dessus. — Item le Roy ne l'Eglise de France n'entendent point que aucune chose soit innovée és collations et promotions faites par les Ordinaires pendant la substruction. — Item le Pape célébrera un Concile général de son obeysance dedans un an, selon forme de droit, le plustot que faire se pourra, ou quel sera traité et appointé de la poursuite de l'union dessusdite et des Reformatons et libertez de l'Eglise, et des subsides et charges quelsconques, qui sont par la Cour de Rome sur l'Eglise de France. Et le Pape mettra à execution ce qui sera appointé et ordonné audit Concile.

<sup>12</sup> He began immediately to oppose the appointments that had been made during the interval, and demanded the usual papal fees for the past 40 years. See the royal edict of 19 Dec. 1403, in *Bulæus*, V. p. 67.

<sup>13</sup> *Theod. a Niem*, II. c. 34: ante electionem ipse Innocentius — ac ipsum eligentes prædicti Cardinales sponte jurarunt et voverunt, quod quicumque ipsorum eligeretur in Papam ad hoc, quod dicta unio fieret, ejus Papatui pure et sponte cedere deberet, dum tamen dictus Petrus de Luna (Benedictus XIII) etiam suo Papatui sponte cedere vellet. This *Compromissum* of the cardinals, see in *Martene* thes. II. p. 1274 seq.

ened once more to renounce its obedience (at the national council, January, 1407);<sup>14</sup> when at length the two Popes arranged a personal meeting at Savona, in September, 1307.<sup>15</sup> Benedict was true to his appointment, but Gregory XII. went only as far as Lucca, and there opened new negotiations as to the place of meeting.<sup>16</sup> This breach of promise offended the Roman cardinals to such a degree, that they forsook him,<sup>17</sup> and renounced their allegiance to his cause,<sup>18</sup> whilst the French did the same with regard to Benedict.<sup>19</sup> Benedict escaped

<sup>14</sup> Acta in *Bulæus*, V. p. 137. *Martene* thes. II. p. 1307. Mansi XXVI. p. 1017.

<sup>15</sup> Capitula accordata in Massilia die XXI Apr. inter D. Benedictum ex una parte, et duos Episcopos, etc. legatos D. Gregorii, etc: in *Martene* thes. II. 1314.

<sup>16</sup> *Theod. a Niem*, III. c. 14, 17–19. Ejusd. memoris unionis Tract. III. *Leonardi Aretini* (then at Gregory's court) rerum suo tempore in Italia gestarum comm. (in *Muratorii* scriptt. Rer. Ital. XIX. p. 926): Voluntas illa Pontificis (Gregorii) recta nequaquam satis habere firmitatis reperta est ad Pontificatum deponendum: ejus rei culpam multi in propinquos ejus referabant; ab his enim formidines inanes, et admirata pericula quotidie fingi, ac instillari alio auriibus prædicabant, quibus ille deterritus nec Saonam accedere voluit, altero Pontifice illic constituto tempore se exhibente et absentiam ejus incusante; et in ceteris, quæ facienda erant, difficilem se præbuit et morosum. Roma tamen profectus est Senas, ibique longiore mora protracta, quum ab universis accusaretur, Lucam se tandem contulit, data rursus inani spe quasi cum adversario Pontifice coiturus. Erat in altero Pontifice non melior sane mens, sed occultabat callidius malam voluntatem, et quia noster fugiebat, ipse obviam ire videbatur. Itaque Saona profectus est in Veneris Portum, atque inde, quo prior esset, Spediam venerat. Sed quum de congressu eorum per internuntios ageretur, noster tanquam terrestre animal ad litus accedere, ille tanquam aquaticum a mari discedere recusabat. The Acta of the negotiations between the two Popes in *Theod. de Niem* Memoris Unionis Tract. VI. c. 2 seq. *Martene* thes. II. p. 1366. Ejusd. ampl. coll. VII. p. 759.

<sup>17</sup> The immediate occasion was the order of Gregory: Præcipimus omnibus — cardinalibus — sub pœna privationis cardinalatus et omnium beneficiorum, — ne a die quarta videlicet Maji in antea, aliquis eorum exeat de Luca sine speciali et expressa licentia nostra; — ne ulterius congregentur in aliquo loco sine expresso mandato nostro; — ne aliquis eorum participet cum oratoribus Petri de Luna, neque cum oratoribus Gallicis sive per se sive per interpositam personam. The cardinals in Pisa first appealed against this order on the 30th of May (*Martene* thes. II. p. 1394).

<sup>18</sup> Encouraged to the step by a letter of the king of France, of 22 May (*Bulæus*, V. p. 162), and the university of Paris, of 29 May (l. c. p. 163). Their proclamation *ad universos Christi fideles* from Leghorn, July 11, in *d'Achery* spicil. I. p. 807: eundem Gregorium velut hæreticum et nutritorem schismatis antiquati dereliquimus sibi, cum juxta canonicas sanctiones peccatum sit ei obedientiam præstare, die XI mensis Maji proxime præteriti omnem quantum in nobis fuit obedientiam juxta juris exigentiam abstraximus, ac recessimus ab eodem, dispositi ut oportuit et oportet ex adverso consurgere, et murum nos opponere pro domo Israël. Then an exhortation to all the churches to refuse obedience to Gregory.

<sup>19</sup> A royal edict of 12 Jan. 1408 (more Gallicano 1407. *Bulæus*, V. p. 147 and 172) declares: judicamus, — nullum ad præsens patere validius in tam desperato malo remedium, quam quod neutri contententium, ac sibi forte successuris, præstetur deinceps obedientia a populo Christiano: deficiente siquidem fomite ignis iste infernalis donante Deo collabatur. Quapropter — nos et Ecclesia regni nostri et Delphinatus Viennensis — decrevimus talem amplecti neutralitatem in festo Ascensionis proxime venturo, nisi interea nobis publica pax advenerit, et prædicta fiat unio. Benedict now issued the bull of excommunication, which had been prepared as long ago as the 19th of May, 1407, for the national council which was then assembled (l. c. p. 143) in omnes et singulos, qui Ecclesiæ unionem — impe-

imprisonment by flying to Perpignan, but the cardinals on both sides assembled at Leghorn, and appointed a general council at Pisa, in March, 1409, for the final adjustment of the schism.<sup>20</sup>

### § 104.

#### EFFECTS OF THE SCHISM ON THE STATE OF PUBLIC SENTIMENT IN ECCLESIASTICAL MATTERS.

The schism, with its attendant evils, drew the general attention to the state of the church, whilst the impotence of the popes gave full scope to remark; and the consequence was the universal prevalence of such sentiments on the subject as had hitherto been uttered only in the heat of controversy, and of course not without some appearance of passion and partiality. These sentiments now took such deep hold even of the truest adherents of the church, that they never after could be entirely eradicated. The papal authority, hitherto considered the highest in the church, being now in dispute between two claimants, and all hope of a compromise apparently cut off, it became necessary to seek for some still higher authority in the almost forgotten ecclesiastical laws. This was of course the part of the learned; and thus Science assumed the office of arbitrator, and her representatives, the universities, especially the university of Paris, attained an influence feared even by the popes.<sup>1</sup> The comparison of the present with the past led also to many other convictions hardly less unfavorable to the papal power. There were indeed but few, who went so far as actually to wish that power abolished as the source of all evil in

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dierint, aut turbaverint, et a nobis — appellare præsumpserint, seu a nostra — obedientia recesserint, etc. This, together with another letter of a conciliatory character (l. c. p. 152) was, with due formalities, destroyed (*Monachus S. Dionysii* b. *Bulæus*, V. p. 170. Preuves des lib. de l'Égl. Gall. chap. XX. no. 15), and the king declared himself neutral. (Edict of 25 May, 1408, l. c. p. 165). A new national council (11 Aug.) enacted the *Advisamenta super modo regiminis Eccl. Gallicanæ durante neutralitate* (in the Preuves, l. c. no. 16. *Bulæus*, l. c. p. 175).

<sup>20</sup> The summons of Benedict's cardinals of 14 Jul. in *d'Achery* I. p. 811; of Gregory's, *ibid.* p. 814.

<sup>1</sup> cf. *Prima Appellatio Universitatis a Benedicto XIII. A. D. 1396* (*Bulæus* IV. p. 806): *Nec est credendum, Jesum Christum sponsam suam omni adjutorio spoliata relinquere velle; sed pie dicendum, adjutorem et propugnatorem suscitasse, suscitasse inquam Daniele eruditum in sapientia adversus senes, Susannam Ecclesiam, pudicam Christi sponsam, quæ unius cubiculi puritatem casto pudore custodivit et custodit, adulterare molientes, contra Jasonem et Menelaum præactos, de Pontificatu dissidentes, Mathatiam Mathateosque (leg. *Maccabæosque*) legis Dei zelatores ferventissimos, Universitatem Parisiensem, matrem omnium scientiarum, fontem sapientiæ totius inexhaustum, lumen Ecclesiæ verum quod nunquam appropinquat occasui, nunquam pertulit eclipsim, speculum fidei tersum et politum, convexum non concavum, non angulosum, nullis offuscatum nebulis, nullis contagii maculatum; *Serenissimum Regem Francorum*, solem Justitiæ, *illustres Ducem cæterosque Principes domus Franciæ*, stellas fixas in luce orthodoxæ religionis clarissimo resplendentes fulgore.*

the church.<sup>2</sup> But, on the other hand, its most faithful friends could not but see that the power of the popes was overgrown, and their pretensions beyond bounds exaggerated.<sup>3</sup> They saw in the temporal ambition of the popes the source of all mischief, as also of the schism,<sup>4</sup> and sighed for the times when the emperors summoned

<sup>2</sup> Epist. Univ. Paris ad Clementem VII. A. D. 1391 (*Bulæus* IV. p. 700): Jam eo ventum est, et in tantam perniciem erroremque res processit, ut plerumque passim et publice non vereantur dicere, nihil omnino curandum quot Papæ sint, et non solummodo duo aut tres, sed decem aut duodecim, imo et singulis regnis singulos præfici posse, nulla sibi invicem potestatis aut jurisdictionis auctoritate prælatos. It was maintained by *Jo. de Guignecurtius* of Paris, that the church could do without the pope altogether (*Enguerrand de Monstrelet* I. c. 30, 43, 52, cited in the *Catalogi testium veritatis Auctarium*. Cattopoli. 1667. p. 100.

<sup>3</sup> Comp. *Jo. Gersonii Considerationes de Pace*, in a sermon delivered before Benedict XIII. on new year's day, 1404, in Tarascon, Con-id. I. (Opp. ed. *Du Pin*. T. II. p. 69): Quis non videat, quam impium est, præsertim apud eos, qui se Ecclesiasticos dici volunt, si peritos in Evangelica lege vel non consultare vel abjicere, vel majori sacrilegio, habere probro cognoscantur; hinc errores, hinc præsumptuosæ assertiones, hinc perplexitates inexplicabiles, hinc obstinatæ defensiones adinventionum humanarum in perniciem Ecclesiæ et pacis salutiferæ, finis sui, surgunt: ut, quod non licet disputare de potentia Papæ, quod non potest sibi dici, cur ita facis? cum tamen sit peccabilis; quod non potest in aliquo casu Ecclesia sine eo convocari vel aggregari; quod hic est fidei articulus, Benedictus est Papa (exempli gratia); quod non potest in aliquo casu ad Concilium Papa vocari; quod absque eo non stat salus, cum tamen salus Ecclesiæ in solum Deum ordinetur absolute et essentialiter, et in hominem Christum de ordinata lege, sed accidentaliter ordinatur in Papam mortalem; alioquin, dum vacat Sedes per mortem Papæ vel naturalem vel civilem, utputa si sit hæreticus depositus, quis hominum salvus esset? Alii Papam prædicant impeccabilem, alii omnipotentem, alii sine ulla exceptione credunt extra salutis statum quemlibet suæ parti non obedientem. — Quod quanta temeritate dicatur, ipsi viderint assertores.

<sup>4</sup> Comp. the jurist *Jo. Petri de Ferrariis Practica* (written 1409–1413), *Forma responsionis rei conventi* (edit. Lugdun. ann. 1502. fol. 39): Quomodo et quot modis isti clerici illaqueant laicos, et suam jurisdictionem ampliant! Sed heu miseri Imperatores et principes sæculares, qui hæc et alia sustinetis, et vos servos Ecclesiæ facitis, et mundum per eos infinitis modis usurpare videtis, nec de remedio cogitatis, quia prudentiæ et scientiæ non intenditis, etc. — fol. 43 verso: casus, in quibus non currit præscriptio. — Novus est, dum est schisma in ecclesia Dei, sicut moderno tempore, quo sunt duo Papæ, qui jam durarunt XXX annos et ultra; et perseverabit, nec unquam quiescet ecclesia, nec Italia, donec ipsa Ecclesia possideat civitates vel castra, et donatio eidem facta per Constantinum fuerit per aliquem probum et potentem Imperatorem penitus revocata, cum non bene conveniat psalterium cum cithara, nec datum sit a Christo, nec a b. Petro, quod possidere debeant talia. Sed quod est Cæsaris, reddatur Cæsari, et quod est Dei, Deo. — *Forma in actione confessoria pro servitutibus fol. 113 verso*: — Vides, quod ipse Papa, qui deberet tanquam verus vicarius vestigia sequi Jesu Christi, possidere et manu armata nititur detinere jurisdictionem in terris, civitatibus et villis et locis, quæ sunt naturaliter, et a mundi creatione et Christi ordinatione, Imperii Romani. — Immo ipse Papa in ipso Imperatore nititur superioritatem habere, quod ridiculum est dicere, atque abominabile audire. Nam naturaliter a principio mundi omnes Clerici, nedum Laici, erant sub potestate et jurisdictione Imperii: sed ipsorum Imperatorum dulcedine et benignitate fuerunt clerici dimissi sub potestate Papæ, et beneficium hoc tanquam ingrati sciunt male cognoscere, ut notat P. Innoc. in c. II. de maj. et obed. Bene ergo et sancte faceret ipse Papa, si totam corporalem jurisdictionem in manibus Imperatoris remitteret, nec aliter unquam respublica, et maxime Italia, quiesceret: nec ulterius de Papatu tale schisma, quale fuit et est XXXVI annos præteritos, ullo tempore amplius accideret; et ex hoc status universus clericorum magis redderetur Deo ac populo devotus, et ipse Papa cum Cardinalibus viveret quietius ac Deo devotius, et populo magis acceptius et gratius.

Synods by their own authority to compose schisms as soon as they appeared.<sup>5</sup> Equally general was the indignation at the ecclesiastical abuses of the popes, and the wish to remedy them by putting bounds to the papal authority.<sup>6</sup> No question was more frequently discussed

<sup>5</sup> *Theodoricus a Niem* de schismate III. c. 7: Fatue et adulatorie loquuntur illi, qui dicunt, quod Papa seu ecclesia duos habet gladios, scil. spirituales et temporales. — Etenim si uterque gladius apud Papam existeret, supervacue vel fide Imperator, vel Rex Romanorum illud nomen haberet. Sed isti adultores seu assentatores per talia scripta et dicta inducunt maximum errorem in tota Christianitate, et suscitant quodam modo perpetuam emulationem seu discordiam inter Papam et Imperatorem. Conculcatur enim per hoc imperialis auctoritas, et ejus potestas sub dubio collocatur in totius reipublicæ detrimentum, ut videmus. Patet enim ex Decreto, quod, cum schisma viget in Romana sede, quod propter auctoritatis excellentiam et in temporalibus potentiam Imperator, vel Rex Romanus prælatos ecclesiasticos potest convocare, ut illud omnino tollatur. Quod credo intelligi debere de illis, qui re et nomine Imperatores vel Reges existunt Romani, non autem de illis, qui desides, seu solo nomine Imperatores seu Reges Romani sunt, sicuti fuerunt Imperatores et Reges Romani, quos nostro tempore habuimus et habemus. Illi enim non merentur Imperatores vel Reges Romani nominari, qui sunt pusillanimes et effœmiati. By way of comparison he relates how Theodoric, king of the Ostrogoths, conducted in a case of a disputed papal election: quod autem imperialis potestas sit præcipue super malum et incorrigibilem Pontificem Romanum, per quem scandalizatur Ecclesia, he proves, c. 9, by the history of Otho's interference against John XII.: tunc erat adeo excellens Augustus, quod nemo contra ejus voluntatem aliquem Papam, præsertim malignum, abjectum, vel schismaticum ausus fuisset publice confovere. Cap. 10. Quid igitur inducit aliud hæc pompa tantorum temporalium dominiorum, de quibus nunc gloriatur ecclesia Romana, quam negligentiam in spiritualibus, et erectionem tyrannorum in eisdem dominiis, et divisiones seu schisma in eadem ecclesia, et alia mala plurima, [sicut] satis est notum. Cap. 11: Quis tunc disputasset cum eodem magno Augusto Ottone de ipsius judicio super contententes super Papatu, seu perverso unico Papa, scil. quod nisi a Deo possent judicari? Utinam talis Imperator surgeret temporibus nostris, qui nunc cassaret scripturarum multipliciter in hoc labyrintho, quæ adeo creverunt, — quod vix eos centum cameli portarent. Nec credo illud obstare, quod Canonistæ dicunt, quod Papa, nisi a fide sit devius, deici non possit, et quod nemo judicat primam sedem. — Quæ licet ita teneantur, tamen in putativo et contentente de Papatu in schismate variantur nec subsistunt, nec etiam intelliguntur rationabiliter in uno et indubitato Papa malefico, et ecclesiam scandalizante, quia ille revera proprie dici non potest Christi vicarius, — sed bestia magis proprie appellatur, etc.

<sup>6</sup> This Benedict XIII., 1403, had to promise the French church, see above, § 103, note 11. *Matthæus de Cracovia* de squaloribus Rom. Curix (see § 102, note 7), cap. III.: Considerandum, quo jure, ratione, vel modo sedes apostolica sibi usurpaverit promotionem et provisionem Episcopatum, Abbatiarum, et aliarum dignitatum, collationem quoque omnium beneficiorum, quæ sunt de jure patronatus spiritualium personarum. Et videtur quod non de jure, sed contra jus et cum injuria capitulorum, — quibus competebat electio, — nec non cum injuria Episcoporum, etc. — Forte dicitur, quod sedes Apostolica fecit hoc ob culpam, et in penam Prælatorum et capitulorum, quia hi eligebant et illi providebant minime bene. Sed si illa ratio valeret, tunc etiam deberet auferri et dimitti ab ecclesia Romana: quia jam providet ita male, sicut prius est factum. — Insuper hoc non est de jure introductum, sed per cautelam et astutiam. Quia, ut fertur in principio electionis ac coronationis suæ Apostolice dirigebant primarias preces diœcesanis pro familiaribus suis. Talis enim ordo et Romanæ curiæ fuit consuetudo, quod primo monitoriæ, secundo præceptorix, ultimo executoriæ litteræ concedebantur (see § 62, note 10). — Item non erat verisimile, quod nullus Prælatorum bonus et diligens fuerit in providendo, et ideo non debuit omnibus auferri. — Amplius hæc non est pœna medicinalis, quæ non sanat, sed mortificat. Nec enim per hoc provisum est, ne male provideant, sed ne quicquam in hoc boni vel mali faciant, sicut si Deus homini peccanti libertatem voluntatis auferret, ne ultra peccaret. Am-

during the schism than the (for the pope so dangerous) one of the relation of the papal authority to that of an œcumenical council; a question at length decided in favor of the latter.<sup>7</sup> The result of the

plius quando Prælati conferebant beneficia, melius impediri vel revocari potuit mala provisio, et puriori male providens, quam jam. Tunc enim Papa tanquam superior potuit irritare provisionem, privare institutos, et instituire meliores. Hoc autem per inferiores contra superiorem fieri non potest tam bene vel congrue. The Pope had not the necessary local knowledge of things to make wise appointments. Evil consequences of the papal Reservations. Cap. IV.: Posito autem, sed propter rationes præmissas non concessio, quod Papa de jure — potuerit omnium beneficiorum et dignitatum sibi collationem attrahere, quid boni vel utilitatis importat ista mirabilis multitudo *gratiarum* ad beneficia vacatura? — tot gratia sunt, ut non sit possibile, vel medietatem earum effectum habere. — Hence Cap. V. the advice, recurrendum ad priora jura, non faciendo gratias expectativas, and to leave the elections to the Ordinariis, sicut erat prius. Comp. Speculum aureum (see § 102, note 8), cap. 4 seq. *Nicolaus de Clamengis* de ruina Eccl. (see § 102, note 1), cap. 4 seq.

<sup>7</sup> *Matthæus de Cracovia* de squaloribus Rom. Curia, c. 20: Dicunt (the papal party), quod si Papa peccet, oportet tamen obedire et non resistere, — imo nec judicare, quia membra non debent regere caput, sed e converso. It is conceded: nullus inferior habet judicare superiorem, imo nec communitas, quamdiu restat aliquis superior, cui de jure competat, et qui velit justitiam facere. — Quando vero non est aliquis talis, qui possit, et si est aliquis talis, qui possit, et si est invocatus, non velit facere, quod officii sui est; tunc communitas tota, vel hi qui sunt et totum simul aut partes repræsentant, possunt judicare eum, in quo manifestum est eum delinquere, et in quo incorrigibilis esse et perseverare comprobatur. Cap. 21: Ad hoc convenientius declarandum, ponatur casus, — quod ipse Deus aliquem Abbatem — exemerit — ab omni jurisdictione spiritualium et secularium, etiam Papæ, et quod Abbas ille in reprobum sensum conversus gravet monachos suos, contra regulam intrantes simoniace recipiat, — omnes sibi consentientes permoveat ad agendum contra salutem suam et regulam, committitque bona monasterii monachis dissipatoribus eorundem. Et arguitur primo, quod in hoc casu non teneantur ipsi obedire monachi, sed resistere et opponere se ipsi, — et si opus est, ad ejus depositionem procedere. For this the proofs. Cap. 22: Si ergo contingat, quod Papa sic agat circa universalem ecclesiam, sicut talis Abbas, — sequitur, — quod possint et debeant procedere contra eum. — *Jo. Gersonii* tract. de unitate eccl. written in January, 1409 (Opp. ed. *du Pin*, II. p. 114). Consider. II.: Unitas Ecclesie essentialis semper manet ad Christum sponsum suum, nam caput Ecclesie Christus. — Et si non habet Vicarium, dum scilicet mortuus est corporaliter vel civiliter, vel quia non est probabiliter expectandum, quod unquam sibi vel successoribus suis obedientiam præstetur a Christianis; tunc Ecclesia tam divino quam naturali jure, cui nullum obviat jus positivum rite intellectum, potest ad procurandum sibi Vicarium unum et certum semet congregare ad Concilium generale repræsentans eam, et hoc non solum auctoritate DD. Cardinalium, sed etiam adjutorio et auxilio cujuscunque Principis vel alterius Christiani. Non enim habet corpus Ecclesie mysticum a Christo perfecti-sine stabilitum minus jus et robur ad procurationem suæ unionis, quam corpus aliud civile, mysticum, vel naturale verum: neque enim est de immediato ac immutabili jure, divino vel naturali, quod Ecclesia se non possit congregare et unire sine Papa, aut sine aliquo particulari Statu vel Collegio, ubi in casu cadere potest mors vel error. — Consider. X.: Occurrere possunt casus multi, in quibus pro adeptione pacis publicæ aut justæ defensionis, sicut vim vi repellendo, liceret a rite electo in Papam substrahere obedientiam, liceret in neutralitate manere, liceret ipsum corporaliter incarceratione, liceret ei administrationem omnem publicam interdiceret, liceret per appellationem aut simile remedium sibi resistere, fieretque sic obedientia vera potius quam contradictio vel resistentia: — liceret concilium generale eo invito celebrare, liceret tandem ipsum ad sessionem compellere, vel renitentem dejicere ab omni honore et gradu, immo et vita privare. Hæc omnia denique taliter licere possunt stabili jure divino et naturali, quod adversus hanc veritatem nulla lex vel constitutio puri hominis cujuscunque sine nova authorizatione Dei fieri debet, quia erroris intolerabilis damnanda sit. Comp. his



whole was the calling of a general council, which was not only to decide the controversy between the two popes, but to set bounds to the abuses of the papal power, and threatened to destroy entirely the system which had now so long subsisted.

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## CHAPTER SECOND.

### HISTORY OF THE NATIONAL CHURCHES.

#### § 105.

##### THEIR RELATION TO THE STATE.

THE collision between the ecclesiastical and the lay courts, caused by the encroachments of the former, still continued, though the laity were gradually gaining the advantage. In Germany, the principle had long been acknowledged, even by the prelates, who were themselves temporal lords, that secular affairs belonged to the jurisdiction of the secular courts,<sup>1</sup> and was in general maintained in practice,<sup>2</sup>

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work written soon after, lib. de auferibilitate Papæ ab Ecclesia (l. c. p. 209). Consider. IX.: Auferibilis est Vicarius sponsus Ecclesiæ per voluntariam ejus cessionem aut renuntiationem a Papatu. — Cons. X.: Auferibilis est in casibus dabilibus Vicarius sponsus Ecclesiæ ab ipsa Ecclesia, — sive consentiat ipse — vel non consentiat suæ cessionem. — Nam si Vicarius sponsus potest resignare sponte ipsi Ecclesiæ, dando ei libellum repudiî; cum sponsus et sponsa non debeant quoad hoc impari jure censi, poterit similiter repudiare sponsum talem ipsa Ecclesia sponsa, dum par ratio vel potior adducitur pro ipsa contra sponsum; vel quia prostituere quærit eam quantum in se est, vel tyrannide sæva tractare, laniando eam vel plagando, bona sua dissipando, vel quia abuti conatur ea in perniciem filiorum. Quomodo etiam uni singulari personæ fas esset in casu violentiæ attentatæ per Papam verum contra castitatem suam, vel vitam, vim vi repellere, cum appositione inculpatæ tutelæ, etc. et ita licite stabit, quod tangat Papam violenter, vel in mare dejiciat: cur similiter, in casu, non liceat idem toti Ecclesiæ pro defensione sua, et violentiæ attentatæ cauta repressione. — Cons. XII.: Auferibilis est in casu Vicarius sponsus Ecclesiæ per Ecclesiam, vel generale Concilium, nedum conciliative, aut dictative vel denuntiative, sed auctoritative, judicialiter atque juridice. — sicut enim tradit *Aristoteles V. Politic.*, quod ad communitatem totam spectat Principis vel correctio, vel totalis destitutio, si inemendabilis perseveret. — Sic Symmachus, sic b. Marcellinus, sic ipse Gregorius, sic alii plures judicium subiere Concilii: nequaquam ex humili condescensione, sicut fingunt aliqui, sed ex debito et obligatione: quorum multos, quia Concilium non reperit convictos de crimine, reliquit causam eorum examine judicis Dei terminandam. — Spemus concilium Ecclesiæ, spernit Deum, a quo dirigitur. Et ita consequenter apparet enormis error dicentium, quod deliberatio Papæ præponderat super deliberatione ex concilio Ecclesiæ seu Concilii generalis, nec tenetur Concilium insequi aut eidem acquiescere nisi velit. See Gerson's later work, Circa materiam excommunicationum resolutio. — Consider. VIII. (l. c. p. 423): si dicatur quod ita potest a Papa fieri appellatio ad Concilium generale, dixerunt olim ante Concilium generale Pisanum et Constantiense, quod hoc nullo modo licebat.

<sup>1</sup> Comp. § 63, note 23, and generally for this period the works there cited in note 20.

<sup>2</sup> Comp. the prohibition by Lewis of Bavaria A. D. 1318, of all complaints

although the ecclesiastical courts occasionally transgressed their due bounds.<sup>3</sup> The Swiss put an end to the encroachment of the ecclesiastical courts by an especial enactment A. D. 1370.<sup>4</sup> In Italy, the authority of the ecclesiastical courts, like every thing else in that country, was constantly vacillating. During the Ghibeline ascendancy, it was often entirely suppressed.<sup>5</sup> In France, this authority was perhaps greater than in any other country. The kings were indulgent for the sake of securing the favor of the clergy, whilst they knew how to restrain occasional irregularities. The barons, on the other hand, were involved in almost constant strife with the clergy on the subject, and loud complaints of encroachment were constantly heard on both sides.<sup>6</sup> The remarkable negotiation of the Parliament with

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before ecclesiastical tribunals in civil matters, in *Gudenii sylloge diplom.* p. 487. Also his ordinance of A. D. 1329 in the Frankfurt Privilegiis, p. 15. In the golden bull (1356), cap. XI.: in defectu vero justitiæ prædictis omnibus ad Imperialem duntaxat Curiam et tribunal, seu judicis immediate in Imperiali Curia pro tempore presidentis audientiam, et etiam eo casu non ad quemvis alium judicem sive ordinarium sive etiam delegatum, his quibus denegata fuerit justitia, liceat appellare. Quicquid vero contra præmissa factum fuerit, sit irritum eo ipso (directed against the ecclesiastical encroachments mentioned in § 63, note 21. See *O lensch lagers Neue Erläuterung der goldenen Bulle*, S. 240).

<sup>3</sup> e. g. that of Mayence in Hesse, see *Kopp's Nachricht v. d. Verfassung der geistl. u. Civil-Gerichten in d. Hessen-Casselischen Landen*, Th. I (Cassel. 1769. 4to.), S. 177. But by a compromise made 1347 and 1354, the general principle was recognised.

<sup>4</sup> *Müllers Schweizergeschichte* (Leipz. 1825), Th. 2, S. 287.

<sup>5</sup> See above, § 98, notes 7 and 15.

<sup>6</sup> On the side of the clergy, *Durandus de modo Concilii generalis celebrandi*, P. II. Tit. 70: Quasi per quamdam alluvionem frustatim Domini temporales ad se omnia trahunt. Et sicut frustatim lupus agnum comedit, ita per ipsos jurisdictionem ecclesiasticam frustatim quodammodo devoratur, quicquid ad ecclesiasticam jurisdictionem, potissime quoad temporalia, pertinet, sibi auferri putantes: then follows a long list of the encroachments of the temporal power. — Conc. Avenionense, ann. 1326 (*Mansi* XXV. p. 739) c. 8–10, 14, against the interference of the civil courts against the clergy; c. 42, 43, against those who hindered the jurisdiction of the church.

On the other side, see especially the 66 Gravamina in the work cited in the next note, *Petri Bertrandi* (*Goldasti* Monarch. II. p. 1362: I. Primo de jure communi cognitio causarum, quæ tangunt realitatem, sive sint in possessione sive in proprietate, pertinet ad jurisdictionem temporalem. Et officiales prælatorum impediendo jurisdictionem temporalem nituntur sibi attribuire cognitionem causarum realium, specialiter super possessione et super omnibus interdictis. II. Item quando laicus turbatur vel impeditur in possessione terræ suæ per aliquem clericum, et propter hoc impetrat adiornamentum (Citation) a judice sæculari in casu novitatis vel alias: Officiales prælatorum — faciunt moneri ad instantiam clerici judicem sæcularem et partem, ut post adiornamentum cessent sub pœna excommunicationis et certæ pecuniæ quantitatis. III. Item cum cognitio personarum laicarum pertineat ad judicem sæcularem, exceptis casibus spiritualibus, Officiales prælatorum faciunt eos citari coram se ad instantiam partis. Et si dictæ personæ laicæ declinant jurisdictionem dictorum officialium, vel Domini, quibus subjiciuntur, requirunt eas remitti coram eis, — dicti officiales renunt hoc facere, et compellunt per excommunicationem partes ad procedendum coram eis. IV. Item prælati faciunt concilia provincialia, et synodalia statuta, in quibus plura faciunt et ordinant in grande præjudicium jurisdictionis temporalis. XIV. Item si duo laici sint in processu in curia alicujus Domini temporalis super actione reali vel personali, et contingat quod altera partium diffugiendo appellet ad curiam alicujus prælati coram officiali suo, post magnos processus factos et litem contestatam Offici-

the prelates, who were summoned before it by order of Philip of Valois (1329),<sup>7</sup> was unsuccessful.<sup>8</sup> Immediately afterwards the clergy

ales — nituntur retinere cognitionem talium causarum, — et virtute monitionum et sententiarum faciunt desistere Dominum temporalem a cognitione causæ post appellationem: quod nisi faciat, excommunicatur et trahitur ad emendam. — XXIII. Item ad finem, quod dicta curia ecclesiastica augmentetur, dicti prælati faciunt magnam multitudinem tonsurarum pueris ætate minoribus. — ac hominibus conjugatis insullicientibus et illiteratis. — XXX. Item si contingat, quod genes regia capiant aliquem malefactorem pro crimine certo per eum commisso, et idem malefactor dicat se clericum esse, licet nec tonsuram, nec habitum deferat clericales, officiales prælatorum faciunt in continenti detinentes et capientes compelli per monitiones et sententias ad restituendum sibi prædictum malefactorem tanquam clericum suum. — XXXIV. Item quando aliquis malefactor redditur iudicibus ecclesiæ per iudices sæculares tanquam clericus; amici ipsius malefactoris veniunt ad officiales prælatorum, et concordant cum eis; et sic dimittunt sine punitione; et sic pejora committunt quam ante, licet crimina essent notiora. — XLII. Item iudices ecclesiastici in quocunque casu nituntur habere cognitionem injuriarum, sive in verbis, sive in factis commissa sit injuria: necnon uxorum clericorum, licet sint mercatrices, et eorum mariti similiter mercatores. — XLIII. Item volunt habere cognitionem bonorum tam mobilium quam immobilium viduarum. — LXV. Item testamenta quoque volunt per manus suas executioni tradere, inventaria facere bonorum defunctorum, eademque servare et hæredibus distribuere, et habent officiales, qui super his exequendis duntaxat deputati existunt. — LXVI. Item quod aliquando testamentis coram tabellionibus factis nolunt adhibere fidem, nisi prius per ipsos officiales fuerint approbata.

<sup>7</sup> See *Actio Petri de Cugneriis*, consilarii regii, et *Petri Bertrandi*, Episc. Aëduensis (from 1331 Cardinal) de jurisdictione ecclesiastica et politica coram Philippo Rege Franciæ habita anno 1329 (in *Goldasti Monarchia*, T. II. p. 1361 seq. and *Bibl. PP. Lugd. T. XXVI. p. 109 seq.*), ed. by *Petrus Bertrandus*. First the summons of the king, occasioned by the mutual complaints of the two parties. Then it is related that *Petrus de Cugneriis* — locutus est pro Rege, facto themate suo: Reddite quæ sunt Cæsaris Cæsari, et quæ sunt Dei Deo. Et prosecutus est juxta illud thema materiam suam includendo ad duo. Primo quod regi debebatur reverentia et subjectio, secundo quod debebat esse spiritualium et temporalium divisio, ut spiritualia ad prælatos, et temporalia ad Regem et Barones pertinerent. Amongst other things he said also, as is seen from the speech of *Petrus Bertrandus*, who followed him (*Goldast*, p. 1373), quod talia jura regia rex non poterat a se abdicare, cum essent juris sui regalis, et jurasset in coronatione sua jura regni non alienare, et alienata revocare, et quod talia erant impræscriptibilia. — He then declared, quod intentio regis erat reintegrare temporale, and handed in the *Gravanina* cited in the preceding note. On the following day, the prelates were defended by the archbishop of Sens, in a speech which is given in full. e. g. Ille ad judicandum videtur aptior et convenientior, qui est Deo proximior: — sed personæ ecclesiasticæ sunt Deo proximiores, ergo, etc. — Præterea nullus dubitat, quin cognitio de peccato ad personas ecclesiasticas pertineat, cum ergo talia non perpetrentur sine peccato alterius partis, patet quod ecclesia cognoscere potest. Item cujus est judicare de fine, ejus est judicare de ordinatis ad finem: — cum igitur corpus ordinatur ad animam, et temporalia ad spiritualia tanquam ad finem; ecclesia, quæ habet judicare de spiritualibus, potest etiam merito de temporalibus judicare. — Et confirmatur, quia accessorium sequitur naturam principalis, et hoc satis apparet exemplo: cum igitur istæ duæ jurisdictiones comparentur duobus luminaribus, soli scilicet et lunæ, et tota claritas lunæ sit a sole, et in sole formaliter et virtualiter, et non claritas solis a luna nec in luna; patet quod jurisdictio spiritualis, quæ comparatur soli, habet in se formaliter vel virtualiter jurisdictionem temporalem, quæ comparatur claritati lunæ. Then follow proofs ex jure civili, namely, from the supposed law of Theodosius, which Charlemagne is said to have confirmed (see § 9, note 8), and ex jure canonico. Sed forte ad hoc dicitur: quare hoc sibi vindicavit ecclesia Gallicana, cum aliæ ecclesiæ sibi in aliis regionibus hoc minime vindicare noscantur? Ad quod potest faciliter responderi. Si enim Reges Franciæ, quos Deus singularibus privilegiis, gratis et honoribus præ cæteris regibus insignivit, — ecclesiæ plures libertates concesserunt, vel concessis uti libere per-

sought to establish their jurisdiction more firmly than ever by the decrees of a council.<sup>9</sup> In the Parliament, on the other hand, which

miserunt, non est mirum: imo tanta fuit ad ecclesiam eorum devotio, quod ecclesia quanto eis propinquiores, tanto pluribus libertatibus gaudent. Nec ex hoc minus habuerunt, sed plus, sicut rei evidentia manifestat, imo hoc redundat in magnam nobilitatem regni et regis. On the following Friday *Petrus Bertrandus* spoke again, and answered the alleged Gravamina, which he divided into three parts, quia quidam articuli tangebant jura ecclesie perpetua; — secunda pars articulo- rum continebat abusus et errores, si veri essent, et illos nullo modo volebant defendere, imo providere ne talia fierent, et corrigere si qua talia facta erant. Tertia pars continebat aliqua, quæ poterant esse justa, et aliqua injusta; quantum ad justa respondit ut de contentis in prima parte, quantum ad injusta, ut de contentis in secunda. The spirit of these answers is seen from the following: Ad XXXIV. qui loquitur de clericis maleficientibus, quos officiales prælatorum de facili expedi- unt pro penis pecuniariis dicit, quod hoc esset irrationabile, ubi maleficium esset notorium vel manifestum, et tale vel tantum, propter quod perpetua pœna ei deberet imponi, si pro pena pecuniaria tale crimen transiret. Sed nullum est inconveniens, si pro causa justa dicti officiales pœnam corporalem in pecuniariam convertant: quia hoc etiam volunt jura tam canonica quam civilia.

<sup>8</sup> At the close of the investigation, the prelates prayed the king (l. c. p. 1381), ut pro Dei honore in statu, in quo sui boni prædecessores tenuerunt ecclesiam, ipse eam teneat et defendat, nec ei faciat aliquam novitatem: et placeat ei procla- mationes et inhibitiones factas, scil. quod nullus laicus trahat alium laicum coram iudice ecclesiastico, revocare: quia hoc esset omnia ecclesiarum jura tollere. Et licet in aliquibus locis pro toleranda eorum malitia in talibus proclamationibus seu inhibitionibus verba, quæ sequuntur, apponant, videlicet quod laicus non trahat alium laicum coram ecclesia *super casibus pertinentibus ad iudicis sæculares*; — hoc est propter jura ecclesie usurpanda, quia multa pertinent ad forum laico- rum, quæ nihilominus pertinent ad ecclesiasticum. Et sic jus et consuetudo tolle- rentur, per quæ in electione laici est, quod possit alios laicos in foro ecclesie con- venire. Item quia tales proclamationes seu inhibitiones factæ, licet etiam essent bene generales, dant occasionem omnimode jurisdictionem ecclesiasticam pertur- bandi, unde reges Francie semper prohibuerunt tales proclamationes seu inhibiti- ones fieri, et factas penitus faciebant revocari et ad nihilum reduci. In the pre- sence of the king and in his name, *Petrus de Cugneriis* declared to them, quia intentio Domini Regis erat servare jura ecclesie et Prælatorum, but attempted once more to prove, quod causarum civilium non poterat ad ecclesiam cognitio pertinere: in a second audience, however, the king did not recognise the last part of what his representative had said, quod non erant factæ de suo mandato, nec aliquid sciebat, nec eas ratas habebat, and expressed himself content with the promise of the prelates to correct the existing abuses. The last answer of the king, given through *Petrus de Cugneriis*, was, quod placebat Regi, si prælati emendarent ea, quæ essent emendanda et corrigenda: et quod Dominus Rex expectaret usque ad festum nativitatis Domini proximum venturum, infra quem terminum nihil innovaret. Et si infra dictum terminum prælati non emendassent emendanda. — dominus Rex apponeret tale remedium, quod esset gratum Deo et populo. The addition in *Goldast*, p. 1383, that after waiting in vain, the king had at last passed a severe law, qua — se ac suos in libertatem asserit, originated with Flacius (Cat. test. verit. p. 391), but is not historically true. To confirm the claims of the clergy, *Petrus Bertrandus* wrote afterwards the tract. de origine et usu jurisdictionum, s. de spirituali et temporali potestate (in Bibl. PP. Lugd. T. XXVI. p. 127).

<sup>9</sup> Conc. Bituricense, ann. 1336, c. 12 (*Mansi* XXV. p. 1062), first describes the encroachments on the ecclesiastical jurisdiction. Namely, nonnulli temporale dominium obtinentes, vel sæcularis judicariæ potestatis gerentes officium — aliquotiens palam, — aliquotiens seorsum ad partem, proclamaverunt et inhibuerunt, — ne aliquis subjectorum suorum alter alterum ad forum ecclesiasticum — trahere præsumat, — ne ipsi subditi — super recipiendis contractibus ad — notarios curiæ ecclesiasticæ recurrerent; — literas excommunicatorias — quandoque lacerant, — literas, et quod detestabilius est, portitores ipsos interdum capiunt, verberant, et

had now become a permanent body,<sup>10</sup> these pretensions were stedfastly resisted, especially from the time of Charles V. From that period the jurisdiction of the ecclesiastical courts was not only confined to its proper sphere,<sup>11</sup> but was always in a degree under the superintendence of the Parliament; <sup>12</sup> this last assuming the decision of many matters which had hitherto been considered spiritual.<sup>13</sup>

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compellunt comedere literas et sigilla; — sacerdotes, — et personas ecclesiasticas, atque ipsorum uxores, parentes et amicos — ceperunt, arrestaverunt; licet moneantur, nolunt restituere, etc. All such turbatores jurisdictionis ecclesiasticæ are to be excommunicated and put under interdict: quos omnes — nominatim et expresse — per curatos totius provinciæ omnibus diebus dominicis in Missa excommunicatos denuntiari sub pœna excommunicationis præcipimus alta voce. Cap. 13: Such offenders shall be absolved from their sentence only by the bishops in person, aut per ejus officialem vel commissarium super hoc specialem, and only on condition of their having rendered satisfaction. Comp. Conc. apud Castrum Gonterii, ann. 1336, c. 1 and 2. Conc. Noviomense, ann. 1344, c. 1 and 2 (*Mansi* XXVI. p. 1), etc. The clergy were strictly forbidden to apply to the civil tribunals. Conc. Bituric. ann. 1336, c. 11.

<sup>10</sup> *Pasquier* recherches de la France, liv. II. chap. 3. [*Hallam*, c. 1. P. II. — Tr.]

<sup>11</sup> A royal edict of March 8, 1371, directed to the bailiff of Sens (in the *Preuves des libertez de l'Egl. Gallic.* chap. VII. no. 27), after enumerating the usurpations of the clergy, decrees: Quocirca nos jura et libertates jurisdictionis nostræ temporalis — servari volentes illæsa, Vobis, prout per dictam nostram Curiam, habita super his deliberatione diligenti, extitit ordinatum, tenore præsentium committimus et mandamus, quatenus prælati Archiepiscopis et Episcopis, ac eorum — officialibus, etc. — ex parte nostra, ac sub magnis pœnis a nobis applicandis, injungatis, — ne de casibus et actionibus realibus ac aliis superius declaratis — de cætero amplius cognoscere — præsumant, sed facta et agitata in contrarium — revocent penitus et annullent. Quod si facere noluerint, aut plus debito distulerint, ipsos ad hoc per captionem et detentionem eorum temporalitatis, ac omnibus aliis viis et modis licitis, quibus melius videbitur et poteritis, viriliter et debite compellatis: — et insuper ne usurpationes et surprisæ supradictæ — illæse remaneant, vos de et super usurpationibus et surprisæ antedictis, eorumque circumstantiis et dependentibus universis diligenter et secreta informetis, et quos de his per dictam informationem culpabiles reperietis, ipsos ad dies Seneschalliarum vel Baillivarum suarum nostri futuri proximi Parlamenti adornetis (summons), etc. — These ordinances the parliament thenceforward took care to enforce. Thus it condemned the bishop of Chalons, 1305, to a fine for neglecting them (*ibid.* no. 29).

<sup>12</sup> The bishop of Mans, having excommunicated some one with whom he had a process in the royal courts pendente lite, and afterwards refused the same person a Christian burial, he was compelled, 1396, per arrestum of parliament, to have his body taken up again, and to revoke the act of excommunication, *Preuves des lib.* chap. VI. no. 2. In like manner the archbishop of Rheims, *ibid.* no. 4. — Many persons having been arraigned by the accusations of the ecclesiastical tribunals, quod ipsi feminas aliasque quam suas deponsatas carnaliter cognoverant, ipsos ad solvendum emendas propter hoc compellendo; an ordinance was issued by Philip of Valois, 1336, ipsum Episcopum ad desistendum de præmissis per ipsius temporalitatis captionem compellere: so also Carl V. 1358 (*Preuves*, chap. XXXV. no. 10 and 11).

<sup>13</sup> The parliament maintained the right of judging de omnibus causis ecclesiasticis possessoriis (*Preuves*, chap. XXVI. no. 1), and this was even expressly conceded by Martin V. (*ibid.* no. 2). — *Preuves*, chap. XXXV. no. 21: the archbishop of Bourges had ordered at a Synod in his diocese, A. D. 1369: Quoniam ut intelleximus domini sæculares propter crimina a Clericis commissa bona capiunt clericorum, ut sic indirecte de crimine Clericos puniant, et eosdem Clericos faciunt compellere, ut eis emendam exsolvant ratione seu occasione criminum commissorum, quod est directe contra Ecclesiasticam libertatem, cum illi de crimine criminaliter seu civiliter distingui seu puniri nequeant per judicem sæcularem: igitur

## § 106.

## INTERNAL RELATIONS OF THE NATIONAL CHURCHES.

In addition to the former encroachments of the popes on the rights of the bishops, they now claimed the right of supplying all vacant places,<sup>1</sup> whilst they carried the granting of exemptions to the most unwarrantable lengths, especially during the schism.<sup>2</sup> The ecclesiastical importance of the bishops being thus very small,<sup>3</sup> they sought

prædicta fieri prohibemus, statuentes quod si quis dominus sæcularis, vel alius procedendo de cætero. Clericos ratione criminum ab eis commissorum per captionem bonorum mobilium vel immobilium suorum vexaverint, seu ad emendam compellaverint, eo ipso sententiam excommunicationis incurrat, et qualibet civitas statim quod hoc siverit habeat cessare penitus a divinis, donec bona capta vel ad manum sæcularem posita libere sint dimissa, et amotum impedimentum quodlibet ab eisdem: et nihilominus illos, qui contra præmissa fecerint, ut excommunicatos habeatis evitare. The duke of Berry interfered, however, at once, and proclaimed, as the king's representative, quod dictus Rev. Pater postmodum sufficienter informatus et certioratus, dictas suas constitutiones et statuta dictæ jurisdictioni temporali et dictæ Bituricensis patriæ usibus et consuetudinibus existere contrarias, — in nostri præsentia sponte revocaverit et totaliter adnullaverit, et insuper nobis promiserit dictam adnullationem et revocationem in sua proxima, futura Bituricensi Synodo in personis dictorum Curatorum dictæ suæ diocesis fieri, facere publicare, etc. On his doing this he promised, in the conviction, dictum Reverendum prædictas constitutiones — non dolo, fraude seu malitia aliquammodo edidisse, — to remit omnem pœnam, emendam et offensam. All which was at once confirmed by the king.

<sup>1</sup> See § 100, note 5 seq.

<sup>2</sup> *Nicol. de Clamensis* de ruina Eccl. c. 31 (v. d. *Hardt Conc. Const. T. I. P. III. p. 31*): Et hos ergo Canonicos aliquis vocabit, qui, sic ab omni canone, h. e. ab omni regula abalienati sunt, qui, ut licenter et impune omnia, quæ ferret animus, flagitia admittere possint, ab omni se castigatione et disciplina suorum prælatorum maxima ubique redemptione exemerunt? Fraudant itaque se mutuo, fraudant subditos. — Quas omnes fraudes et rapinas cum fecerint, non est, qui eos puniat. Ad Papam enim, quem solum judicem plerique eorum se habere jactant, quis circumvento pauperi accessus est? — Marini V. bulla, A. D. 1418, annulling the exemptions granted during the schism (*ibid. T. IV. p. 1535*): a tempore obitus felicitis recordationis Gregorii P. XI. prædecessoris nostri, nonnulli Romani Pontifices, et pro Romanis Pontificibus se gerentes — nonnullas *ecclesias, monasteria, capitula, conventus, prioratus, beneficia, loca et personas* — de novo a dictorum Ordinariorum jurisdictionibus exemerunt, in grave ipsorum Ordinariorum præjudicium.

<sup>3</sup> *Jo. Gerson* de modis uniendi ac reform. Ecclesiam in Concil. Univers. written 1414 (in v. d. *Hardt Conc. Const. T. I. P. IV. p. 90. Gersonii Opp. T. II. p. 174*): Quam quidem coactivam potestatem multi summi Pontifices per successiones temporum et contra Deum et justitiam sibi applicarunt, privando inferiores Episcopos potestatibus et auctoritatibus eis a Deo et Ecclesia concessis: qui in primitiva Ecclesia æqualis potestatis cum Papa erant, quando non fuerunt Papales beneficiorum reservationes, non casuum Episcopaliū inhibitiones, non indulgentiarum venditiones, non Cardinalium commenda, et distinctiones beneficiorum, Prioratuum et Monasteriorum. Tandem per tempora successive crescente Clericorum avaritia et Papæ simonia, cupiditate et ambitione, potestas et auctoritas Episcoporum et Prælatorum inferiorum quasi videtur exhausta et totaliter diruta, ita ut jam in Ecclesia non videantur esse nisi *simulacra depicta*, et quasi frustra: jam enim Papa Romanus reservavit omnia beneficia ecclesiastica, jam advocavit omnes causas ad Curiam suam, jam voluit Penitentiarium habere ibidem, jam legitimaciones Clericorum, jam ordinationes sacras quorumcumque sine differentia vult fieri

to indemnify themselves by the honors and pleasures of the world.<sup>4</sup> The burden imposed on them by the popes they managed for the most part to shift on the shoulders of those beneath them, and the inferior clergy groaned under the most intolerable oppression.<sup>5</sup>

§ 107.

MORAL CONDITION OF THE CLERGY.

The manner in which the places in the church were bestowed, the example of those around the Pope,<sup>1</sup> and the principles on which justice was administered in the ecclesiastical courts,<sup>2</sup> all combined to make

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in ejus Curia: et illi, qui in terra propria non possint ordinari, in eadem Curia ordinantur de facili.

<sup>4</sup> *Nicol. de Clamengis*, c. 25: multi ex eis, qui pastorali apice potiuntur, perque annosa tempora potiti sunt, nunquam civitates suas intraverunt, suas Ecclesias viderunt, sua loca vel dioceses visitaverunt, nunquam pecorum suorum vultus agnoverunt, vocem audierunt, vulnera senserunt, nisi ea forte vulnera, quæ ipsi suis uberibus spoliis per alienos mercenarios eis intulerunt. Alienos dixi, quia et ipsimet mercenarii sunt, qui non gregis sui custodiam, salutem, profectum quarunt, sed solum temporalis mercedis retributionem. — Cap. 26: At enim, dicit forsitan aliquis, jure eis ignoscendum est, si raro suas dioceses adeant, — quoniam pro consilio a principibus accessiti magna regni negotia tractant. — Cap. 28: Sed quid eorum tanto tempore a suis sedibus absentiam accusamus? cum per suam, si illie adessent, præsentiam verisimilius obesse, quam prodesse possent. Quidnam enim ore illi prosunt, qui toto elabente anno suam bis aut ter intrant Ecclesiam, qui totos in aucupio et venatu, in ludis et palæstra dies agunt, qui in conviviis accuratissimis, in plausibus et choreis, eum puellis etiam, effœminati insomnes transigunt noctes, qui suo turpi exemplo gregem per devia quæque abductum in præcipitium trahunt, qui imberbes adhuc adolescentuli, vix tum ferulam egressi, ad pastorele convolant magisterium, et tantumdem de illo, quantum de nautico sciunt officio? Difficile itaque satis est statuere, qui eorum magis incommodent suo gregi: hi, qui deserto eo lupisque exposito cum scurris et parasitis in aula versantur, an hi potius, qui coram positi, cum per rapinam vexant, per incuriam negligunt, per errorem ductum præcipitant. The German bishops were often involved in feuds, especially in disputes with the towns in which they resided, see *Schmidts Gesch. d. Deutschen*, Th. 4. S. 600 ff.

<sup>5</sup> *Nicolaus Oresmius* (or Orem, a Parisian theologian, Decan in Rouen) in a sermon delivered eorum Papa Urbano et Cardinalibus 1363 (ed. *Flacius* cat. test. verit. no. CCCVI. Brown appendix ad fasc. rerum expetend. et fugiendarum, p. 489): Non puto, posse in historiis reperiri, quod unquam fuerit aliqua gentium politia bene instituta, in qua esset tanta doctrina, quam nunc sit in politia sacerdotum, ut *ii quidem essent majores quam Principes sæculi, cæteri dejectiores vulgo*. — In corpore — idem videamus: si nutrimentum fluat ad unum membrum, ita ut enormiter ingrossetur, et alia nimium maceantur, non potest diu vivere: sic in corpore reipublicæ ecclesiasticæ, si superiores augmentatione substantiæ ita graves in statu sunt, quod vix possunt ab inferioribus sustineri, hoc est signum et causa propinquæ ruinæ, etc.

<sup>1</sup> See above, § 100, note 4.

<sup>2</sup> Compare § 63, note 16. New abuses now crept in: *Nicol. de Clamengis* de ruina eccl. c. 20 (v. d. *Hardt* Cone. Const. T. I. P. III. p. 24): Corradendis omni ex parte pecuniis nostris Prelati summo opere invigilant. — Si quis apud eos clericus pro furto, pro homicidio, pro raptu, aut sacrilegio, aut alio quovis enormi crimine in carcerem conjectus sit, tristisque panis et aquæ edulio adjectus: tam diu pœnæ subiacebit, et tanquam reus sua commissa luet, donec pro modo sui census aut

the moral condition of the clergy worse than ever. In the chapters, (which were commonly filled up with members of noble families),<sup>3</sup> as well as amongst the parochial clergy, there reigned the most profound ignorance, accompanied by the most revolting licentiousness.<sup>4</sup> The

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suorum quaesitam a se pecuniam persolverit. Ubi vero id egerit, liber et velut innocens abire sinetur. Omnis noxa, omnis error, omnia maleficia, etiamsi capitalia sint, per pecuniam laxantur ac delentur. Compare *Gerardina*, § 106, not. f. no. XXXIV., and the reply *Petri Bertrandi*, *ibid.* not. g.

<sup>3</sup> *Nic. de Clamensis* de ruina Eccl. c. 29: Quid de Capitulis et Canonicis longa trahere sermonem necesse est, cum uno statim verbo dicere liceat, similes Episcoporum pro suo modo Canonicos esse, indoctos, ammoniacos, cupidos, ambitiosos, amulos, obtrectatores, suae vitae negligentes, alienae curiosos scrutatores ac reprehensores, adhuc autem ebriosos, incontinentissimos, utpote qui passim et inverecunde prolem ex meretrici suspectam et scorta vice conjugum domi tenent: vaniloquos, praeterea garrulos, tempus in fabulis et nugis terentes, quia nihil utile noverunt aut serium, in quo occupentur. Et propterea in re sua, seu per fas seu nefas agenda, in cura ventris et gula, in carnis voluptatibus hauriendis suae vitae felicitatem, ut porci Epicurei, constituunt. Cap. 30: Quam vero pacem inter se habeant, aut quam fraternitatem, declarant sectae et seditiones, omnibus modo in Ecclesiis per infernales furias excitate, ut jam illa infernalis hydra schismatica — omnia fere collegia suo vipereo semine infecerit. Of the abuses that crept into the Chapters, see Conc. Const. reformatorii Decretales, Lib. III. Tit. III. c. 1 (v. d. *Hardt* Conc. Const. I. P. XII. p. 695): In ecclesiis quibusdam, praesertim cathedralibus, et etiam quibusdam regularibus de ordine S. Benedicti, pessime servatur et inolevit consuetudo, vel potius corruptela, sic quod in eis non admittuntur nisi de nobilium aut militarium genere procreati (see § 64, note b), qui velut ex militia genti moribus laicalibus et militaribus imbuti literarum studia non frequentant neque curant, et sic ignari remanent et idiotae: ex quibus tunc communiter per electionem talem qualem ad Ecclesias cathedrales hujusmodi militiae dediti in praelatos promoventur, interdum vix latinum fari scientes, et actus militares tam in vestibus, quam in bellorum conflictibus, et armorum insultibus, quia exercitati sunt in illis, magis praetendentes, quam quod actibus Pontificalibus — se ingererent. Cap. 2, damnabilis usus in quibusdam — Ecclesiis inolevit, quod videlicet, quoad tractatus capitulares secretos et alios, admittuntur interdum canonici parvi, ex maturitate aetate inhabiles. Cap. 3: In quibusdam Ecclesiis statutum reperitur, ut, licet numerus canonicorum praebendorum sit satis magnus, ipsorum tamen capitularium ad satis parvum numerum sit restrictus, in finem, ut creditur, quod dicti pauci capitulares ex capitularibus proventibus uberius valeant impinguari. The degree of their ignorance may be estimated from the instance of the chapter of Zurich, which was obliged to employ a notary to inform the bishop of Coznitz of the choice of one of their officers, quia singuli de Capitulo scribere nescinus, see *Be yträ ge zur Gesch. d. deutschen Sprache u. Nationalliteratur*, London (in d. Schweiz) 1778, Th. 1. S. 178.

<sup>4</sup> *Nic. de Clamensis* de ruina Eccl. c. 7: Summi Pontifices, ut aurei rivuli — suam uberius curiam irrigarent, omnibus diocesanis et patronis praesentandi facultatem conferendique libertatem — ademerunt, interdicentes illis sub poena anathematis, ne ausu temerario (sic enim illorum loquitur tritum jam frequentiori usu rescriptum) in quovis beneficio sibi subjecto aliquem instituere praesumerent, quamdiu quis occurreret ex illis, quos sua auctoritate beneficia illa expectare concesserant, qui illud adipisci vellet. Quantum vero, Deus optime, expectantium numerus ex illo tempore, et qualium undique affluxit, atque ibi praesto fuit! Non tantum a studiis aut schola, sed ab aratro etiam et servilibus artibus ad parochias regendas ceteraque beneficia passim proficisebantur, qui paulo plus Latinae linguae quam Arabicae intelligerent, imo qui et nihil legere, et quod referre pudor, alpha vix nossent a beta discernere. Ac morum in illis compositio hanc forte ignorantiam excusabat? Imo si parum docti, negligentius — morati: utpote qui absque literis in otio educati, nihil nisi impudicitias, ludos, commensationes, jurgia, vaniloquia consecrarent. Inde omnibus in locis tot sacerdotes improbi et miseri atque ignari, qui ruinae et scandalo sua turpi conversatione subditis sunt. Cap. 24: De



constant efforts of the synods to restrain the dissolute clergy were of no avail.<sup>5</sup> The laity were glad to secure their families in any way from the attacks of priestly lust, and favored, or even furthered, the permanent connexion of their priests with concubines.<sup>6</sup> Thus it

literis vero et doctrina quid loqui attinet? Cum omnes fere presbyteros sine aliquo captu aut rerum aut vocabulorum, morose syllabatimque vix legere videamus. Quem ergo fructum, quam exauditionem ex suis orationibus sive sibi, sive et aliis impetrabunt, quibus barbarum est, quod orant? Quomodo per suas preces Dominum alienis propitiabunt, quem sibi ipsi sua ignorantia et suæ fœditate vitæ per suum ministerium infensum faciunt? Si quis hodie desidiosus est, si quis a labore abhorrens, si quis in otio luxuriari volens, ad Sacerdotium convolat. Quo simul ac perventum est, fornicee et cauponulas seduli frequentant, potando, commessando, pransitando, cœnitando, tesseris et pila ludendo, tempora tota consumunt. Crapulati vero et inebriati pugnant, clamant, tumultuantur, nomen Dei et Sanctorum suorum pollutissimis labiis execrantur. Sicque tandem compositi ex meretricum suarum complexibus ad divinum altare veniunt. How deficient the clergy were in the preparation for their office, and how the people were neglected, see in *Nic. de Clamengis* de studio theologico in *d' Achery* Spicileg. T. 1. p. 473, where, amongst other things, we find the complaint p. 478: conterunt infiniti ovium Rectores totam in studiis (universities) atatem.—Nec tam procul dubio discere cupiunt, quam sub titulo et umbra studii multiplicandis ecclesiasticis beneficiis atque promotionibus sine ulla unquam satietate initiare. Of the fearful immorality of the clergy, see the writings of *Wicliff*, *Nicol. de Clamengis*, *Matthæus de Cracovia*, *Jo. Huss*, *Jo. Gerson*, *Theod. a Nicen.* and the speeches at the council of Constance, ed. in v. d. *Hardt* Conc. Const. in his historia litteraria Reformationis, P. III., and in *Walchii* monumentis mediæ avi sæc. II. III. IV. e. g. *Bernhardi Baptisati* (a Benedictine from Gascony) invectiva in corruptum clerum (v. d. *Hardt* Conc. Const. T. 1. P. XVIII. p. 880: In Prælatiis inclusa est malitia et iniquitas, negligentia, ignorantia et vanitas, superbia, avaritia et pompositas: et qui solebant esse ovium pastores, jam effecti sunt lupi, ovium comestores.—Et habeatis pro firmo, quod revelatum est hic cuidam in generali concilio, quod, nisi de cætero tollatur et extirpetur simonia ab Ecclesia Dei, rapacitas et tyrannia, in brevi erit tanta persecutio clericorum, et tam terribilis, qualis non fuit ab initio.—Quare hoc? Quia jam supradicti viri Ecclesiasticæ continuo palam et publice conceipiunt lasciviam, pariunt ignominiam, nutriunt avaritiam, colligunt superbiam, divisiones et guerras ipsi generant, in cautelis et deceptionibus ambulant,—in tantum quod jam totus fere clerus diabolo est subjectus.—*Jo. Gerson* de simonia, cap. 4 (*Ibid.* T. 1. P. IV. p. 10): Sicut et alia vitia regnare videmus passim apud homines, et multo plus apud clericos.—Recessit enim a clero omnis lex, omnis veritas, omnis verecundia, ita ut hæc audeant, quæ etiam latrones et similes horrent, etc.

<sup>5</sup> Comp. Die Einführung der erzwungenen Ehelosigkeit bey den christl. Geistlichen u. ihre Folgen, von D. J. A. Theiner u. A. Theiner (Altenburg, 1828, 2. Bde. 8.) Bd. 2. Abth. 2. S. 591 ff. Also Sermo Mag. Gerardi Magni († 1334) de focariis, first published by *Th. A. Clarisse*, in *Archief voor kerkelijke Geschiedenis, inzonderheid van Nederland, verzameld door Kist en Roijards* Deel 1. Leyden, 1829. p. 364 seq.

<sup>6</sup> Conc. Palentinum, ann. 1322, c. 7 (Mansi XXV. p. 703): Quia nonnulli laicorum clericos compellunt, in sacris præcipue ordinibus constitutos, ut aliquas mulieres concubinas recipiant, et cum eis in contubernio publice vivant contra decorem ordinis clericalis:—nos—excommunicationis sententiæ ipso facto decernimus subjacere quemlibet,—necon universitatem seu communitatem quamlibet sententiæ interdicti, quæ personam quamvis ecclesiasticam duxerit compellendam ad recipiendum in concubinam mulierem quamcunque. *Nicol. de Clamengis* de præsulibus simoniaciis, in *Opp.* ed. *J. M. Lydius*. Lugd. Bat. 1613. 4. p. 165: Taceo de fornicationibus et adulterijs, a quibus qui alieni sunt, probro cæteris ac ludibrio esse solent, spadonesque aut sodomitæ appellantur. Denique laici usque adeo persuasum habent, nullos cælibes esse, ut in plerisque parochiis non aliter velint presbyterum tolerare, nisi concubinam habeat, quo vel sic suis sit consultum uxoribus, quæ ne sic quidem usquequaque sunt extra periculum. Thus *Æneæ*

happened that in many countries such connexions were openly suffered amongst those whose holiness was supposed to be sullied by wedlock.<sup>7</sup> The pecuniary mulcts imposed by many of the synods for such excesses,<sup>8</sup> were soon converted by the rapacity of the bishops into a regular tax.<sup>9</sup> Every attempt of the secular authorities to inter-

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*Sylvii* (about 1440) *Europa s. Cosmographiæ lib. secundus c. 35* (in *Freheri Scriptt. Germ. T. 11*) of the Frieslanders: *Phrisones sacerdotes, ne aliena cubilia pollutant, sine conjuge non facile admittunt. Vix enim continere hominem posse, et super naturam arbitrantur.*

<sup>7</sup> *Alvarus Pelagius* de planctu ecclesiæ, *Lib. II. c. 27*: utinam nunquam continentiam promisissent, maxime Hispani et Regnicolæ, in quibus provinciis in paucis majori numero sunt filii laicorum, quam Clericorum. — Sæpe cum parochianis mulieribus, quas ad confessionem admittunt, scelestissime fornicantur. — Multi Presbyteri et alii constituti in sacris, maxime in Hispania, in Austria (*Asturia?*) et Galicia et alibi, et publice, et aliquoties per publicum instrumentum promittunt et jurant quibusdam, maxime nobilibus mulieribus, nunquam eas dimittere; et dant eis arras de bonis ecclesiæ, et possessiones ecclesiæ: publice eas ducunt cum consanguineis et amicis et solenni convivio, ac si essent uxores legitimæ. — *Theod. a Niem* *Nemoris Unionis Tract. VI. c. 35*: In eisdem etiam partibus Hiberniæ et Norwegiæ juxta consuetudines patriæ licet Episcopis et Presbyteris tenere publice concubinas, et eisdem visitantibus bis in anno subditos sibi presbyteros, ac Ecclesiasticorum Parochialiumque Rectores, suam dilectam ducere secum ad domos et hospitia eorundem subditorum presbyterorum. — Et si forte aliquis ipsorum visitatorum casu vel fortuna non habeat locariam, ut prævaricator paternarum traditionum, Episcopo visitanti proinde procuraciones duplices ministrabit. Ac etiam presbyterorum amasiæ seu uxores in eisdem partibus, statu et gradu, in ecclesiis ac in mensis, eundo, sedendo et stando cæteris dominabus, etiam militaribus, præponuntur. Et pene idem modus, scilicet quoad luxuriam, circa presbyteros Gasconiæ, Hispaniæ ac Portugaliæ, necnon contiguarum regionum versus Africam in omnibus observatur. Unde quodammodo plures naturales ex fædo complexo nati, quam filii legitimi in omnibus illis partibus in Ecclesiasticis titulis concedendis præferuntur, et plures legitimis apertissime promoventur. Even the synods contented themselves with prohibiting *concubinarii publici*, see Theiner, l. c. The Clerici conjugati of whom we find many in this period (e. g. § 105. notes 6 and 9) are clerici minorum ordinum, who, though not able to hold benefices (see § 65, note 3), still, on condition of assuming the clerical dress and the tonsure, were allowed to enjoy all the privileges of the clergy, see *Thomassini* *vetus et nova Ecclesiæ discipl. P. I. lib. II. c. 66.*

<sup>8</sup> Thus the Conc. Poseniense (in Presburg), ann. 1309, c. 5, orders that the concubinarii publici should pay quartam partem reddituum beneficiorum suorum as mulct, adding: *confidimus enim, quod spiritali pœna, excommunicationis videlicet, quæ quamvis sine comparatione periculosior, minus tamen peccatis exigentibus formidatur, in temporalem mutata vindictam, subditorum mutabuntur et mores.* Such pecuniary penalties were imposed especially by the Italian councils. Thus by the Conc. Pergam. ann. 1311, rubr. 6, for a prelate 10, for any other 5 libræ Papienses. *Ravenn.* ann. 1317, rubr. 4. *Benevent.* ann. 1331, c. 55. *Constitt. Eccl. Ferrar.* ann. 1332, c. 31 (24 libræ), etc.

<sup>9</sup> There were complaints before of bribery in this respect, see above, § 65, note 6. So also Conc. Moguntin. ann. 1310 (*Mansi* XXV. p. 313): *Cohabitationis vitium — quorundam negligentia prælatorum, iumo quod detestabilius est, aliquorum malitiâ, qui quæstum æstimate pietatem, sentitur iterum pullulare. — Si qui — ob quæstum turpem hujusmodi ad se delatum in subditis suis favere vel dissimulare præsumperint (the archdeacons and deacons are here meant) illi per suos prælatos ab honoribus dejiciantur. — The taxes afterwards customary had grown out of these pecuniary mulcts, as was in many other things the case (see § 82, note 1). *Nic. de Clanengis* de ruina eccl. c. 22: *Jam illud, obsecro, quale est, quod plerisque in diœcesibus rectores parochiarum ex certo et conducto cum suis prælatis pretio passim et publice concubinas tenent? — Theobaldi* publ. *Conquestio* in Conc. *Const.* (in v. d. *Hardt* *Conc. Const. T. I. P. XIX. p. 909*: *Ipsi (sacer-**

fere for the remedy of these abuses, was repelled by the church as an invasion of its rights.<sup>10</sup>

## CHAPTER THIRD.

### HISTORY OF MONACHISM.

#### § 108.

##### CONDITION OF THE OLDER ORDERS.

THE same causes, by which the degeneracy of the secular clergy is accounted for, led also to the entire neglect of discipline amongst the older monastic orders, already deeply infected with the love of luxury and the desire of independence.<sup>1</sup> We find amongst them at

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notes) — non solum tabernas, sed etiam lupanaria intrare, puellas maritatas atque moniales corrumpere, concubinas in domibus publice tenere, et cum eis procreare, atque alias superinducere, statimque post celebrare non abhorrent. Episcopi autem quoniam eodem vitio laborant, talia corripere non præsumunt. *Imo aliquid annuatim ab eis recipiunt*, et omnes in tali miseria stare permittunt. Under these circumstances the want of chastity in the priesthood was considered at most a slight crime. Hence *Gerson* de visitatione Prælatorum (Opp. ed. du Pin, II. p. 564): denunciatur recipientibus sacros Ordines, quod faciunt votum castitatis solemne, ne putent se liberos ad fornicandum, sicut fatui quidam putant.

<sup>10</sup> Even the emperor Charles IV., notwithstanding his deep reverence for the clergy, felt himself compelled to interfere in this matter: see, however, *Innocentii* P. IV Ep. ad Carolum (in *Raynald.* ann. 1359, no. 11): Habet fide digna insinuatio facta nobis, quod tua serenitas, attendens quosdam clericos et ecclesiasticas personas — effrenata quadam vivendi licentia contra ecclesiasticæ religionis decentiam, et clericalis habitus honestatem secularibus sese actibus immiscentes, ad coercendos illorum errores et transgressiones temerarias refrenandas imperiali sollicitudinis operam adhibere fervore devotionis intendit, jamque super his nonnullis prælatis — certas literas destinavit, comminationes sequestrationis ecclesiasticorum proventuum faciendæ per sæculares principes continentes, ne clerici ipsi, qui tanquam Dei ministri esse debent cæteris modestiæ et gravitatis exemplar, in suam et aliorum perniciem incorrecti ulterius per vitiorum lubricum gradiantur. Siquidem, charissime fili, zelum tuum, quem habes ad domum Domini multipliciter commendamus, etc. — verum cum tu defensor egregius et zelator præcipuus ecclesiasticæ libertatis existas, decet excellentiam tuam accurata diligentia providere, ne per id, quod ortum ex puritate devotionis accepit, debitos transeundo terminos, nostro et Apostolicæ sedis honori, ac præfatæ libertati ecclesiasticæ — possit in aliquo derogari. Ideoque magnitudinem tuam rogamus et hortamur attente, quatenus ab hujusmodi comminationibus sequestrationis ecclesiasticorum proventuum faciendæ, quod absit, per sæculares principes, de cætero abstinens, et si quid per comminationes ipsas attentatum forsân extiterit, quod non credimus, cum id proculdubio foret illicitum, — in statum pristinum reformare procurans, prælatos — debita charitate sollicitus et inducas, ut contra eosdem transgressores sui officii debitum exequantur, etc.

<sup>1</sup> The progress of corruption was much hastened, in particular, by the system of commendams, see *Gerson* de modis uniendi ac reform. Ecclesiam in Conc. (Opp.

this time few traces of studious employments,<sup>2</sup> but, on the other hand, the most extravagant excesses,<sup>3</sup> especially during the schism;<sup>4</sup> to which also the nuns gave themselves up in a manner utterly scandalous.<sup>5</sup>

ed. du Pin II. p. 174): Jam Monasteria Ordinum quorumcumque — dantur in Commendas dictis Cardinalibus, qui vix habent in quolibet decimam partem Monachorum ibidem olim existentium, aut paucos aut nullos omnino. Unde videbis, aliquos nepotes aut consanguineos laicos Cardinalium in ipsa Romana Curia otiose vacare, et nisi luxuriis et deliciis inhaerere: — et pauperes religiosi, de quorum fructibus talis pompa fit, — grandi semper rerum penuria laborant.

<sup>2</sup> Not a single distinguished man in the learning of the time appeared amongst these Orders. What sort of care was taken of the convent libraries may be seen from the account given of that of Monte Cassino, one of the most celebrated, see *Benvenuti Imolensis comm. in Dantis paradysum*, cant. XXII. v. 74 (written 1386, in *Muratorii Antiquit. Ital. medii ævi*, T. I. p. 1296): Venerabilis præceptor meus Boecacius de Certaldo (the celebrated novelist, † 1375) dicebat, quod dum esset in Apulia, — accessit ad nobile monasterium Montis Casini. — Et avidus videndi librariam, quam audiverat ibi esse nobilissimam, petivit ab uno Monacho humiliter, — quod deberet ex gratia sibi aperire bibliothecam. At ille rigide respondit, ostendens sibi altam seclam: *ascende, quia aperta est*. Ille, lætus ascendens, invenit locum tanti thesauri sine ostio vel clavi: ingressusque vidit herbam natam per fenestras, et libros omnes cum bancis coopertos pulvere alto. Et mirabundus cepit aperire et volvere nunc istum librum, nunc illum, invenitque ibi multa et varia volumina antiquorum et peregrinorum librorum. Ex quorum aliquibus erant detracti aliqui Quinterni, ex aliis recisi margines chartarum, et sic multipliciter deformati. Tandem miseratus, labores et studia tot inelytorum ingeniorum devenisse ad manus perditissimorum hominum, dolens et illacrymans recessit. Et occurrens in claustrum petivit a Monacho obvio, quare libri illi pretiosissimi essent ita turpiter detruncati. Qui respondit, quod aliqui Monachi volentes lucrari duos vel quinque solidos, radebant unum Quaternum, et faciebant psalteriolos, quos vendebant pueris, et ita de marginibus faciebant brevina (these were magical scrolls to keep off sickness, etc.), quæ vendebant mulieribus. Nunc ergo, o vir studiose, frange tibi caput pro faciendo libros.

<sup>3</sup> Clement V. at the council of Vienna (*Clementin. Lib. III. Tit. 10. c. 1*) had to forbid the nigris monachis various offences in dress and the chase: the archbishop Ernst of Prague in *Syn. Pragensi ann. 1355. c. 38*, excessum in vestibus, eibus et potibus, equitaturis et lectisterniis, — seu taxillorum, alearum, et scachorum ludis, ac chorearum lasciviis, and further the accumulation of property, etc.

<sup>4</sup> *Nic. de Clamensis* de ruina Eccl. c. 32 (in v. d. *Hardt Conc. Const. I. III. p. 33*): De monachis autem et monasteriis late patet ad loquendum materia, nisi jam me dudum taderet in tot tantarumque abominationum enumeratione demorari. — Quid autem commendabile de ipsis dicere possumus, qui — quanto magis inter cæteros Ecclesiæ filios ex votis suæ religionis perfecti esse debebant, quanto magis abstracti a cura sæcularium — in sola caelestium contemplatione suspensi, et quanto magis continentes, magis obediens, minus vagabundi, et a claustrorum septis rarius egredientes in publicum: tanto ab his omnibus rebus licet eos videre magis alienos, magis videlicet tenaces, magis avaros, magis sæculari rei — immixtos, magis insuper lubricos, indisciplinatos, dissolutos, inquietos, magis per loca publica et inhonesta (si modo frena laxantur) discursantes: ita ut nihil illis æque odiosum sit, quemadmodum cella et claustrum, lectio et oratio, regula et religio. Quocirca monachi quidem sunt exteriori habitu, sed vita, sed operibus, sed internæ conscientiæ spurcitiâ a perfectione, quam habitus ille demonstrat, longissime disjuncti. Fallit autem illos nimium sua opinio. Nam quanto sua professione rejecta terrenis magis adipiscendis inhiant, tanto pauciora habent, tantoque dotes et redditus ipsorum magis semper in nihilum fluunt. Ecce omnium cœnobiorum uberrimos olim fructus ita hodie attenuatos cernimus, ut unde centum homines vivere solebant, vix decem nunc ægerime vivant.

<sup>5</sup> *Nic. de Clamensis*, l. c. c. 36: De monialibus autem plura dicere, etsi plura, quæ dici possent, suppetebant, verecundia prohibet; ne non de cœtu virginum

## § 109.

## INFLUENCE OF THE MENDICANT ORDERS.

The mendicant orders retained at least a greater appearance of decency (as was indeed necessary if they wished to retain their influence), and the studies which then conferred most honor, those of scholastic philosophy and theology, were nowhere more zealously pursued than amongst them.<sup>1</sup> In this way they extended their influence more

Deo dicatarum, sed magis de lupanaribus, da dolis et procacia meretricum, de stupris et incestuosis operibus pudendum sermonem prolixè trahamus. Nam quid, obsecro, aliud sunt hoc tempore puellarum monasteria, nisi quædam, non dico Dei sanctuaria, sed Veneris execranda prostibula, sed lascivorum et impudicorum, juvenum ad libidines explendas receptacula; ut idem hodie sit puellam velare, quod ad publica scortandum exponere. Compare the letter of Gregory XII. A. D. 1408, to an abbot in Friesland on the condition of the Benedictine convents in that region (in *Theod. de Niem* Nemo Uniois Tract. VI. c. 34): nuper ad nostrum pervenit auditum, quod in partibus Friasæ XXII. monasteria Ordinis s. Benedicti, Bremensis, Monasteriensis et Trajectensis diocæses consistunt, in quibus olim — tantummodo moniales dicti ordinis debebant, sed successu temporis contigit, quod in eisdem etiam mares ejusdem professionis in magno numero qualitercunque cum monialibus — degerent, prout degunt ad præsens. — In quibus [monasteriis] pene omnis religio et observantia dicti ordinis, ac Dei timor abscessit, libido et corruptio carnis inter ipsos mares et moniales, necnon alia multa mala, excessus et vitia, quæ pudor est effari, per singula succreverunt. — Fornicantur etiam quam plures hujusmodi monialium cum eisdem suis prælatis, monachis et conversis, et in iisdem monasteriis plures parturiunt filios et filias. — Filios autem in monachos, et filias taliter conceptas quandoque in moniales dictorum monasteriorum recipi faciunt et procurant: et quod miserandum est, nonnullæ ex hujusmodi monialibus maternæ pietatis oblitæ, ac mala malis accumulando, aliquos fœtus eorum mortificant, et infantes in lucem editos trucidant. — Insuper quasi singulæ moniales hujusmodi singulis monachis et conversis — ad instar ancillarum seu uxorum — sternunt lectos, lavant etiam eis capita et pannos, — necnon decoquant ipsis cibaria delicata, ac die noctuque cum ipsis monachis et conversis in commessionibus et ebrietatibus creberrime conversantur, etc. *Theobaldi* sermo in Conc. Const. (in v. d. *Hardt* Conc. Const. I. XIX. p. 999): Loca sanctimonialium — quasi publica loca, plus quam theatra ad omnes vanitates, etiam a magnis, non sine maximo scandalo frequentantur. Et si qui forte alti status propter verecundiam temporalem intrare non audeant, sua munuscula, tercula et literas eis mittunt, easque cum maximo scandalo ad se invitant. Quæ autem ex his sequuntur, turpe est dicere, sed multo turpius est facere.

<sup>1</sup> *Nicol. de Clamengis* de ruina Eccl. c. 33 (v. d. *Hardt* Conc. Const. I. III. p. 33): Venio nunc ad Mendicantes, qui ex professione arcuissimæ paupertatis veros se Christi discipulos verosque imitatores esse jactant atque gloriantur: — qui eruditi præterea in divinis literis, quibus pene soli hodie insudant, pabulum verbi Dei, quo populi reficiantur, assidua prædicatione ministrant, viam eis salutis æternæ, quam nemo alius docet, aperiunt; — denique soli ipsi, ut aserunt, cæterorum omnium Ecclesiæ ministrorum segniter dormitantium officia peragunt, ministeria exercent, eorum delicta, ignorantias et negligentias supplent. Cap. 34: Sed libet ab eis querere: si hunc gradum supremæ perfectionis — attigerunt, quid est, quod suis eam verbis ita magnificent, quod insolenter adeo inde se jactant, quod universi propterea inani gloriatione se præferunt, imo quod alios omnes sui status comparatione ab omni perfectione evacuant? Decebat enim, ut alieno ore, et non proprio suo, illa ætherea et angelica in terris perfectio laudaretur, si modo solidam laudem, non vanam, suspectam et odiosam cupiebant — Cap. 35: Videtur autem hæc parabola (of the pharisees and publicans) contra hos quæstuarios verbi Dei

and more, at the universities<sup>2</sup> as well as amongst the people. The steadfast resistance, of the university of Paris especially, to the assumed privileges of these orders was ineffectual,<sup>3</sup> and they not unfrequently went

adulatores congruentissime inducta. Quia sicut Synagoga suos Pharisæos habuit, adversus quos in Evangelio acerrime Christus semper iovehit, ita nimirum hi novi et subintroducti Apostoli Ecclesiæ Pharisæi censendi sunt, quibus omnia a Christo de Pharisæis dicta, et forte alia plurima, nescio an deteriora, conveniunt. — Referring to the words of Christ: Attendite a falsis prophetis, qui veniunt ad vos in vestimentis ovium, intrinsecus autem sunt lupi rapaces, he asks: Annon lupi rapaces sunt, ovicularum vellere amicti, qui vitæ austeritatem, castitatem, humilitatem, sanctam simplicitatem exteriori specie simulant, intus vero exquisitissimis deliciis et variarum copia voluptatum ultra omnem mundanorum luxuriam exuberant? Annon lupi rapaces sunt, sub ovili imagine latitantes, qui more sacerdotum Belis in suis penetralibus oblata devorant, mero se ac lautis epulis cum non suis uxoribus, licet sæpe cum suis parvulis, avide satiantes, cunctaque libidinibus, quarum torrentur ardore, pollutent? Annon lupi rapaces sunt, foris ovem mentientes, qui ea, quæ facienda dictant, non faciunt, et cum aliis prædicaverint, sua prædicatione reprobi efficiuntur? etc. — Satis eorum perfidiam, quantum ad nostram pertinet breviter, detegere videmur. De qua, si quem juvat ampliora agnoscere, Cyrillum videat, et illic mira de eis inveniet, ad fidelium instructionem longe antequam orientur Spiritu Sancto revelante prædicta. Quamquam nec aliqui alii scriptores etiam defuerunt, qui de his subdolis illusoribus multa valde utilia et præclara post eorum introitum ad Ecclesiæ præmonitionem et præmonitionem prodiderunt.

<sup>2</sup> Of the twenty-nine Doctors of theology, assembled at Vincennes by Philip of Valois, A. D. 1332 (see above, § 96, note 37), thirteen were mendicant monks. Frequent disputes occurred between them and the universities, both of Paris and Oxford (*Antony Wood* hist. et antiquit. Univers. Oxon. p. 150–196). The universities complained particularly that they enticed young men to join them, and hence that many parents were deterred from sending their sons to the university. See *Richardi Archiep. Armaehani defensorium curatorum* in *Brown* app. ad fasc. rerum fugiend. et expetend. p. 473.

<sup>3</sup> Clement V. A. D. 1311, in the Decretal *Dudum* (Clementin. III. T. 7, c. 2) confirmed the decretal of Boniface VIII. Super cathedram (Extravagg. Comm. III. Tit. 6, c. 2), by which the privileges of the mendicant orders were secured to them against the attacks of the regular clergy. In A. D. 1321, John XXII. in the Bull *Us electionis* (Extravag. Comm. Lib. V. Tit. III. c. 2), condemned the three propositions of the Doctor of the Sorbonne, *Joannes de Poliaco*: quod confessi fratribus, habentibus licentiam generalem audiendi confessiones, teneant eadem peccata, quæ confessi fuerant, iterum confiteri proprio sacerdoti: secundo, quod stante *Omnis utriusque secus* edicto in Concilio generali (see above, § 81, note 5) Romanus Pontifex non potest facere, quod Parochiani non teneantur omnia peccata sua semel in anno proprio Sacerdoti confiteri, — immo nec Deus posset hoc facere, quia — implicat contradictionem: tertio, quod Papa non potest dare potestatem generalem audiendi confessionem, immo nec Deus, quin confessus habenti licentiam teneatur eadem confiteri proprio Sacerdoti. These propositions had been maintained in the Quodlibetis of John de Poliaco (Ms. in Paris, see *d'Argentré* coll. judiciorum I. p. 302), from which some extracts are made by *Jo. de Turrecremata* (about 1450) in his *Summa de Ecclesia*, lib. II. c. 59. The principles from which they spring were those which the French theologians had maintained since the time of Philip the Fair, in opposition to the papal system (comp. above, § 62, note 22): Status et potestas et jurisdictio LXXII. discipulorum continuatur in sacerdotibus Curatis, sicut status et potestas et jurisdictio Apostolorum in Episcopis. — Sed status Discipulorum a Christo institutus est, et ipsi ab eo instituti et missi, potestatem immediate ab ipso accipientes, non ab aliquo Apostolorum. — Ergo et status Curatorum et ipsi sunt immediate a Christo instituti, et ab ipso immediate potestatem habent. — Quare enim potestas collata Petro est continuata in Romano Pontifice; et potestas collata aliis Apostolis non est continuata in aliis Episcopis, et potestas collata Discipulis non est continuata in Curatis, non potest dari ratio. Et ideo Curati sunt veri ordinarii, habentes jurisdictionem ordinariam,

non jure humano sibi datam, sed a Christo immediate in prima institutione Ecclesiae; — et etiam non sunt vicarii Episcoporum, sed Jesu Christi, — inferiores tamen et minores Episcopis: nec ab ipsis possunt destitui, nisi ex rationabili causa, sicut nec Episcopi a Papa. — Item Episcopi habent inferiorem potestatem a Deo immediate, sub Papa, sed non a Papa. — Ex quo patet, quod nec Papa Prælati potest potestatem datam a Christo eis auferre, et aliis non Prælati dare, nec statum Ecclesiae a Christo institutum destruere et mutare. — A remarkable effort against the mendicants is mentioned by Continuator Chronici Guil. de Nangis in *d'Achery Spicileg.* T. III. p. 112: Anno Dom. 1351 insurrexerunt Domini Cardinales et Prælati alii multi cum magna multitudine Curatorum contra Religiosos Mendicantes in Curia Romana, volentes et petentes a Domino Papa Clemente VI. eorum annullationem, et quod deficerent in se: Episcopi allegantes fortiter in Consistorio, quod ipsi Mendicantes non erant ab Ecclesia vocati et electi, et quod eis non incumberebat fidelibus prædicare, neque confessiones audire, sed neque sepulturas recipere alienas: unde requirebant dicti Prælati cum Curatis, quod ipsi Mendicantes cassarentur, vel quod saltem cessarent a præmissis, aut ad minus quod non solum quarta portio de sepulturis alienis daretur, sed totum emolumentum ipsis Curatis ex integro redderetur, quia nimis erant ditati ipsi Mendicantes de talibus sepulturis. But the Pope interfered at once in their behalf: objecit etiam Dominus Papa ipsis Prælati et Curatis, de quo si ipsi Mendicantes tacerent, de quo ipsi populo prædicarent? quia si de humilitate prædicaveritis, vos, inquit Dominus Papa, estis super omnes status mundi magni, superbi et elati et pomposi: — si de paupertate, vos estis magis tenaces et cupidi, unde non vobis sufficiunt omnes præbendæ ac beneficia mundi: si — de castitate, de hoc, inquit nos taceamus, quia Deus scit, qualiter quilibet agit, et qualiter quamplurimi in deliciis nutriunt corpus suum, etc. — Richard, archbishop of Armagh (of him, see *Baluzii* not. ad Vit. PP. Aven. p. 950), having been complained of to the Pope on account of certain injurious allegations against the mendicants, defended himself before Innocent VI. A. D. 1357. in a set speech, which is still extant. Defensorium curatorum (in *Goldasti* Monarchia, T. II. p. 1392. and *Brown* append. ad fascic. rerum expet. et fug. p. 466): IV. Quod Dominus noster Jesus Christus docuit, non debere hominem spontaneæ mendicare; V. quod nullus potest prudenter et sancte spontaneam mendicitatem super se assumere perpetuo observandam; VIII. quod pro confessione parochianorum — eligibilior est parochialis Ecclesia, quam fratrum oratorium sive ipsorum Ecclesia; IX. quod ad confessionem parochianorum — eligibilior est persona ordinarii quam fratris persona. Richard remained a long time in Avignon and (Prima vita Innocent VI. in *Baluzii* vit. PP. Aven. p. 338) duravit quæstio hujusmodi per aliquod tempus. Sed tamen indecisa remansit propter obitum suum (Richard's), qui supervenit; de quo dicti fratres potius de *Gaudefamus* quam de *Requiem* cantaverunt. Comp. *d'Argentré* collectio judiciorum de novis erroribus, T. I. p. 378. He was answered by the Franciscan and professor of theology in Oxford, Rogerus Chonoe, or Connovius de confessionibus per Regulares audiendis in *Goldast.* l. c. p. 1410. — On the 2d of January, 1409 (more Gallicano 1408), the Franciscan, Joannes de Gorello, was compelled by the Sorbonne to revoke the following propositions which he had maintained (*Bulæi* hist. Univ. Paris, T. V. p. 189; *d'Argentré* collectio judiciorum, T. I. P. II. p. 178): I. quod sacramentum penitentiæ nihil agit in habente gratiam virtute sacramenti; II. quod debite confessus non possit obligari, ut iterum confiteatur eadem peccata; III. Curatis non competit, ut tales sunt, prædicare, confessare, extremam unctionem dare, sepulturas dare, decimas recipere. Fundatur in hoc, quod Curati non sint de institutione Christi et Ecclesie primaria, sed per Dionysium Papam fuerunt ordinati. Item quia stat Curatos esse, qui non sunt sacerdotes; IV. fratribus competit principaliter, vel essentialiter, prædicare et confessiones audire, quam Curatis. Fundatur, quia fratribus competit ex regula, etc. Instead of these he had to adopt the following: I. DD. Curati sunt in Ecclesia minores Prælati et Hierarchæ ex prima institutione Christi, quibus competit ex statu jus prædicandi, jus confessiones audiendi, jus sacramenta ecclesiastica secundum exigentiam sui status Parochianorum ministrandi, jus sepulturas dandi, jus insuper decimas et alia jura parochialia recipiendi; II. Item, quod jus prædicandi et confessandi competit Prælati et Curatis principaliter et essentialiter; et Mendicantibus per accidens ex privilegio; quoniam sunt introducti, vel admissi ex concessione et beneplacito DD. Prælatorum; III. Item quod eadem peccata possunt licite

even beyond these assumed privileges with impunity.<sup>4</sup> The old jealousy between the Franciscans and Dominicans was still kept alive by doctrinal differences,<sup>5</sup> but any absolute collision between these two great

et meritorie pluries confiteri in multis casibus, et quod virtute s. Sacramenti poterit eis prodesse quælibet talis reiterata confessio, etc. In revenge for this, the Minorites prevailed on Alexander V. to issue a bull, October 12, 1409 (in *Bulæus*, l. c. p. 196), confirming anew the privileges of the mendicants, and condemning the following propositions, which, no doubt, were maintained by the university of Paris: I. Confessus fratri admissio in forma *Dudum* (Clement III. 7, 2) tenetur eadem peccata — iterum Curato confiteri. II. Conclusiones Joannis de Poliacò damnatæ per Joannem XXII. sunt satis veræ. III. Statutum Joannis XXII. editum, *Vas electionis*, est irritum et inane, quia cum illud fecit, erat hæreticus. IV. Stante statuto, *Omnis utriusque sexus*, nec Deus, nec Papa — potest facere, quin confessus fratri mendicanti admissio iterum teneatur confiteri suo Curato. V. Confessio fratribus admissis facta est dubitabilis. Quapropter omnes tenentur dimittere incertum, et sic solum confiteri suis sacerdotibus curam animarum habentibus sub pœna peccati mortalis. VI. Quamvis fratres admissi habeant auctoritatem absolvendi et audiendi confessiones, tamen populus subjectus non habet potestatem accedendi ad Mendicantes admissos sine licentia proprii sacerdotis; et Fratres petentes privilegia pro confessionibus audiendis et sepulturis habendis sunt in peccato mortali et excommunicati; et Romani Pontifices talia privilegia concedentes Mendicantibus, aut eisdem confirmantes, sunt in peccato mortali et excommunicati. VII. Fratres non sunt aut fuerunt Pastores, sed fures, latrones et lupi. VIII. Sacerdos Curatus dans licentiam Mendicantibus audiendi confessiones magis dispensat cum statuto *Omnis utriusque sexus*, quam Papa Fratribus dans licentiam juxta formam Decretalis *Dudum*. The university was highly incensed at this bull: Gerson delivered a discourse against it (Opp. ed. *Du Pin*, T. II. p. 431 seq.): the Sorbonne pronounced it intolerabilis et totius status Ecclesiastici turbativa (*Bulæus*, l. c. p. 201), etc., and John XXIII. had to repeal it in 1410 (*Bulæus*, p. 204).

<sup>4</sup> Thus at the council of Vienne, the following complaints were brought by one of the bishops, de excessibus exemptorum, referring, no doubt, especially to the mendicants (*Raynald*, ann. 1312, no. 24): ipsi — publice excommunicatos a suis ordinariis ad sacramenta et sacramentalia admittunt in suis ecclesiis et capellis. — In eisdem etiam dispensationes clandestinas et benedictiones, quamquam inter personas excommunicatas aut consanguinitate vel affinitate conjunctas, seu alias matrimoniali vinculo confederatas celebrare non verentes. — Et dum a talibus excessibus — ab ordinariis arguuntur, de sua exemptione confisi reddunt pro verbis humilibus verba tumida et superba, etc. Reformatorii Conc. Constantiensis decretales, lib. III. Tit. X. c. 12 (v. d. Hardt Conc. Const. I. XII. p. 715): Multorum querela Curatorum ad hoc sacrum Concilium deducta, qualiter fratres ordinum mendicantium limites Apostolici privilegii — multipliciter excedant: sic quod superiores dictorum fratrum non eo modo, sicut deberent, sed in scriptis, imo interdum nomine non expresso, Ordinariis locorum suos terminarios, ut plurimum idiotas, et interdum minus quam presbyteri curati scientes, præsentant; præsentati soli absque socio per parochias veluti vagi transcurrunt, absolutiones suas, ultra curatorum efficaciores, tanquam Apostolica auctoritate concessas, prædicant sæpius; quod in casibus eis non commissis absolvunt, pecuniaria etiam pactione præcedente aut interveniente; decedentibus et testari volentibus secretius ingerunt, sibi et non Curatis legari et apud suos conventus sepeliri: quibus omnibus secretius ingestis et practicatis canonicam ipsis curatis non exhibent portionem, etc.

<sup>5</sup> See above, § 75. Especially concerning the immaculate conception of the Virgin, and concerning evangelical poverty. So too they vied with each other in extolling their respective founders. After the example of the Franciscans (see above, § 70, note 3; comp. § 110, note 16) the Dominicans also began now to compare their Dominic to the Saviour himself. cf. Vita s. Catharinæ Senensis (of the third order of St. Dominic, † 1380), written by the general of the order, *Raimundus Capuanus*, P. II. c. 7 (Acta SS. Aprilis, T. III. p. 904): he relates that Catharine saw in a vision, summum et æternum Patrem, de ore suo (ut videbatur) cœternum sibi Filium producentem. — Quod dum attenderet, ex alia parte vidit



orders was avoided by their choosing separate spheres of activity. The Dominicans having almost the entire control of the Inquisition, and the spiritual care of the higher classes, gradually lost the character of a mendicant order.<sup>6</sup> The Franciscans, on the other hand, aimed rather at an influence over the great mass of the people, and left no means untried (not excepting holy frauds)<sup>7</sup> to inspire them with a deep reverence for the order, and extort from them their wealth.

§ 110.

INTERNAL HISTORY OF THE FRANCISCANS.

The abolition of the order of Cœlestine-Eremites by Boniface VIII. (see Vol. II. § 70, note 15), had only the effect of renewing and widening the breach between the Spirituales and the fratres de communitate. The former were not to be prevailed upon, by all the

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beatissimum Patriarcham Dominicum ex ejusdem Patris produci pectore, luce ac splendoribus circumdatum: audivitque ex eodem ore prolatam vocem, quæ verba infrascripta formabat: Ego, dulcissima filia, istos duos filios genui, unum naturaliter generando, alium amabiliter et dulciter adoptando. — Sicut hic filius a me naturaliter et æternaliter genitus, assumpta natura humana, in omnibus fuit perfectissime obediens mihi usque ad mortem; sic filius adoptivus meus Dominicus, omnia quæ operatus est ab infantia sua usque ad terminum vitæ suæ fuerunt regulata secundum obedientiam præceptorum meorum, nec unquam semel fuit transgressus quodcumque præceptum meum. — Et sicut filius naturalis hic, tamquam verbum æternum oris mei, locutus est palam mundo; — sic filius meus adoptivus Dominicus veritatem verborum meorum prædicavit palam mundo. — Sicut filius meus naturalis misit discipulos suos, — sic iste adoptivus misit fratres suos, etc.

<sup>6</sup> Comp. the Dominican *Petri Paludani*, in Paris (about 1330), tract. quod fratres Prædicatores possunt habere possessiones et redditus.

<sup>7</sup> Especially by the carrying to a greater extent the absolution granted at Portiuncula (see § 69, note 8). The Cardinal Bonifacius de Vitalinijs (or rather de Amanatis, see *Babuzii PP. Aven.* l. p. 1340) relates in his Comment in Clementinas A. D. 1388, that the Franciscans maintained, that on every 1st of August as many souls could be released from purgatory as any one would go in and out of the church. See *J. B. Thiers traité des superstitions*, qui regardent les sacrements (Paris. 1701. 4 voll. 12mo.), vol. III. p. 259. — *Hermannii Corneri* (Dominican in Lübeck) Chron. ad ann. 1359 (in *Eccardi Corp. hist. medii ævi*, T. II. p. 1101): the Franciscan Arnouldus de Villa Preodii Vercellensis Diœcesis maintained, quod nullus possit damnari, deferens habitum Ordinis s. Francisci, asseruitque constanter, b. Franciscum omni anno semel descendere de cælo ad purgatorium, et eripere inde animas omnium illorum, qui illo anno defuncti, in habitu Ordinis sui extiterunt sepulti, et ad purgatorium fuerant missi. (This Franciscan was Arnaldus Montanerius Villæ Podii Ceritani Diœc. Urgellensis. See *Eymerici Directorium Inquisitorum*, P. II. Qu. II in fine. Also *Wadding ann. Minorum*, ann. 1371, no. 28, sees nothing impossible in this yearly descent of St. Francis to purgatory.) Hujus autem erroris assertores nedum sed et publici pronuntiatores ac prædicatores plures in Ordine prædicto in præsentiarum existunt, qui ausu temerario talia figmenta et mendacia non verentur populo intimare. Imo temporibus meis, *me præsentem*, in provinciali Synodo in urbe Hamneburgensi celebrata anno Dom. 1406 — Dominus Joannes Episcopus Lubicensis — hunc errorem in publico consistorio ipsis fratribus Minoribus ibidem præsentibus objecit, — tanquam per dictos fratres publice prædicatum in urbe Lubicensi.

efforts of the popes, to reunite themselves with the order,<sup>1</sup> and preferred to be excluded from the church as heretics rather than yield; as was seen in the year 1317, when John XXII. summoned a party of them before the Inquisition in Narbonne and Beziers.<sup>2</sup> Those who had been thus rejected (*fratricelli*) now joined themselves to the motley company of the Beghards,<sup>3</sup> with whom they shared their wild

<sup>1</sup> See a disputation or conference held before Clement V. (in *Wadding*, ann. 1310, no. 1 seq.). After this, A. D. 1312, Clement gave a new decision concerning the rules in the constitution, *Exivi de Paradiso* (Clementin. Lib. V. Tit. 11, c. 1), in which he concedes something to both parties, in order to bring about a union.

<sup>2</sup> How they got possession of the convents in Narbonne and Beziers, see in *Wadding*, ann. 1314, no. 8; the proceedings of John XXII. against them, *ibid.* ann. 1317, no. 11 seq.

<sup>3</sup> Of the former connexion of the Beghards with the Franciscans, see § 71, notes 9 and 11. Also John XXII. bull *Sancta Romana* of December 30, 1317 (in *Extravag. Jo. XXII. Tit. VII.*): Nonnulli profanæ multitudinis viri, qui vulgari-ter *Fratricelli*, seu *fratres de paupere vita*, *Bizochi* sive *Beguini*, vel aliis nominibus nuncupantur in partibus Italiæ, necnon in insula Siciliensi, comitatu provinciæ, Narbonensi et Tolosana civitatibus — habitum novæ religionis adsumere, congregationes et conventiculas facere, et superiores sibi ipsi eligere, quos ministros, seu custodes, vel gardianos, aut nominibus aliis appellant, plurimos ad eorum sectam recipere. — publice mendicare, quasi eorum secta foret una de religionibus per sedem apostolicam approbatis, temeritate damnabili præsumserunt, et præsumunt etiam incessanter. Et ut ipsorum error veritas, et impietas religio reputetur; plurimi eorum regulam seu ordinem fratrum Minorum, quem s. Franciscus instituit, se profiteri ad litteram conservare contingunt, quamquam in obedientia generalis, vel provincialium ministrorum ipsius ordinis non morentur, præterdentes se a sanctæ memoriæ Cælestino P. V. — hujus status — privilegium habuisse. Quod tamen, etsi ostenderent, non valeret; cum bonæ memoriæ Bonifacius P. VIII. — omnia ab ipso Cælestino — concessa — viribus penitus vacuaverit. — Nonnulli etiam ex ipsis asserentes, se esse de tertio ordine b. Francisci, Pœnitentium vocato, prædictum statum et ritum eorum sub velamine talis nominis satagunt palliare: cum tamen in regula ipsius tertii ordinis talis vivendi ritus nullatenus sit concessus. — Ipsorum quam plurimi — a veritate catholicæ fidei deviantes, ecclesiastica sacramenta despiciunt ac errores alios student multipliciter seminare. Then a strict prohibition of this way of life under penalty of excommunication. — In the bull *Gloriosam Ecclesiam* of January 23. 1318 (in the *Bullario Rom.* and in *Raynald*, ann. 1318, no. 45), the bishops are called upon to take prisoners the Pseudo-Minorites who had fled to Sicily, and there formed a peculiar party, distinguishing themselves by quosdam habitus cum parvis caputiis curtos, strictos, inusitados et squalidos, and deliver them up to the order for punishment. Also a short account is given of the controversies that have taken place, and of the different heresies. Namely: I. Primus error — duas fingit Ecclesias, unam carnalem, divitiis pressam, effluentem deliciis, secleribus maculatam, cui Romanum Præsulem, aliosque inferiores Prælatos dominari asserunt: aliam spiritualem, frugalitate mundam, virtute decoram, paupertate succinetam, in qua ipsi soli eorumque complices continentur, cui etiam ipsi spiritualis vitæ merito, si qua fides est mendaciis, principantur. II. Secundus error — venerabiles Ecclesiæ sacerdotes — sic jurisdictionis clamitat auctoritate desertos, ut nec sententias ferre, nec sacramenta conficere, nec subjectum populum instruere valeant; — quia apud ipsos solos, ut ipsi somniant, sicut spiritualis vitæ sanctitas, sic auctoritas perseverat. III. In nullum eventum asserunt fore jurandum, dogmatizantes, mortalis criminis contagione pollui et pœna teneri, quos contigerit juramentum religione constringi. IV. Sacerdotes rite — ordinatos, quibuslibet tamen criminibus pressos, non posse conficere vel conferre ecclesiastica sacramenta. V. Evangelium Christi in se solis hoc in tempore — esse completum, quod hætenus, ut ipsi somniant, obtectum fuerat, immo prorsus extinctum. — Multa sunt alia, quæ isti præsumptiosi homines contra conjugii venerabile sacramentum garrire dicuntur, multaque de

fanaticism;<sup>4</sup> and great numbers of both fell victims to the Inquisition.<sup>5</sup>

Amongst the great mass of the Franciscans (fratres de communitate) the renunciation of all property, even as a community, had become a mere name by the construction put upon the rule by the popes. But on this *name* the order laid such stress, that in the year 1321 they fell into a violent controversy with the Dominicans on the question, whether Christ and the Apostles possessed any thing whatever even in common.<sup>6</sup> John XXII., wearied of the continual controversies on this subject, decided in favor of the Dominicans, notwithstanding the earnest representations of their opponents,<sup>7</sup> and

cursu temporum et fine sæculi somniant, multaque de Antichristi adventu, quem janjam instare aasserunt, flebili vanitate divulgant, etc. Comp. Culpæ Beguinorum in the Liber Sententiarum Inquisitionis Tolosanae ab anno 1307 - 1323, p. 298 seq., appended to *Ph. o Limborech* hist. Inquisitionis. These Beguines held in high respect the Postilla Fr. Petri Olivi (see § 70, note 12), which they had in the language of the country. The church of Rome, therefore, was to them Babylon meretrix magna, John XXII. mysticus antichristus, preparator viæ majoris antichristi (p. 304), regula s. Francisci unum et idem cum evangelio Christi (p. 302), namely, vita Christi, quam in hoc mundo servavit et servandum Apostolis suis tradidit (p. 303). S. Franciscus seu ordo ejus debebat ecclesiam renovare, of course only the Spirituales. A Beguine who was tried 1321 (p. 298), credit informatus per scripturam dicti fratris P. Johannis (Olivi), quod infra XIV annos computandos a præsentis tempore Antichristus major complevisset cursum suum, etc.

<sup>4</sup> *Alvarus Pelagius* de Planctu Eccl. Lib. II. c. 51, de erroribus Begardorum says of the tertius error Begardorum de spiritu libertatis (see above, § 87, note 25): Tempore meo in provincia b. Francisci multi sacculares et fratres minores pro ista carnali spiritu libertatis per inquisitores hæreticæ pravitatis incarcerati fuerunt. — tales valde spirituales videbantur in lucis angelum transformati. This is a sufficient answer to Wadding's (ann. Minorum, ann. 1317, no. 24 seq.) attempts to deny the origin of the Fratricelli from the Franciscans.

<sup>5</sup> Such victims were looked on by their party as martyrs. Thus Mosheim mentions (Institut. hist. eccl. p. 583, note 25) a Martyrologium Spiritualium et Fratricellorum, in which one hundred and thirteen martyrs are enumerated from 1318 to the time of Innocent VI.

<sup>6</sup> See the account given by the contemporary *Nicolaus Minorita* in *Baluz. PP. Aven. T. I. p. 598*: Anno Dom. MCCCXXI — quidam Beguinus seu Bizotus fuit captus in civitate Narbona pro facto hæresis per Archiepiscopum Narbonensem et fratrem Johannem de Belna, Ordinis fratrum Prædicatorum Inquisitorem hæreticæ pravitatis. Qui Beguinus inter alia asserebat, quod Christus et Apostoli viam perfectionis sequentes nihil habuerunt jure proprietatis et dominii in speciali, nec etiam in communi. Qui Inquisitor volens judicare dictum Beguinum convocavit ad consilium omnes Priores, Gardianos et Lectores religiosorum et quamplures alios sapientes, inter quos affuit frater Berengarius Taloni Lector in conventu fratrum Minorum de Narbona. Et inter cætera præfatus Inquisitor fecit legi præfatum articulum de paupertate Christi et Apostolorum ejus, pro quo volebat Begardum hujusmodi tanquam hæreticum judicare. Prælibatus frater Berengarius Lector super dicto articulo requisitus respondit, quod hoc diceret non erat hæreticum, sed dogma sanum, catholicum et fidele, maxime cum hoc esset per Ecclesiam in decretali *Exiit qui seminat* (Nicolai IV. see above, § 70, note 10) diffinitum. Quo facto, ac si asscruisset hæresim dictus Lector, præfatus Inquisitor eidem præcepit, ut dictum suum statim in præsentia omnium revocaret. Qui Lector revocare noluit quoquo modo, sed — ad sedem apostolicam solemniter appellavit, et cum appellatione sua venit apud Avinionem.

<sup>7</sup> See the two Declarations of the General Chapter of the Franciscans, held in Perusium in June and July, 1322, in *Wadding*, ad h. a. no. 51 seq.

declared the Franciscan doctrine to be heresy,<sup>8</sup> renouncing in the name of the church of Rome all claim to the possessions of that order (1322).<sup>9</sup> The more zealous Franciscans, with the general of the order, Michael de Cesena, at their head, took refuge with Lewis of Bavaria,<sup>10</sup> and opposed the heretic Pope as long as they lived.<sup>11</sup> The

<sup>8</sup> As Nicolas IV. in his bull *Exiit* had forbidden all further comment on the same under penalty of excommunication, John XXII. began with allowing this, in order that the subject might be investigated anew, in the bull *Quia nonnunquam* (Extravagg. Jo. XXII. Tit. XIV. c. 2): then in the bull *Cum inter nonnullos* of November 12, 1322 (*ibid.* c. 4), he decides: in posterum pertinaciter adfirmare, quod Redemptori nostro ejusque apostolis iis, quæ ipsos habuisse scriptura sacra testatur, nequaquam jus ipsis utendi competierit, nec illa vendendi seu donandi jus habuerint, aut ex ipsis alia acquirendi, quæ tamen ipsos de præmissis fecisse scriptura sacra testatur, seu ipsos potuisse facere supponit expresse: cum talis adsertio ipsorum usum et gesta evidenter includat in præmissis non justa, quod utique de usu, gestis seu factis Redemptoris nostri, Dei Filii, sentire nefas est, sacra scripturæ contrarium, et doctrinæ catholicæ inimicum: adsertionem ipsam pertinacem de fratrum nostrorum consilio deinceps erroneam fore censendam merito ac hæreticam declaramus.

<sup>9</sup> By the bull *Ad conditorem canonum* of 8 Dec. 1322 (*Ibid.* c. 3). He shows in this the fallacy of the right of property hitherto asserted by the church of Rome: Constat, quod post ordinationem prædictam (*Exiit*, Nicolai IV.) non fuerint in acquirendis ac conservandis bonis in judiciis et extra minus solliciti, quam ante illam fuerant fratres ipsi. — Adhuc nec utique profuit dictis fratribus ordinatio supra dicta, quantum ad hoc, quod propter carentiam talis proprii se pauperiores dicere valeant, quam si res ipsas cum illo, quo carere se dicunt, dominio obtinerent. Licet etiam prædecessor noster prædictus dominium earum rerum, quæ ipsis fratribus offerri seu conferri, aut alias obvenire contingeret, — in se Romanamque ecclesiam recipiendum duxerit; — attento tamen ipsorum fratrum utendi modo et ejus effectu, — non ipse usus fratrum dici debet, sed potius Romanæ ecclesiæ dominium esse simplex. Quis enim simplicem usuarium dicere poterit, cui rem usuarium licet permutare, vendere ac donare? Procul dubio hæc naturæ repugnare noscuntur, nec ad usuarium pertinere, quæ tamen de rebus mobilibus ante dictis faciunt fratres ipsi. Quod autem dominium Romanæ ecclesiæ reservatum simplex censi debeat, ex hoc patet, quod ex illo nullum eidem ecclesiæ temporale obvenit — commodum, etc. Further: Quod autem quoad res, quæ usu consumuntur, non sint censendi usuarium fratres ipsi, ex sequentibus liquet satis. Dicere siquidem, quod in talibus rebus usus juris vel facti separatus a proprietate rei seu dominio possit constitui, repugnat juri, et obviat rationi. Hence nolentes in posterum sub prætextu — talis domini temporalis verbalis, nudi ac ænigmatici tanta bona, quanta dicti fratres faciunt, infici, — sancimus, quod in bonis, quæ in posterum conferentur, — fratribus seu ordini supra dictis (exceptis ecclesiis, oratoriis, officinis et habitationibus, ac vasis, libris et vestimentis divinis officiiis dedicatis —) nullum jus seu dominium aliquod — Romanæ ecclesiæ acquiratur, sed quoad hoc habeantur prorsus ordinationes hujusmodi pro non factis. Et — districtius inhibemus, ne deinceps pro recipiendis, petendis, extorquendis, defendendis seu administrandis bonis — quisquam nominetur — nomine s. Romanæ ecclesiæ procurator, etc. An appeal was made against this bull on the 14th of Jan. 1323, by *Fr. Bonagratia*, before the papal commissary, on which he was thrown into prison (*Wadding*, ann. 1323, no. 1).

<sup>10</sup> See above, § 96, note 28.

<sup>11</sup> Compare *Michælis Casenatis* tract. contra errores Jo. XXII (in *Goldasti* *Monarchia* II. p. 1236), *Ejusd.* litteræ ad omnes fratres ordinis minorum A. D. 1333 (*ibid.* p. 1338 seq.) and ad Regem Rom. et Principes Alemanicæ (*ib.* p. 1344). — *Guil. Ockami* compendium errorum Papæ (*ibid.* p. 957), *Ejusd.* opus nonaginta dierum contra errores Jo. XXII (*ibid.* p. 993). On the other hand the Dominicans defended the decision of the Pope, especially *Petrus Paludanus* in Paris (1330, Patriarch of Jerusalem, † 1342), tract. de paupertate Christi et Apostolorum contra Michælem de Cæsena (Ms. in bibl. Colbert.). Other works on the

majority, however, submitted, and chose a new general, nominated by the Pope (A. D. 1329).<sup>12</sup>

The ordinances of John XXII. could not fail to produce a still greater laxity in observing the rules of Francis,<sup>13</sup> and the reconciliation of the Spirituales with the order thus became less possible than ever. Throughout the 14th century, therefore, they were continually renewing their attempts to unite themselves in small remote settlements in various parts of Italy, for the strict observance of the rules they held so dear. At first these associations were not seldom broken up. Afterwards, however, they were protected by some of the generals of the order,<sup>14</sup> till they became so considerable, that they were for-

subject see in *Raynald*, ann. 1323, no. 38 seq. As early as 1324, John XXII. himself defended his Constitutions in a new bull *Quia quorundam* (Extravagg. Jo. XXII. Tit. XIV. c. 5) and excommunicated his opponents. *Petrus Rogerius* (a Benedictine, and professor of theology, in Paris, afterwards Pope Clement VI.), relates in his *Lectura* on this bull (see *Baluzii* not. ad Antonii Augustini de emendatione Gratiani dialog. lib. I. dial. 17), that a Parisian theologian, no doubt a Dominican, went so far as to maintain: *adserere Christum et Apostolos nihil habuisse est magis hæreticum, quam adserere Deum non esse incarnatum.* Namely: *illud est magis hæreticum, quod est contra majorem evidentiam fidei. — Sed adserere, quod Christus et Apostoli nihil habuerunt in proprio vel communi est contra majorem evidentiam fidei. Illi enim, qui erant tempore Christi et Apostolorum, clare videbant, quod Christus et Apostoli habebant aliqua vel in proprio, vel in communi; non tamen ita clare videbant, quod Deus esset incarnatus, quia non videbant clare Christum esse nisi purum hominem. Ergo, etc.*

<sup>12</sup> At a general chapter in Paris, *Wadding*, ann. 1329. The Franciscans now went back to their old fiction, that the real ownership of the property bestowed on them remained with the donor (see above, § 70, note 5), see *Alvarus Pelagius de Planctu Eccl.* lib. II. c. 55: *fratres minores possunt habere usum quemlibet separatim a proprietate, cujus proprietatis Romanæ ecclesiæ erat olim, et nunc dantur, propter Extravagantem, quam fecit Papa Joannes XXII contra fratres minores, quæ incipit Ad Conditorem.*

<sup>13</sup> See the confession of the Franciscan *Alvarus Pelagius* II. c. 66, that the brethren often de pecunia, quæ pro eis deponitur, emunt et faciunt superflua. — Item non pro necessitatibus ingruentibus — faciunt pecuniam deponi, sed pro futuris necessitatibus et non necessitatibus. — Item vadunt aliqui per terras et villas, — eleemosynas pecuniarias procurando et petendo, et importunitates frequenter ingerendo, famulum retro ducendo, et denariis pixides et loculos implendo. — Item ponunt aliqui cippos et areas in eorum ecclesias, ut ibi sæculares ponant pecunias. — Item tangunt pecunias vel cum cera vel cum ligno vel cum palea. Portant etiam quidam eorum pecunias sutas in habitibus et tunicis. Quidam etiam eorum faciunt sibi pecuniam poni in capitibus, etc.

<sup>14</sup> Thus Philip of Majorca was denied by John XXII. (*Wadding*, ann. 1328, no. 28), and afterwards by Benedict XII. (*ibid.* ann. 1340, no. 23), on his applying for permission to found a company of strict Franciscans, and the latter said to Robert of Sicily, who interceded in behalf of the applicant, quod idem Philippus sectæ Beguinorum — promotor, defensor, rector et conservator extitit, — et his nequaquam contentus tam contra Joannem P. XXII — quam sedem prædictam multa enormia et hæretica — publice asseruit, et etiam prædicavit interdum. — A small society of the sort was formed by *Johannes de Valibus*, near Bruliano, A. D. 1334, with the permission of the general of the Order (*Wadding*, ann. 1334, no. 24): but as it spread further, the envy of the Order was awakened, and the new society was accused of heresy (spiritum libertatis inter eos dominari — eos receptasse aliquos hæreticos) and dispersed by order of the Pope (*Wadding*, 1355, no. 1 seq.). — Those which were permanently established were the congregation of the Clarenes, formed by *Angelus de Cingulo*, from the remnant of the Cælestines, A. D. 1302, in the Mark of Ancona (*Wadding*, ad h. a. no. 8); and

mally sanctioned by the council of Constance under the name of *fratres regularis observantiæ*, as distinguished from the *fratres conventuales*.<sup>15</sup>

In proportion as the Franciscans relaxed from the strictness of the supposed evangelical mode of life, which their founder had established, it seemed as if they hoped to appease the saint by the increased extravagance of their praises, and the impious comparisons they instituted between him and Christ.<sup>16</sup> The prophecies of John de Rupescissa show that they were still looking for the approaching renovation of the church through the instrumentality of their order.<sup>17</sup>

that of *Paulutius*, Paolucci of Foliani, a pupil of John de Vallibus, who established himself in the ruined hermitage of Bruliano by permission of the general of the Order (*Wadding*, ann. 1368, no. 10), and so much increased his society (*Wadding*, ann. 1380, no. 29; 1384, no. 4; 1385, no. 4; 1388, no. 1; 1390, no. 1), that he was considered the founder of the more strict rule.

<sup>15</sup> Sessione XIX. d. 23 Sept. 1415. v. d. *Hardt* Conc. Const. T. IV. p. 515.

<sup>16</sup> Compare Div. II. § 70, note 3. This was the date of the appearance of the famous *Liber conformitatum* by the Franciscan *Bartholomæi Albiçii* or *Barth. de Pisis*, written 1385, and offered to the general chapter held at Assisi 1399, and received with much applause (the only complete edition, Mediolani, 1510, fol.). An extract by Erasmus Alberus, with a preface by Luther: *Der Barfüsser Mönche Eulenspiegel* u. *Alcoran*, 1531, also 1573 and 1614. 12mo., still fuller in the translations: *l'Alcoran des Cordeliers* and *Alcoranus Franciscanorum*, which have been often published. This work consists of three books, showing 40 points of agreement between St. Francis and Christ, which are pointed out in the superscription, e. g. Lib. I. 1. *Jesus prophetis cognitus, Franciscus declaratur* (alleged prophecies of St. Francis *tam ante ortum, quam in ortu et post ortum declarato et agnito*). 2. *Jesus emissus cælitus, Franciscus designatur*. 3. *Jesus late progenitus, Francisco vir lætatur* (prophets and angels rejoiced at the birth of St. Francis, as at the birth of Christ). — 6. *Jesus abjectus cernitur, Franciscus separatur*. e. g. *Nam apostoli etsi navem et alia reliquerunt, non tamen vestimentum, quod in dorso habebant: beatus vero Franciscus non solum omnium terrenorum facultati abrenunciavit, sed et pannos et femoralia rejecit, nudum corpore et mente se offerens brachiis crucifixi, quod de nullo alio sancto mundum abrenunciante aliculi legitur, et sic in hoc b. Franciscus singularis ab omnibus reperitur*. Thus one of the Order saw in a vision the courts of heaven, and therein numerous seats, inter quas vidit unam eminentiorem aliis et præ omnibus gloriosius fulgentem, et ornatam omni lapide pretioso, et admirans ejus pulchritudinem cæpit cogitare, cujus esset, et statim vocem audivit dicentem sibi: hæc sedes fuit Luciferi, et loco ejus sedebit humilis Franciscus. — Lib. II. Conf. 13. *Jesus signis mirificus, Franciscus divulgatur*. In St. Francis too the prophecy was fulfilled: omnia subjecisti sub pedibus ejus et constituisti eum super omnia opera manuum tuarum, as well as quod cantatur in evangelio sui festi: omnia mihi tradita sunt a patre meo. Lib. III. Conf. 37. *Jesus transcendens angelos, Franciscus sublimatur*, closing thus: sic b. Franciscus super angelos, archangelos, thronos, dominationes, virtutes, potestates, principatus et cherubin est elevatus, et in ordine seraphico in sede Luciferi locatus et sublimatus, quo concluditur, quod omnes inferiores ordines, tam quoad angelicos spiritus quam humanos, b. Franciscus sublimatus in ordine supremo excessit gratia et meritis. It is true that this work, under the strange title of *Bartholomæus Conformi*, was included in the Index librorum prohibitorum in 1564: but still the Franciscan *Henr. Sedulius* in his *Apologeticus adv. Alcoranus Franciscanorum pro libro conformitatum*, Antwerp. 1607. 4to., says in the *Prolegomenis*: *Pudere nos libri conformitatum, tam hoc est falsum, quam, quod scribit Lutherus, verum, nos pro hac abominatione necdum penitentiam agere, hanc non recantare*. Compare (*B a u n g a r t e n s*) *Nachrichten von einer hallischen Bibliothek*, Bd. 1. S. 286–359.

<sup>17</sup> He was thrown into prison by Clement VI., A. D. 1349, in Avignon, as a false prophet and heretic (*Brown* Append. ad *Fasciculum rerum expetendarum* et

## § III.

## NEW ORDERS.

In this period also there sprung up new orders, though new only in the form, not the spirit, and hence worn out as speedily as the old had been. The *Olivetans* were a fraternity of the Benedictines founded by John Tolomens on the Mount of Olives, near Siena (Congregatio s. Mariæ montis Oliveti, confirmed by John XXII. A. D. 1319).<sup>1</sup> The order of the *Jesuates* was established in Siena itself by John Colombino (Jesuati, confirmed by Urban V. A. D. 1367), and was a mendicant order, composed entirely of laymen, who adopted the rule of St. Augustine.<sup>2</sup> In Spain and Italy there were several orders of *Jeromites*.<sup>3</sup> The order of St. *Birgitta*

fugiend. p. 494. Contin. Chronici Guil. de Nangis ad ann. 1356, in *d'Achery Spicil.* T. III. p. 114), but was afterwards released, and continued to be regarded by his order as innocent of the charges brought against him (*Wadding*, ann. 1357, no. 15). In the year 1356, he announced in his Liber inscriptus Vade mecum in tribulatione (*Brown*, l. c. p. 496) in 20 intentionibus the near appearance of Antichrist, the renovation of the church, etc. Characteristic of the work is the following: Intentio secunda est, universum clerum ac dominos supremos, — et universæ Ecclesiæ Papas et Cardinales, etc. cum subditis clericis eisdem reducere ad modum vivendi sanctissimum Christi et Apostolorum sanctorum: quoniam impossibile foret Ecclesiæ aliter recuperare præfatum sæculum perditum et execratum, quoniam impossibile foret infidelium populorum, Judæorum, Tartarorum, Saracenorum et Turcarum ad Christi religionem repugnantem carnem et sanguinem reducere, nisi per viros spiritualissimos, legem spiritualissimam Christi non tam verbo quam opere prædicantes: si enim Prælati Ecclesiæ incederent ad prædicandam paupertatem Christi cum 200 vel 300 equis, sicut nonnulli ex eis hodie incedunt; — talibus utique prædicatoribus dicerent infideles illud Evangelii: *Vade cæce, medere et cura teipsum*. Quare omnino necesse est ad reparationem mundi, modum vivendi Christi et Apostolorum suorum inchoari a summis et omnibus Prælati Ecclesiæ generaliter. — Et ad hunc modum vivendi reducentur cum flagellis durissimis, videlicet infra annum Dom. 1370. — Intentio septima est intelligere modum demandandi Ecclesiam universam ab omnibus temporalibus rebus. Indignabitur siquidem mundus ante annum Dom. 1365 contra fastum divitiarum, temporalem gloriam mundanæ superbiæ clericorum, et tyrannici ac laici populi subito et insperate consurgent et auferent ab eis dominia temporalia, — et ipsos relinquent in puris et nudis Evangelicis declaratis, et insuper multis tribulationibus et derisionibus eos afficient, nec ipsis quibuscunque excommunicationibus aut bellicosis insultibus poterint obviare, etc. — Intentio decima est super apparitione duorum admirandorum prophetarum induendorum factis, qui *Apoc.* c. 10, resistent bestię ascendenti de mari: quoniam antequam perveniat mundus ad annum Dom. 1365, mittet Deus miraculose duos pauperrimos Cordelarios (*cordeliers*), abjectos fratres minores, qui ad literam sunt, de quibus dicit Dominus Jesus Christus, *Apoc.* II: *Dabo duobus testibus meis, et prophetabunt dies MCCLX*, etc. — unus autem horum duorum erit Papa Romanus, generalis Christi vicarius, et alter, ejus socius, Romanæ Ecclesiæ cardinalis. — Hi igitur duo pauperculi saceratissimi minores abjecti, Cordelarii abjecti, sunt mystice Elias et Enoch, etc.

<sup>1</sup> *Raynald.* ann. 1320, no. 50.

<sup>2</sup> Of the history of St. Joannes Columbinus, and the origin of the Order, see Acta SS. ad d. 31 Jul. (Jul. T. VII. p. 333).

<sup>3</sup> Namely, in Spain the Eremitæ s. Hieronymi, founded by Peter Ferdinand Pecha, chamberlain of Peter the Cruel, king of Castile, about A. D. 1370, and confirmed, A. D. 1373, who followed the Regula Augustini. The third general of

(Brigitta) was founded by a female of that name in the convent of Wadstena about the year 1363, and confirmed by Urban V. in 1370. It united monks and nuns in the same convent, according to peculiar rules.<sup>4</sup>

## § 112.

### OF THE FREER SPIRITUAL ASSOCIATIONS.

See *J. L. Mosheim* de Beghardis et Beguinabus comm. ed. *G. H. Martini*, Leips. 1790. Svo.

Neither the indiscriminate denunciation of the Beghards and Beguins by Clement V. for their heresy,<sup>1</sup> nor the violent persecutions to which they were continually exposed, nor even the mistrust with which all unmonastic spiritual associations were regarded by the Inquisition, could check the tendency to such associations (a sign not to be mistaken of the decline of monachism), especially in Germany and the Netherlands. As early as the pontificate of John XXII. such of them as held the orthodox doctrines were taken under the protection of the Pope.<sup>2</sup> In the Netherlands and in Germany great

the Order, *Lupus Olivetus*, established a separate congregation amongst them, by permission of Martin V., A. D. 1424, to which he gave a system of rules taken from the works of Jerome, (see in *Luca Holstenii* Codex Regularum monast. ed. *M. Brockie*, T. III. p. 43): in Spain this congregation was united again with the Order, A. D. 1595, but in Italy it continued to exist separately under the name Congr. Monachorum Eremitarum s. Hieronymi de observantia s. de Lombardia, see *Holstenius-Brockie*, T. IV. p. 1. — In Italy Peter Gambacorti or Petrus de Pisis, from 1377, founded the *pauperes Eremitæ Petri de Pisis* or *Eremitæ s. Hieronymi*. Also the *Congregatio Fesulana* founded by Charles de Montegranelli († 1417). See *Helyot* hist. des ordres monastiques, T. III. p. 423 seq.; T. IV. p. 18 seq.

<sup>4</sup> Concerning the life of St. Birgitta, see *Acta SS.* ad d. 23 Jul. *Jo. Vastovii* vitis Aquilonia, s. vitæ Sanctorum in Scandinavia Colon. 1623. fol. ed. cum notis *Eriæ Benzæ Upsal.* 1708. 4to. — Her Revelations have been often published, e. g. Romæ et Colon. 1628. *Monachii*, 1680, fol. — the rules of her order, as confirmed by Urban VI. 1379, in *Holstenius-Brockie*, T. III. p. 100 seq. According to cap. 10, each convent was to contain 60 sisters, and 13 priests to wait on them, juxta numerum XIII Apostolorum, quorum Paulus tertius decimus non minimum laborem sustinuit, 4 deacons and 8 lay brothers, so that tantum omnium personarum erit numerus, quantus erat XIII Apostolorum et LXXII discipulorum. The males a Monasterio Sororum omnino sint separati, unam habentes pro se curiam, in qua habitabunt, etc. Cap. 12: Abbâtissa eligatur a Conventu, legitime vero electa ab Episcopo confirmetur, quæ ob reverentiam beatissimæ Virginis, cui hic Ordo dedicata est, Caput et Domina esse debet, quia ipsa Virgo, cujus Abbâtissa gerit vicem in terris, ascendente Christo in cælos, Caput et Regina extitit Apostolorum et Discipulorum Christi.

<sup>1</sup> Compare the two Constitutions published at the council of Vienna, A. D. 1311, *Clementin.* Lib. III. Tit. II. c. 1; and Lib. V. Tit. 3. c. 3. In the first: statum earundem (Beguinarum) perpetuo duximus prohibendum, et a Dei ecclesia penitus abolendum. cf. *Mosheim de Beghardis*, p. 244 seq.

<sup>2</sup> *Extrav. comm.* Lib. III. Tit. IX. A. D. 1318 (not 1325, see *Mosheim*, l. c. p. 627): quia in multis mundi partibus plurimæ sunt mulieres, quæ similiter vulgo



progress was made by the society of the Alexiani, or *fratres Celliteæ*, called Lollards by the people, who had associated themselves in Antwerp, soon after the year 1309, for the care of the sick and the dead.<sup>3</sup> Lollard soon became synonymous with Beghard, and equivalent to heretic.<sup>4</sup> In spite of all opposition they spread themselves more and more, till Gregory XI. at length decreed that they too should be left unmolested, as long as they were free from heresy.<sup>5</sup>

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Beghinæ vocatæ, segregatæ, quandoque in parentum, aut suis, interdum vero aliis — donibus insinuatim habitantes, vitas ducunt honestas, ecclesias devote frequentant, — nec se vel alium — præmissis opinionibus erroribusque involvunt: — nos Beghinas hujusmodi non culpabiles — sub prohibitione et abolitione (Clementis V) præmissis — volumus non includi, locorum ordinariis nihilominus injungentes, ut eas sub prætextu hujusmodi nullatenus molestari permittant. — Cæterum statum Beghinarum hujusmodi, quas esse permittimus, — nullatenus ex præmissis intendimus approbare. Compare the bull addressed to the bishop of Strasburg, A. D. 1318, in *Mosheim*, l. c. p. 630. In another addressed to the Italian bishop, A. D. 1326, *Ibid.* p. 638, he interferences in behalf of the mulieres, Beguinæ vulgariter nuncupatas, seu de pœnitentia b. Dominici, in Lombardia et Tusciæ partibus.

<sup>3</sup> Lollhard from lollen, lullen, i. e. *to sing softly*. Annales Holland. et Ultraject. in *A. Matthæi* Analect. vet. ævi, T. I. p. 431: Die Lollardtjes die brochten de dooden by een. cf. *Matthæi*, l. c. T. II. p. 345, 643. *Jo. Bapt. Gramayæ* Antwerpia, Lib. II. c. 6. p. 16. *Ejusd. Loranium* in his Antiquitt. Belgicis, Lovan. 1708. fol. p. 18. *Mosheim* instit. hist. Eccl. p. 589, note y. *Ejusd.* comm. de *Beghardis*, p. 583 seq.

<sup>4</sup> See *Jo. Hoesemii* (a Canonicus in Liege about 1348) gesta Pontiff. Leodiens. lib. I. c. 31 (in *Chapevilli* gestorum Pontiff. Leod. scriptores, T. II. p. 350): Eodem anno (1309) quidam hypœcritæ gyrovagi, qui Lollardi sive Deum laudantes vocabantur, per Hannoniam et Brabantiam quasdam mulieres nobiles deceperunt.

<sup>5</sup> Two bulls of the 7 Apr. 1374, and 2 Dec. 1377, addressed to the German and Netherland bishops, in *Mosheim de Beghardis*, p. 396 and 401. In the second: Ad audientiam nostram pervenit, quod in vestris civitatibus et diœcesibus sint nonnulli pauperes utriusque sexus, qui humiliter et honeste in fidei puritate et honestis vestibus aut habitibus in paupertate et castitate vivunt, et ecclesias devote frequentant. Et quod, licet hujusmodi pauperes nobis et Romanæ ecclesiæ et eorum Prælatis et Curatis reverenter obediant, nullis erroribus se involvendo, — tamen nonnulli — Inquisitores hæreticæ pravitatis — hujusmodi pauperes occasione vestium indebite et injuste perturbant, ipsorum vestes simplices et honestas decurtari, transformari — faciendo, necnon occasione hujusmodi vestium sacramenta ecclesiastica inhibendo, et alia gravamina inferendo. — Quocirca fraternitati vestræ per Apostolica scripta mandamus, quatenus quilibet vestrum in diœcesi sua pauperes ipsius occasione — vestium nullatenus molestet, nec ab aliis molestari — permittatis. For the same purpose Boniface IX. issued a bull on the 7th of Jan. 1394, to the same bishops (in *Mosheim*, p. 653), in which is added to this description of the personæ pauperes the following traits, which were peculiar to the original Lollhards: pauperes et miserabiles personas, petentes, ad eorum recipiunt hospitia, et alia exercent, prout possunt, opera caritatis, infirmos scilicet visitando, et, si opus sit, in eorum infirmitatibus eos forsitan requisiti custodiendo et fovendo, ac decedentium corpora fidelium — rogati ad sepulturam ecclesiasticam deferendo. Quamvis circa præmissa Vos et Inquisitores hæreticæ pravitatis — personis ipsis auxilio in præmissis esse deberetis, verumtamen ipsæ personæ per vos ac plerosque ex inquisitoribus ipsis, ac etiam per officiales et vicarios vestros in Spiritualibus generales — circa præmissa pia opera et modum vivendi multipliciter minus debite frequentius tribulantur, et eisdem circa præmissa diversa gravamina inferuntur. The bishops are therefore exhorted, when such persons in their diocese are free from the heresy of the Beghards, to secure to them the practice of their peculiar habits of life, citra tamen formam et ritum religionis aut alium modum vivendi reprobatum. — In these ordinances, the persons to whom they referred are only described, no name given them; they were called by the people, however, Beg-

After this an association of the clergy was formed by Gerhard Groot, a priest of Daventer († A. D. 1384), (*fratres vitæ communis*),<sup>6</sup> who,

hards and Lollhards, though the Popes understood under these names only heretics, against whom they were constantly passing the most severe enactments. Thus Boniface IX. on the 31st of Jan. 1395 (in *Mosheim*, p. 409): Cum, sicut pro parte dilectorum filiorum, universorum Inquisitorum hæreticæ pravitate auctoritate Apostolica per Alemanniam deputatorum, propositum extitit coram nobis, in partibus illis sint nonnullæ sectæ utriusque sexus hominum, vulgo *Beghardi*, seu *Lullardi* et *Zwestriones*, a se ipsis vero pauperes Fratricelli, seu pauperes pueruli nominati, qui — novum religionis seu conformem habitum assumere, congregationes et conventicula facere, in communi habitare, superiores, quos Procuratores vel servos fratrum, aut Marthas sororum nuncupant, sub ipsis eligere et publice gregatim mendicare præsumunt, sub quorum etiam habitu et ritu vivendi — semper hæreses et hæretici latitant: — cum autem, sicut etiam accepimus, hujusmodi *Beghardi*, seu *Lullardi*, seu *Zwestriones* exemptionibus et concessionibus a sede præfata jactent se fulcitos; — nos igitur — omnes et singulas exemptiones et concessionibus hujusmodi eisdem *Beghardis*, seu *Lullardis* et *Zwestrionibus* — per nos vel quoscunque prædecessores nostros — fors-an factas — penitus revocamus, ac volumus quod hujusmodi *Beghardi* seu *Lullardi* et *Zwestriones*, quocunque etiam nomine nuncupentur, in et super hæresibus — conveniri, et per Inquisitores — puniri possint et debeant. This bull is, to be sure, directed solely against the heretic *Beghards*, without taking back at all the protection granted to the orthodox pauperes. The two classes were, however, difficult to distinguish from each other in practice, and thus the heretics sometimes availed themselves of the papal protection. Hence the treatment of these societies depended in fact on the decision of the bishops and the inquisitors, with regard to them, and the papal letters failed to insure the safety of the orthodox pauperes.

<sup>6</sup> The life of Gerhard and his immediate successors has been given by *Thomas a Kempis*, who belonged to this society from 1400–1471, in *Opp. Thomæ*. Paris. 1549. fol. 159. ed. *H. Sommalii*, Antv. 1607. 4to. p. 765. Gerhard studied theology in Paris, and delivered lectures with some success in Cologne; but afterwards chose to devote himself to an ascetic life. He was soon distinguished in his native country as a preacher. *Vita Gerardi Magni*. c. 15: tantusque affectus audiendi verbum Dei in populo fuit, ut turbam convenientem ecclesia vix caperet. Nam multi sua prandia relinquebant, et negotia necessaria suspendentes, ad ejus sermonem pia prorsus aviditate tracti concurrebant. Sæpe namque duos sermones uno die prædicavit, et quandoque spiritu fervoris concepto tribus horis aut amplius sermonem continuavit. Prædicavit autem in principalioribus civitatibus diœcesis Trajectensis — primum sermonem teuthonicum. — Et benedictus Deus, qui misso desuper spiritu sancto accendit corda fidelium suorum, et auxit populum suum vehementer, ut de paucis granis conversis surgerent multæ congregationes devotorum fratrum et sororum in castimonia vitæ Deo servientium, ex quibus nonnulla monasteria regularium ac sanctorum fœminarum initium sanctæ conversationis acceperunt. — Siquidem primo ad proximas regiones Hollandiæ, Geliæ, Brabantiæ, dehinc ad remotiores partes Flandriæ, Frisiæ, Westfaliæ, Saxoniarum ordo regularis et devotorum conventus deo prosperante cursim emanavit, insuper ad audientiam apostolicæ sedis odor bonæ opinionis pervenit. Ipse namque venerabilis magister Gerardus spiritu Dei repletus, cum videret paulatim numerum discipulorum suorum augmentari, et ad studium cælestis exercitii conflagrare, operam dedit et consuluit, ut devoti quandoque in unam domum pro mutua exhortatione convenirent, et de Deo ac charitate servanda sincere tractarent, et si qui simul stare vellent, de labore manuum suarum victum quærerent, et communem vitam quantum possent sub disciplina ecclesiastica tenerent. Nullum etiam permisit publice mendicare, nisi evidens necessitas eõgisset, nec curiose per domos sub obtentu alimoniarum circuire, sed potius domi manere, et operi manuali, ut Paulus suasit, insistere suasit, neque aliqua negotia devotionis impeditiva spe uberius lucris censuit exercenda, ne diabolo instigante daretur infirmis occasio recidivandi rursus ad pristina mala. Habuit etiam in proposito edificandi monasterium clericorum ordinis Canonice regularium, volens quosdam de idoneis clericis sibi adhærentibus ad religionis habitum promovere, ut aliis devotis essent in exemplum, etc.

taking the Apostles for their example, were supported by the work of

He was prevented from doing this himself by his early death, but his successor, Florentius, erected several such, *Thomas a Kempis* in vita Florentii, c. 27: maximam operam dedit multis prodesse ad aeternae salutis regnum, suadens hunc miserum et caducum spernere mundum. Misit ergo plures personas ad diversa monasteria et ad novas domos pro aliorum conversione extruendas. Ex quibus aliqui in Windeshem, aliqui in montem sanctae Agnetis, aliqui in Northorn, aliqui in Gebriam, aliqui in Hollandiam perrexerunt. Quidam etiam monasteriorum priores, nonnulli rectores congregationum et monialium confessores effecti sunt. — Fuerunt eodem tempore, quo claruit et floruit in Daventria insignis sacerdos Dei Florentius, plures devoti sacerdotes in diocesi Trajectensi, qui populum fidelium sermonibus sacris instruxerunt, et religiosos conventus sive fratrum sive sororum strenue gubernare noverant. Hi omnes debita cum reverentia domino Florentio humiliter se submittebant, et angelicum virum super arduis causis libentissime consultantes, ejus potius discretioni et prudentiae quam sibi ipsis credere maluerunt. Thus was formed a voluntary union of clergy, the purpose of which was to lead a religious life, and induce others to do so, and ready to be employed in the most different spheres. Some lived an active life as officiating clergy: others as canonici regulares in the monasteries connected with the society: besides these there were established in many cities of the Netherlands, and the north of Germany, so called Frater-houses (domus fratrum clericorum de communi vita), in which clergy and laity lived together without any particular rule, but still under the superintendence of a superior (Rector clericorum), supporting themselves by the work of their hands, and performing all clerical duties when required, especially ready to aid in forming and leading pious associations amongst the laity. The distinguished school at Deventer was not indeed connected with the Frater-house there either in its origin or constitution: but the brethren were of great use by undertaking the care of such pupils as applied to them. Thus *Thomas a Kempis* relates (Lib. de discipulis Dom. Florentii, c. 1), that when he came to Deventer studii causa in annis adolescentiae (1393) he applied to Florentius, who introduced him into the school, datus insuper libris, quibus me egere putavit. Demum hospitium cum quadam honesta et devota matrona gratis impetavit, quae mihi et aliis multis clericis (pupils) sapienter bene fecit. Then he goes on to praise the brethren: nunquam prius tales homines, tam devotos et ferventes in charitate Dei et proximi me vidisse memini, qui inter saeculares viventes, de saeculari vita nihil habebant, nihilque de terrenis negotiis curare videbantur. Nam domi quiete manentes libris scribendis operam sollicitè dabant, sacris lectionibus et devotis meditationibus frequenter insistentes, etc. — Cap. 9 de Domino *Amilio de Buren* (the successor of Florentius since A. D. 1400): Cum studii causa se Daventrium applicuisset, ubi studium particulare tunc satis viguit, tanta diligentia in scholasticis artibus profecit, ut in brevi inter primarios unus de doctioribus fieret. — Dei autem munere factum est, ut tale ingenium in saeculari vita non periret. — Praeventus ergo caelesti gratia, et ab altissimo inspiratus, accessit domum Domini Florentii, et attractus est pietate sermonum ejus. — Igitur postpositis scholis — factus est humilis frater, etc. Cap. 14 de *Arnoldo Schanhoviae*: who also came to Deventer propter doctrinae studium. Dominus Florentius — concessit ei mansionem in antiqua domo sua, ubi plures clerici numero fere viginti in communi bursa stabant, unam communem mensam et sumptum habentes, et in magna devotione domino famulantes. — Eodem tempore adjuvante domino Florentio et consulente domum illam inhabitare coepi, et fere per annum in congregatione illa cum Arnoldo permansi. — Ibi quippe didici scribere, et sacram scripturam legere, et quae ad mores spectant, devotosque tractatus audire. — Quicquid tunc scribendo lucrari potui, in sumptus communes tradidi, et quod mihi defuit, larga pietas dilecti domini mei Florentii pro me persolvit, et paterne in omnibus subvenit. Compare Chronicon Collegii Windeshemensis, or according to the title which it bears, Liber de origine moderna devotionis omnium Presbyterorum, Clericorum et Sororum sive Beguinarum totius nostrae provinciae Almaniae, et consequenter de origine, processu et consummatione temporali et spirituali monasterii nostri in Windesem, Ordinis Canon. Regul. etc. in *V. F. de Guldenus* Sylloge prima variorum diplomatiorum monumentorumque veterum ineditorum, Francof. 1728. 8. p. 400. Concerning Gerhard Groot's works, see Th. A. Clarisse in *Kists u. Rooyards Archief voor kerkelijke Geschiedenis*, Th. 1. (Leyden, 1829) S. 355 ff.

their hands, and proposed to themselves no other object than by example and precept to promote true Christian piety each in his own sphere.<sup>7</sup> Under their direction associations, male and female, were

<sup>7</sup> Comp. the *Conclusa* et *proposita*. non vota, in nomine Domini a Mag. Gerardo edita (in *Gerardi vita scripta a Thom. a Kempis*, c. 18), which may be considered as the principles of the society: Ad gloriam et honorem et servitium Dei intendo vitam meam ordinare, et ad salutem animæ meæ. Nullum bonum temporale, sive corporis, sive honoris, seu fortunæ, seu scientiæ præponere salutem animæ meæ. — Primum est nullum amplius beneficium desiderare. — Quanto plura beneficia et plura bona habeo, tanto pluribus ego servo, — et est contra libertatem spiritus, quæ est principale bonum in vita spirituali. Item nulli Cardinali vel Ecclesiastico, attento hoc fine serviam, ad beneficia vel bona temporalia consequenda, quia hoc servitium multis lap-sibus et recidivationibus proximum est, et tu debilis es. — Rarissime est, quod qui scientiis lucrativis, vel medicinæ, vel legibus, vel decretis inhæret, rectus sit vel æquus in ratione, vel justus vel quietus vel recte vivens. Item tu nullum tempus consumes in geometricis, arithmeticis, rhetoricis, dialecticis, grammaticis, lyricis poetis, judicialibus, astrologis. Hæc enim omnia per Senecam reprobantur, et retracto oculo bono viro respicienda sunt, quanto magis spirituali vel Christiano respondenda? Item inutilis temporis consumptio est, et nihil prodest ad vitam. Item inter omnes scientias gentilium moralia minus abhorrenda sunt, quæ sæpe sunt multum utilia et proficua, tam in propria persona, quam in docendo alios. Unde sapientiores omnem philosophiam ad mores retorquebant, sicut Socrates et Plato. Et si de altis rebus dixerunt, etiam sub levi moralitate ea figurative secundum b. Augustinum et experientiam tuam tradiderunt, ut et inveniri posset semper mos juxta cognitionem. Unde et Seneca hæc secutus in quæstionibus naturalibus totiens admisceat moralia. Quidquid enim meliores nos non facit, vel a malo non retrahit, novicium est. — Nunquam capies gradum in medicina; — similiter nec gradum in legibus vel canonibus, quia finis graduum est vel luerum, vel beneficia, vel inanis jactantia. — Item nullam artem studere, nullum librum facere, nullum iter arripere vel laborem, nullam practicam scientiam exercere ad dilatandam famam meam et nomen scientiæ meæ, etc. — Item omnem disputationem publicam vitare et abhorre, quæ est litigiosa vel ad triumphandum vel ad apparendum, sicut sunt omnes disputationes theologorum et artistarum Parisii: immo nec ad discendum interesse. Patet, quia contra quietem sunt, — et inutiles et semper curiosæ, et ut plurimum superstitiosæ, animales, diabolicæ et terrenæ. — Item nunquam disputabo cum quocunque private, nisi præordinetur certus finis evidens boni. — Radix studii tui et speculum vitæ sint primo evangelium Christi, quia ibi est vita Christi: deinde vitæ et collationes patrum: deinde epistolæ Pauli et canonice et actus Apostolorum: deinde libri devoti, ut meditationes Bernardi, et Anselmi horologium, de conscientia Bernardi, soliloquia Augustini, et consimiles libri: item legenda et flores sanctorum, instructiones patrum ad mores, sicut pastorale Gregorii, de opere monachali b. Augustini, Gregorius super Job, et similia; homilia evangeliorum ss. Patrum et quatuor Doctorum; intellectus ss. Patrum, et postillæ super epistolas Pauli, quia continentur in capitulis Ecclesiæ; studium in libris Salomonis parabolarum, et ecclesiastæ, et ecclesiastici, quia continentur in ecclesia in lectionibus et capitulis: orabo spiritu, orabo et mente; studium et intellectus psalterii, quia continetur in ecclesia ss. patrum: psallam spiritu, psallam et mente: librorum Mosaicorum studium, historiarum Josuæ, Judicum et Regum, prophetarum, et expositiones Patrum in his. De modo transcurrendi decreta propter scire instituta majorum et ecclesiæ, non ad incorporandum, sed transcurrere, ne ignorantia juris pietatem veritas in inobedientiam, ut videas grossos ecclesiæ primitivæ fructus, ut scias a quibus debes cavere, et a quibus monere cavendum. Omni die quando potes, audire missam usque ad finem, etc. — *Vita Florentii*, c. 14: Quod a venerabili magistro Gerardo didicit et accepit, hoc diligenter observavit, cujus sententia fuit, ut nemo ad congregationem suscipi deberet, nisi secundum b. Pauli dictum manibus laborare vellet. Est namque operatio sancta ad omnem spirituale profectum utilissima, per quam carnis lascivia domatur, et ab evagandi levitate mens dissoluta citius refrænatur. — Igitur ars scribendi libros, quæ clericis melius convenit, et quietius exerceri potest, a fratribus domus ejus est maturius arrepta, et pro communi bono servando usitatus introducta. Ipse vero venerandus pater Florentius, ne vacuum nomen gereret rectoris, — dedit

soon formed, very similar both in form and object to the Beghards and Beguins. On this account they became suspicious to the Inquisition,<sup>8</sup> and were exposed to frequent persecutions, though this did not prevent their spread.

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scriptoribus exemplum clarum, membranas puniando, quaterniones lineando et componendo. Quia licet minus bene scribere sciret, in præparando tamen aliis necessaria, quam plurimum scriptores adjuvit manu sua olco sancto consecrata. Interdum cum opus esset, — assumpto socio libros jam scriptos perlegit et correxit, etc.

<sup>8</sup> See the opinion which they obtained from the law faculty at Cologne, A. D. 1398, in *Mosheim de Beghardis*, p. 433: Sequentes quaestiones cum suis solutionibus super casu, qui sequitur, sunt scriptæ et formatæ pro munimine Beghardorum, etc. *Casus*: In aliquibus partibus plures personæ se simul receperunt ad cohabitandum aliquo modo, sicut Clerici in una domo, in quo libros pro pretio scribunt, alii vero non scientes scribere, scientes tamen opera diversa mechanica, quæ similiter exercent pro pretio in alia domo, aut etiam aliud faciunt opus manuale. Et istæ personæ laborant manibus, et de his, quæ laboribus acquirunt, vel de suis propriis, si quæ habent, vivunt, et omnia sibi invicem pro majore concordia libere communicant, vel in commune ponunt, comedunt simul, et non mendicant. Habent etiam inter se unam personam probam, quæ curam domus habet, cujus monitis acquiescunt vel obediunt, sicut boni scolares magistro. The question whether such a mode of life without a monk's vow (extra religionem) was lawful, was answered by the faculty in the affirmative; on the other hand, we have the *Observationes Inquisitoris Belgici in Magistrorum Coloniensium responsum* — pro detectione figmentorum sectæ Gherardinorum (l. c. p. 443): diversæ sunt congregationes non solum Clericorum, sed maxime fœminarum, quæ in diversis domibus singulas Marthas habentibus, simul in communi, sub cura et regimine earundem Martharum degunt nec aliquid proprii, — sed omnia in communi habentes, partim de laboribus manuum pro majori, aut de eleemosynis ad modum religiosorum vivunt. Quibus non licet comedere, bibere, sedere, stare, surgere, exire, loqui, vel dormire, aut quodcumque aliud facere sine speciali licentiâ Marthæ vel submarthæ petita et obtenta. — Singulatim culpas suas dicunt, — et pœnas a Martha injunctas obedienter recipiunt. Quæ omnia — licet de se non sint mala, immo bona et laudabilia; multi tamen contra ipsas clamant, novas congregationes ad modum religiosorum propria temeritate facere sine licentiâ speciali sedis Apostolicæ non licere. — Est una Martha principalis in Trajecto, quæ domos sororum ibidem, et alios domos earundem in oppidis circumjacentibus, quolibet anno ad minus semel, vel bis, aut pluries, visitat directe. — Presbyter quidam cum dicta Martha in eadem domo hospitatur, et istarum congregationum legislator est atque gubernator supremus. — Non volunt regulam approbatam assumere, nec permittuntur ab ipsarum memorato gubernatore, dicente, se velle potius stabulum pecudum custodire, quam eas, si omnino vellent aliquam approbatam regulam accipere.

## CHAPTER FOURTH.

## HISTORY OF THE THEOLOGICAL SCIENCES.

## § 113.

## THIRD PERIOD OF THE SCHOLASTIC THEOLOGY.

[ See § 73 and 74. ]

Bossuet's History of the World. Contin. Schrockhs Kirchengesch. Th. 34. — Comp. Tiedemanns Gesch. d. Philosophie, Bd. 5, S. 125. Tennemanns Gesch. d. Philosophie, Bd. 8, zweite Hälfte, p. 803, 840 (Tennemann's Hist. of Philosophy, transl. Lond. 1832. Svo.).

THE third period of the Scholastic philosophy begins with two distinguished men, who boldly threw off all fetters, and struck out a new path for themselves. These were the Dominican Durand of St. Pourcain (de Sancto Porciano, from A. D. 1313 teacher of theology in Paris, then Magister S. Palatii, from 1326 Bishop of Meaux, † 1333, Doctor resolutissimus),<sup>1</sup> and the Franciscan William Occam

<sup>1</sup> His chief work is his *Opus super sententias Lombardi* (ed. Paris. 1508. Venet. 1571. fol.). How little regard he paid to mere names may be seen from Lib. I. Dist. III. P. II, Qu. 6: *Quod dicitur de intentione Aristotelis, dicendum, quod quicquid ipse intenderit, de quo non est tantum curandum, sicut de veritate, tamen, etc.* He leaned decidedly to Nominalism, see Tenneman. Bd. 8 zweyte Hälfte. S. 805.— Though first a zealous Thomist, he afterwards differed from Thomas in many particulars, comp. *Durandi de s. Porciano tenerariæ opiniones, quæ in scholis communiter improbantur in d. Argentæ collectio judiciorum de novis erroribus*, T. I. p. 330. Namely, in his views of the sacraments. Thus Lib. IV. Dist. I. Qu. 4: *Utrum in sacramentis novæ legis sit aliqua virtus inhærens causativa gratiæ, etc.?* — Alia opinio est antiqua et sine calumnia, et magis, ut mihi videtur, consonat dictis Sanctorum, scil. quod in sacramentis non est aliqua virtus causativa gratiæ; — sed sunt causa, sine qua non confertur gratia; quia ex divina pactione vel ordinatione sic fit, quod recipiens sacramentum recipit gratiam, nisi ponat obicem; recipit gratiam non a Sacramento, sed a Deo. Lib. IV. Dist. 4, Qu. 1: *Utrum character sit aliquid in anima?* — Character non est aliqua natura absoluta, sed est sola relatio rationis, per quam ex institutione vel pactione divina deputatur aliquis ad sacras actiones. Quod declaratur sic: Sicut nummus sortitur rationem pretii, et merellus rationem signi ex humana institutione, sic res naturales sortiuntur rationem Sacramenti, et homo rationem Ministri ex divina institutione, etc. — Cum scriptum sit *Ecc. 24 Qui elucidant me, vitam æternam habebunt*; ad ea quæ sunt fidei, cum sint satis obscura de se, non est conveniens adducere vias obscuras, et quæ plus habent obscuritatis et difficultatis, quam principale propositum. Comp. on the foregoing subjects the doctrine of Thomas in § 77, note 17. — Lib. IV. Dist. 11, Qu. 1, on the transubstantiation: salvo meliori iudicio potest æstimari, quod si in isto sacramento fiat conversio substantiæ panis in corpus Christi, quod ipsa fit per hoc quod corrupta forma panis, materia ejus sit sub forma corporis Christi subito et virtute divina, sicut materia alimenti fit sub forma nutriti virtute naturæ. — Prædictus autem modus conversionis substantiæ panis in corpus Christi constat, quod est possibilis: alius autem modus, qui communius tenetur, est inintelligibilis; nec unus istorum est magis per ecclesiam approbatus vel reproba-

(teacher of theology at Paris, from A. D. 1322 Provincial of his order in England, from 1328 with Lewis of Bavaria, † 1347, Doctor singularis et invincibilis; Venerabilis inceptor).<sup>2</sup> The latter in particular, as undaunted in attacking the prejudices of the philosophers as the usurpations of the popes,<sup>3</sup> brought about a great epoch in the history of Scholastic philosophy by reviving the already forgotten doctrines of the Nominalists.<sup>4</sup> His followers, Occamists, soon laid themselves

tus, quam alius. Nec omnes difficultates fidei difficultatibus superaddere, quin potius juxta documentum scripturæ conandum est obscuritates elucidare. Lib. IV. Dist. 26, Qu. 3: *An matrimonium sit sacramentum?* — Tenendum est absolute, quod matrimonium est sacramentum, cum hoc determinet Ecclesia *Extra de hæret. ad abolendam* (Decr. Greg. V. 7, 9). — Sunt alia duo circa matrimonium, circa quæ sine periculo hæresis licitum est contraria opinari: quorum unum est theologicum, videlicet utrum in matrimonio conferatur gratia ex opere operato, sicut in aliis sacramentis novæ legis; secundum est logicum, videlicet utrum matrimonium habeat plenam univocationem cum aliis sacramentis. Quantum ad primum aliter opinantur Juristæ, et aliter Theologi: Juristæ enim, qui noverunt textum decretorum et decretalium, — et aliqui eorum fuerunt de collegio Cardinalium s. Romanæ Ecclesiæ, tenent quod in sacramento matrimonii non conferatur gratia. — Quorum opinio an sit vera an falsa, — non determino quoad præsens: sed solum hoc accipio tanquam verum, quod cum prædicti doctores noverint jura canonica, et eorum scripta et dicta habeantur a Papa et Cardinalibus, — quorum est specialiter scire, quid Ecclesia Romana prædicat et observat, nec scripta eorum, quoad prædictum articulum de matrimonio reprobentur tanquam erronea; — quod sentire, quod per sacramentum matrimonii non conferatur gratia, non est contra determinationem ecclesiæ, nec contra id, quod Romana Ecclesia prædicat et observat. — Huic etiam opinioni consentit Magister sententiarum. — Moderni autem theologî quasi communiter tenent, quod per sacramentum matrimonii conferatur gratia (comp. above, § 77, note 17). To the second question, utrum matrimonium habeat perfectam univocationem cum aliis sacramentis, he answers, that according to the prior et communior definitio sacramenti, quod sacramentum est sacræ rei signum marriage is certainly a sacrament: est enim signum sacræ rei, id est conjunctionis Christi et ecclesiæ; with the difference, it is true, that in aliis sacramentis res sacræ, cujus sunt signum, non solum est significata, sed et contenta; in matrimonio autem res sacræ, cujus est signum, est solum significata, non contenta. — But when the sacrament is defined as aliquod signum corporale vel sensibile extrinsecus homini appositum ad effectum sanctificationis spiritualis; quantum ad hoc matrimonium non videtur habere perfectam univocationem cum sacramentis novæ legis. — The result: matrimonium non est sacramentum strictè et proprie dictum, sicut alia sacramenta novæ legis, but they sacræ rei signum, and therefore largo modo sacramentum.

<sup>2</sup> The most important of his theological works is the *Questiones super IV. libros Sententiarum*, ed. Lugduni. 1495. fol., to which edition his *Centilogium* (theologicum theologiam speculativam sub centum conclusionibus complectens is appended. Occam has likewise left various philosophical works, see above, § 97, notes 12 and 18.

<sup>3</sup> See what he says with reference to his teacher, Duns Scotus, in the *Prologus ad lib. I. Sentent. Qu. I.* Having cited him in support of an assertion, he adds: *Et si dicatur, quod alibi ponat oppositum, parum me movet: quia ego non allego eum tanquam auctorem, nec dico prædictam opinionem, quia ipse eam ponit, sed quod reputo veram: et ideo si alibi dixit oppositum, non curo.*

<sup>4</sup> See especially in *Sent. lib. I. Dist. 2. Qu. 4–8.* Especially *Qu. 4.* Of the notion of the Realists, quod quolibet universale univocum est quædam res extrinsecus extra animam realiter in quolibet et singulariter, distincta realiter a singulari, et a quolibet alio universali, ita quod homo universalis est una vera res extra animam existens realiter in quolibet homine, et distinguitur realiter a quolibet homine, he says here: *Ista opinio est simpliciter falsa et absurda. Nulla una res, numero non variata nec multiplicata, est in pluribus suppositis vel singularibus: — sed talis*

open to censure by their paradoxical assertions,<sup>5</sup> and hence at Paris Nominalism was strictly forbidden.<sup>6</sup> Still its adherents imperceptibly got the advantage, and at the end of the 14th century were the prevailing party. In other places, however, their doctrines were still violently opposed,<sup>7</sup> and at Prague they were actually driven from the city in the year 1408.<sup>8</sup>

The third period of the Scholastic theology is characterized by the violence of the disputes between the different parties, especially between the Nominalists and the Realists. This controversy had the effect of drawing attention almost exclusively to the philosophical definitions of theology, in which the Nominalists found a safe field for the gratification of the love of paradox, which had grown out of their desire to imitate the originality of their leader. Thus this age is distinguished by unfruitful quibbles on abstract points,<sup>9</sup> whilst the

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res si poneretur, esset una numero, ergo non esset in pluribus singularibus, nec de essentia illorum. — Qu. 8: Universale non est aliquid, reale habens esse subjectivum, nec in anima nec extra animam. Sed tamen habet esse objectivum in anima, et est quoddam fictum habens esse tale in esse objectivo, quale habet res extra in esse subjectivo. Et hoc per istum modum, quod intellectus videns aliquam rem extra animam, fingit consimilem rem in mente, ita quod, si haberet virtutem productivam, talem rem in esse subjectivo, numero distinctam a priori produceret extra. — Universale est exemplar et indifferenter respiciens omnia singularia extra: — et ita isto modo universale non est per generationem sed per abstractionem, que non est nisi fictio quadam. Comp. Tiedemann, Bd. 5, S. 168. Tennemann, Bd. 8, S. 846.

<sup>5</sup> Comp. Errores Joannis de Mercuria Ord. Cist. which were condemned A. D. 1347, in *Bulæi* hist. Univ. Paris, T. IV. p. 298. *D'Argentré* collect. judiciorum, T. I. p. 342; and Errores Nicolai de Ulricuria, condemned A. D. 1348, in *Bulæus* l. c. p. 308, and *d'Argentré*, l. c. p. 355. The last maintained, amongst other things, the remarkable propositions: Quod de rebus per apparentia naturalia quasi nulla certitudo potest haberi. Illa tamen modica potest haberi in modico tempore vel brevi, si homines convertant intellectum suum ad res, et non ad intellectum dictorum Aristotelis et sui Commentatorum. — Miratur, quod aliqui student in Aristotele et Commentatore usque ad decrepitam senectutem, et propter eorum sermones logicos deserunt res morales et curam boni communis; in tantum quod cum exsurrexit amicus veritatis, et fecit sonare tubam suam, ut dormientes a somno excitaret, contristati sunt valde, et quasi armati ad capitale prælium contra eum irruerunt.

<sup>6</sup> In Paris, Occam's pupil, John Buridan (in 1327 rector of the university), succeeded him as the zealous advocate of Nominalism, see Tennemann, l. c. S. 914. In reference to him, though without mentioning any name, the Facultas Artium A. D. 1339, forbid the doctrinam Guilielmi dicti Ockam, with the threat against any one who should continue to teach it: ipsum a lectura per annum privamus (see *Bulæus* IV. p. 257. *D'Argentré*, l. p. 337). A new prohibition appeared A. D. 1340 (in *Bulæus* IV. p. 265. *D'Argentré* l. p. 338) against the new doctrine, e. g.: quod nulli Magistri — audeant aliquam propositionem famosam illius auctoris, cujus librum legent, dicere simpliciter esse falsam, vel esse falsam de virtute sermonis, si crediderint, quod auctor posuerit, aut ponendo illam habuerit verum intellectum; sed vel concedant eam, vel sensum verum dividant a sensu falso, quia pari ratione propositiones Bibliæ absoluto sermone essent negandæ, quod est periculosum.

<sup>7</sup> Thus in Oxford, see *A. Wood* hist. et antiqu. Univ. Oxon. p. 169.

<sup>8</sup> In this case the enmity between the sects was increased by national hatred. The victorious Bohemians were Realists, the vanquished Germans Nominalists. See *Æneæ Sylvi* hist. Bohemica, c. 35.

<sup>9</sup> *Jo. Gersonii* Epi-t. altera de reform. Theologiæ (Opp. ed. *du Pin* l. p. 122): In facultate Theologiæ videtur esse necessaria reformatio super sequentibus inter



more practical parts of theology were so little objects of attention, that even the doctrine of Predestination taught by Thomas Bradwardine (A. D. 1325 teacher of theology in Oxford, 1348 Archbishop of Canterbury, † 1349, Doctor profundus),<sup>10</sup> which at any other time

cætera. Primo, ne tractentur ita communiter doctrinæ inutiles sine fructu et soliditate, quoniam per eas doctrinæ ad salutem necessariæ et utiles deseruntur. Nesciunt necessaria, quia supervacua didicerunt, inquit Seneca. Secundo per eas studentes seducuntur, qui scilicet putant illos principaliter esse Theologos, qui talibus se dant, spreta Biblia et aliis Doctoribus. Tertio per eas termini a ss. Patribus usitati transmutantur. — Quarto per eas Theologi ab aliis Facultatibus irridentur. Nam ideo appellantur phantastici, et dicuntur nihil scire de solida veritate et moralibus et Bibiia. Quinto per eas viæ errorum multiplices aperiuntur. — Sexto per eas Ecclesia et fides neque intus neque foris ædificantur. — Tales nunc currunt propositiones ex talibus doctrinis: Infinitæ sunt durationes in divinis, secundum prius et posterius, quamvis æternæ. Et ita de mensura. Spiritus Sanctus libere, contradictorie, contingenter producitur ex parte principii quo. In divinis est absolute potentialitas ad non esse Spiritus Sancti. Producere Filium in divinis, ut sic, nihil est, etc. — Item monendi videntur Magistri nostri, — quod materiæ secundi, tertii et quarti Sententiarum magis tractarentur (*quia rix legitur nisi primus, occupando tempus in præmissis doctrinis*) et similiter Biblia. Et pro honore Dei attendatur diligenter, quanta est necessitas pro instructione populorum, et pro resolutione materialium moralium temporibus nostris. Et tunc credendum est, quod in tanta angustia temporis, et inter tot animarum pericula non multum placebit ludere, ne dicam phantasiari circa ea quæ prorsus supervacua sunt.

<sup>10</sup> De Causa Dei adv. Pelagium, lib. III, ed. H. Savilius, Lond. 1618, fol. The preface contains a complaint against the theologians of his time: Ecce enim, — sicut olim contra unicum Dei Prophetam octingenti et quinquaginta Prophetæ Baal; — ita et hodie in hac causa, quot, Domine, hodie cum Pelagio pro libero arbitrio contra gratiam tuam pugnant, et contra Paulum pugilem gratiæ spirituales? Quot etiam hodie gratiam tuam fastidiunt, solumque liberum arbitrium ad salutem sufficere stomachantur? aut si gratia utatur vel perfunctorie, necessariam eam simulant, ipsamque se jactant liberi sui arbitrii viribus promereri, ut sic saltem nequaquam gratuita sed vendita videatur? — Non enim venentur astruere, suam voluntatem in actione communi præire ut dominam, tuam subsequi ut ancillam. — Totus pæne mundus post Pelagium abiit in errorem. Exurge igitur Domine, judica causam tuam. Bradwardine goes so far beyond Augustine, that he maintains, lib. III. c. 2: Deus quodammodo necessitat quamlibet voluntatem creatam ad quemlibet liberum actum suum, ad quamlibet etiam liberam cessationem et vacationem ab actu, et hoc necessitate naturaliter præcedente. — Videlicet universaliter omnis effectus a quocunque agente rationali vel irrationali et libero producitur hoc modo, quod po-sito suo agente cum omnibus suis dispositionibus sufficientibus naturaliter præviis quibus illum producit, necessario et indefectibiliter sequitur ipsum produci, et producitur ex necessitate naturaliter præcedente. — *Corollarium*: Unde consequitur evidenter, quod aliqualis necessitas antecedens et libertas ac meritum non repugnant, et quod nulla causa inferior, sed tantum superior, scil. Dei voluntas, est necessitas antecedens, et quod omnia quæ sunt, fiunt et eveniunt, sunt, fiunt et eveniunt de aliqua necessitate ipsa naturaliter præcedente. cf. d'Argentré collect. judiciorum de novis erroribus, T. I. p. 323. Of some of Bradwardine's followers and opponents, ibid. p. 323. Albert, bi-shop of Halberstadt, appears to have been one of the former, on which account Gregory XI. ordered an inquisition to be made concerning him (*Raynald*, ann. 1372, no. 33). According to the Pope's letter his doctrine was, quod omnia in hoc mundo ex necessitate eveniunt, et quod fata cuilibet homini vitæ ac mortis necessitatem imponunt, et quod non est habendum consilium, nec deliberandum de aliquo, cum omnes actus hominum, etiam a libero arbitrio procedentes, noscantur ex necessitate cælestis influentiæ provenire. This doctrine is stated to have had the consequence already, nonnulli etiam nobiles et alii de partibus illis, — per hæc putantes tolli merita et demerita, incipiunt omittere invocationem divini auxilii et sanctorum, nonnullaque alia opera pietatis, etc.

would have set all in a flame, was but little noticed. At the end of this century, some of the most distinguished men, John Charlier de Gerson (from A. D. 1351 teacher at Paris, 1395 Chancellor of the University, † 1429 in Lyons, Doctor Christianissimus),<sup>11</sup> and Nicolas de Clamenge (Artist, 1393 Rector in Paris, the private secretary of Benedict XIII., lived in retirement from the year 1408, and died before 1440),<sup>12</sup> were themselves aware how unfruitful the theological controversies of the time must be for the church, and already proposed a reform.<sup>13</sup>

<sup>11</sup> His life in *v. d. Hardt* Conc. Const. T. I. P. IV. p. 26. He has left a multitude of small writings and discourses of a theological, moral, and ascetic character, amongst which are many occasional writings; best collection by *Lud. Ellies du Pin*. Antwerp (Amsterdam). 1706. 5 voll. fol.

<sup>12</sup> His life in *v. d. Hardt*, l. c. T. I. P. II. p. 71. His writings refer chiefly to the faults, and the reformation of the morals, and the ecclesiastical discipline of the time; ed. *Jo. Mart. Lydius*. Lugd. Bat. 1613. 4to. Several of them were published at a later date by *Herm. v. d. Hardt*, in the Conc. Const. and others.

<sup>13</sup> *Jo. Gerson* Epist. duæ de reforma. theol. comp. note 9, above. *Nicol. de Clamengis* lib. de studio theologiæ in *d. Achery* Spicil. T. I. p. 473. e. g. p. 476: *Miror Theologos nostri temporis paginas divinorum Testamentorum ita negligenter legere, et nescio quorum satis sterilium subtilitatum indagine sua ingenia conterere, utque verbis utar Apostolicis, languere circa quæstiones et pugnas verborum* (1 Tim. vi. 4), quod Sophistarum est, non Theologorum. — Solebant antiqui Patres et Theologi, quorum per Ecclesiam sunt approbata scripta, nihil dicere vel astruere, nisi quod Scripturarum testimonio posset confirmari: unde et Hieronymus ait: *Quod de scripturis sacris non habet auctoritatem, eadem facilitate contemnitur qua probatur*. Rectissime plane illi quidem, quoniam in his, quæ divina sunt, nihil debemus tenere definire, nisi ex cælestibus possit oraculis approbari: quæ divinitus enuntiata de his, quæ scitu de Deo sunt necessaria aut ad salutem oportuna, si diligenter investigarentur, nos sufficienter instruunt. — Nunc autem plerosque videmus scholasticos sacrarum inconcussa testimonia literarum tam tenuis æstinare momenti, ut ratiocinationem ab auctoritate ductam velut inertem et minime acutam sibilo ac subsannatione irrideant, quasi sint majoris ponderis, quæ phantasia humana imaginationis adinvenit, quam quæ divinitus cælitus aperuit, cum, teste Apostolo, *omnis scriptura divinitus inspirata utilis sit ad docendum, ad arguendum*, etc. (1 Tim. iii. 16): ad quæ illa sunt parum utilia, in quibus hodie plurimi exereantur, quæ licet intellectum utrumque acuant, nullo tamen igne succendant affectum, nullo motu excitant, nullo alimento pascunt, sed frigidum, torpentem, aridum relinquunt. Inde est, quod ad prædicandum tardi adeo et ignavi sunt, quia scientiam ad hoc utilem minime didicerunt, supervacuisque occupati utilia et necessaria omiserunt. Illa est vera scientia, quæ Theologum decet, quamque omnis debet Theologus expetere, quæ non modo intellectum instruat, sed infundat simul atque imbuat affectum. — Non ergo theologico det eo sine operam studio, ut theologiam sciat, hoc enim quædam curiositas est; non ut vulgi favorem aut plausum populi sibi per hoc acquirat, quia ventus inanis est; — non ut ad honores et dignitates perinde promoveatur, quia ambitio est; — sed ea mente ac proposito theologia aggrediatur studium, ut de talento doctrinæ sibi divinitus commisso, fideliter Deo serviendo, secum ad salutem æternam quoscumque poterit perducatur ac lucrifaciat, etc.

## § 114.

## MYSTIC THEOLOGY.

*Gofr. Arnoldi* historia et descriptio theol. mysticæ. Francof. 1702. Svo.

Scholastic theology having thus ceased to have any connexion with religious feeling, it was natural enough, on the other hand, that that form of religion which appealed wholly to the feelings, Mysticism, should likewise be cultivated to the exclusion of every thing else. Amongst the Mystics of the time we may notice the Dominican John Tauler of Strasburg (*Theologus sublimis et illuminatus*, † A. D. 1361),<sup>1</sup> distinguished as a widely influential preacher.<sup>2</sup> Another preacher, scarcely less distinguished, was Henry Suso of Ulm († 1365),<sup>3</sup> But more famous than either amongst the Mystics of all ages is John Ruysbroech, prior of the regular canons in Gruenthal in Brabant (*Doctor ecstaticus*, † A. D. 1381),<sup>4</sup> of all the Mystics the most dreamy and enthusiastic.<sup>5</sup> John Gerson, on the other hand,

<sup>1</sup> He has left numerous short works of an ascetic character, amongst which the most remarkable is the *Nachfolge des armen Lebens Christi*. His sermons have been very often translated into various German dialects, and published in the latest form, Frankf. A. M. 1826. 2 Th. Svo. See the account of Tauler's life and writings prefixed to this edition. The *Historie des ehrw. Doctors Joh. Taulers*, professedly by himself, which is prefixed to his sermons, is only an account of his conversion. Comp. Bayle *Diet. s. v. Tauler*. Oberlini *diss. de J. Tauleri dictione vernacula et mystica*, Argentor. 1786. 4to. Of Tauler's mysticism, see de Wette *christl. Sittenlehre*, Th. 2, zweyte Hälfte, S. 220 ff.

<sup>2</sup> Many of his hearers were so affected by his preaching that they fell down senseless, see the *Historie des ehrw. D. Taulers*, cap. 10, 11.

<sup>3</sup> *Henrici Susonis* Opp. e suevico idiomate latine translata per Laur. Surium Colon. 1555. Svo. The *Vita Susonis*, *ibid.* p. 435, is an account of his conversion, written by a pious lady, and edited by himself. cf. *Quetif et Echarde* *Scriptt. Ord. Prædicat. T. I.* p. 653 seq.

<sup>4</sup> *Jo. Ruysbrochii* Opp. e Brabantia germanico idiomate reddita latine per Laur. Surium, Colon. 1552. fol. The life of Ruysbroeck prefixed (p. 1 seq.), was written by a Canonicus regularis, soon after his death, some verbal alterations only having been made by Surius.

<sup>5</sup> Comp. his visions: for instance, what he said to his visiter, Gerhard Groot (*Vita Rusbr. c. 8*): *Magister Gerarde, certum ac firmum habeto, nullum me unquam verbum scriptis meis inseruisse, nisi ex instinctu Spiritus Sancti, et in singulari quadam ac dulcissima præsentia supersanctissimæ Trinitatis. Quæ verba fratres quidam, etiamnum superstites, ferunt se ex ore sancti viri, testamenti loco extremis vitæ ejus temporibus accepisse.* Comp. *Jo. Gersonii* *Epist. ad fr. Bartholom. Carthusiensem super tertia parte libri Jo. Ruysbroech de ornatu spiritualium nuptiarum* (Opp. ed. *du Pin* I. p. 59): His general view of the work: *comperi multa ibidem tradi salubria et alta documenta. But tertia pars ejusdem libri prorsus repudianda rescindendaque est, because it is there taught, quod anima perfectè contemplans Deum non solum videt eum per claritatem, quæ est divina essentia, sed est ipsamet claritas divina. Imaginatur enim, — quod anima tunc desinit esse in illa existentia quam prius habuit in proprio genere, et convertitur seu transformatur et absorbetur in esse divinum, etc.* (The words, p. 62: *Erat autem de secta Begardorum, which must be referred to Ruysbroeck, ought undoubtedly to read, Erant autem de s. B. namely they, quorum aliquos ipse Auctor juste reprehendit, etc.*) Gerson was answered by the canonicus *Jo. de Schoenha-*

felt both the excellencies and the dangers of mysticism, and taught both by precept and example, how it might be united with religious speculation in such a manner, that each should supply the defects of the other; enforcing always the precept, that mysticism must be guided by knowledge.<sup>6</sup> Towards the end of the 14th century a practical and beneficial mysticism was introduced by the *Brethren of Common Life*,<sup>7</sup> and by their means exercised a wide influence amongst the inhabitants of the German provinces.

## § 115.

### HISTORY OF THE OTHER THEOLOGICAL SCIENCES.

Casuistry continued to be a subject of zealous study. To the old

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*ria*, in defence of Ruysbroeck (ibid. p. 63), to which Gerson, however, soon replied (l. c. p. 78). Of Ruysbroeck's doctrine, see de Wetle Sittenlehre, Th. 2, zweyte Hälfte, S. 237 ff.

<sup>6</sup> Gerson's writings are found in Opp, ed. *du Pin*, T. III. He gives a theory of mystic theology in his *Considerationes de myst. theol.* ibid. p. 361. Of its relation to speculative theology, see *Consid. I.*: Aliqua est *theologia mystica* ultra eam, quæ vel *symbolica* vel *propria* nominatur. Ita enim separate tractavit de ea sub proprio titulo b. Dionysius a concilio divinatorum secretorum Paulo doctus. Cum enim scripsisset de *theologia symbolica*, quæ utitur corporeis similitudinibus translatis ad Deum, ut quod est leo, lux, agnus, lapis et similia; — cum præterea tradidisset *theologiam propriam*, per quam ex affectibus repertis in creaturis, præsertim perfectioribus, ad extra, consurgimus ad affirmandum aliqua de Deo, ut quod est ens et vita, a quo omnibus derivatum est esse et vivere: tandem addidit modum inveniendi Deum perfectiorem cæteris quo per abnegationem et per excessus mentales tanquam in divina caligine videatur. Deus, hoc est in occulto et in abscondito: — propterea hic liber intitulatur *de theologia mystica*: mysticum autem interpretatur absconditum. — *Consid. II.*: Theologia mystica innititur ad sui doctrinam experiendi habitis ad intra, in cordibus animarum devotarum: sicut alia duplex theologia ex his procedit, quæ extrinsecus ostenduntur. — *Consid. VIII.*: Expedit scholasticos viros etiam devotionis expertes in scripturis devotis theologiæ diligenter exerceeri, dummodo erudent eis. Hoc ideo dicitur, quia quis novit, si tandem ipsis ex familiari tali colloctione aggenerabitur, ut solet, quidam amor et ardor experiendi ea, quæ sola interim fide tenent, et quæ docta ratiocinatione conferunt ad invicem. — Rursus alius fructus est pro illis, quos prædicatio sumpta ab hujusmodi doctrina poterit accendere ad amorem Dei jam præconceptum, remanente etiam frigidus pectore ejus, qui loquitur. — Denique comperitum est, multos habere devotionem, sed non secundum scientiam, quales procul dubio pronissimi sunt ad errores, etiam supra indevotos, si non regulaverint affectus suos ad normam legis Christi, si præterea capiti proprio, propriæ scilicet prudentiæ, inhaerint, spreto aliorum consilio. Hoc in Begardis et Turelupinis manifestum fecit experientia. — Propterea necesse est pro argutione, aut directione talium esse viros studiosos in libris eorum, qui devotionem habuerunt secundum scientiam. Eos nihilominus commonitos velim, ne citius debito damnare præsumant personas devotas, simplices in suis affectibus admirandis, ubi nihil adversum vel fidei vel bonis moribus palam invenimus; sed aut venerentur incognita sub silentio, suspensam tenentes sententiam, aut consilio peritorum examinanda remittant. Peritiores autem sunt, quos utraque instructio reddit ornatos; una intellectus, et affectus altera, quales fuerunt Augustinus, Hugo, s. Thomas, Bonaventura, Guilielmus Parisiensis, et cæterorum admodum pauci; ejus raritatis causam inferius afferre conabimur. *Comp. de Wetle*, l. c. S. 251 ff. *J. G. V. Engelhardti comm. de Gersonio mystico Partic. II.* Erlang. 1822–23. 4to.

<sup>7</sup> See above. § 112, notes 6 and 7.

text-book of this study, the *Summa Raymundia* (§ 76, note 7), were now added the work of the Minorite Astesanus († 1330 *Summa Astesana*),<sup>1</sup> and that of the Dominican Bartholomew de St. Concordia in Pisa († 1347 *Summa Bartholina*, *Pisanella* or *Magistrucchia*).<sup>2</sup> The study of ethics was but little attended to, and only as connected with the study of canonical law and clerical rights. Scarcely any thing was done for the *science* of ethics.<sup>3</sup> The fondness of the Schoolmen for quibbling, and defending any opinion they might happen to take up, proved pernicious in the highest degree to the interests of morality. The consequences are best seen in the controversies called forth by the murder of the duke of Orleans at the instigation of the Duke of Burgundy, 23 Nov. 1407.<sup>4</sup> In justification of this deed the Franciscan John Parvus (Jean Petit, Doctor theol. at Paris, † 1411) maintained that to murder a tyrant was a lawful deed.<sup>5</sup> And though this work was condemned by the bishop of Paris after the family of Orleans had regained the ascendancy (A. D. 1414),<sup>6</sup> yet when the Duke of Burgundy brought the matter before the Council of Constance, it was seen that the hierarchy were by no means so watchful in questions of morals, as of doc-

<sup>1</sup> Printed nine times in the fifteenth century, *Fabricii* *Bibl. med. et inf. Latin.* T. I. p. 145.

<sup>2</sup> Printed several times in the fifteenth century, *Quetif et Echarde* *Scriptt. Ord. Prædicat.* T. I. p. 623. *Fabric.* l. c. p. 177.

<sup>3</sup> Concerning *Gerson's* ethical writings in his *Opp. ed. du Pin.* T. III. see *Schröckh*, Th. 34. S. 241.

<sup>4</sup> All the authorities on this subject are collected in *Gersonii* *Opp. ed. du Pin.* T. V. The narrative is from the chronicle of *Enguerrant de Monstrelet*, *ibid.* p. 3 seq.

<sup>5</sup> See his *Justificatio Ducis Burgundiæ recitata d. 8 Mart 1408 coram Rege.* l. c. p. 15. He arranges his views in VIII veritates: I. Omnis subditus et vasallus, qui — machinatur contra salutem corporalem sui Regis, — dignus est duplici morte, scil. prima et secunda. II. plus puniendus est miles, quam simplex subditus in hoc casu, Baro quam simplex miles, etc. III. In casu supradicto licitum est cuilibet subdito sine quocunque mandato vel præcepto, secundum leges naturalem, moralem et divinam, occidere et facere occidi ipsam proditorem et infidelem tyrannum, et non modo licitum, sed honorabile ac meritorium, præcipue quando est adeo potens, quod justitia non potest bono modo fieri per superiorem. He rests this ob reverentiam XII Apostolorum on 12 grounds, namely, three theological authorities, that of St. Thomas, of John of Salisbury, and various others, with three philosophical authorities, that of Aristotle, Cicero, and Boccacio, with three proofs from civil laws, and three examples from the Scriptures. IV. In casu supradicto honorabilis est, magis licitum et meritorium, quod ipse infidelis tyrannus occidat per unum consanguineum et subditum Regis, quam per extraneum, qui non esset de sanguine regis; et per Ducem, quam per Comitem, etc. VII. In casu supradicto unicuique licitum est, honestum et meritorium occidere et facere occidi supradictum tyrannum per insidias, cautelas et explorationes, et etiam licitum est dissimulare et tacere suam voluntatem. He then accuses the duke of Orleans with having practised magical arts on the king, given him poison, having been guilty of treachery, and finally concludes, quod dictus Dominus Burgundiæ in nullo debet culpari, vel redargui de casu qui accidit in persona dicti criminosi defuncti Ducis Aurelianensis, et quod Dominus Rex non solum debet contentari, sed etiam debet habere præfatum Dominum Burgundiæ acceptum, et suum factum autorisare, quando opus est.

<sup>6</sup> The *Acta*, l. c. p. 49–342. See the *Sententia*, in which nine assertions from the work of *John Parvus* are condemned, p. 322 seq.

trine. Whilst the true moral view was boldly advocated by the undaunted Gerson in opposition to the sophisms of the Mendicant monks,<sup>7</sup> the council did not venture to decide definitely for either. It condemned indeed the doctrine of the murder of tyrants, but not the work itself of Jean Petit,<sup>8</sup> and declared the decision of the bishop

<sup>7</sup> The Dominican, Martin Porree, bishop of Arras, petitioned the council as the plenipotentiary of the duke of Burgundy (l. c. p. 358): *Sententia Episc. Parisiensis et Inquisitoris Franciæ, quæ de jure est nulla, — aduullectur: — tam veritates Parvi, quam assertiones per Johannem de Gersono eidem Parvo falso impositas, in sua probabilitate relinquendo.* Namely, p. 369: *dictæ assertiones non sunt erronee condemnandæ, eo quod de earum possibilitate sine evidenti contradictione fidei sacra scriptura et honorum morum sunt opiniones graves magnorum Doctorum eas asserentium probabiles, ut præfertur testimonio Scripturarum naturalium, moralium et divinarum.* Compare *Scriptum Episc. Atrebatensis* dd. 11 Oct. 1415 (ibid. p. 391): *Si novem assertiones pertineant ad fidem, secundum intentionem Joannis Gerson, qua temeritate condemnavit eos Episcopus Parisiensis, cum sciret aut scire deberet, quod hujusmodi materie fidei declaratio et definitio, ac novorum articulorum fidei ordinatio ad s. Sedem apostolicam, aut sacrum Concilium generale [pertinere] dignoscitur? — Si vero non pertineant ad fidem, sicut nec pertinent de facto ante determinationem Ecclesiæ; quare eas condemnavit, oppositas ipsarum mandando teneri sub fide? Numquid non hæreticum est, mandare aliquid sub fide esse tenendum, quod non est fides? Gerson on the other hand (ibid. p. 391): dico affirmative, quod hæ novem assertiones exhibitæ sunt judicio fidei reprobandæ per hoc sacrum Concilium, et quod jam nimis tardatum est. In defence of the bishop of Paris, he advocates the principle of the Sorbonne (p. 498), quod ad Episcopos catholicos pertinet, auctoritate inferiori et subordinata circa ea quæ sunt fidei judicialiter definire (see below, § 116, note 8).*

<sup>8</sup> *Sessio gen. XV. d. 6 Jul. 1415 (in v. d. Hardt Conc. Const. T. IV. p. 439):* Synodus — nuper accepit, quod nonnullæ assertiones erroneæ in fide et bonis moribus — dogmatizatae sunt. Inter quas hæc assertio delata est: *Quilibet tyrannus potest et debet licite et merito occidi per quemcumque Vasallum suum vel subditum, etiam per insidias et blanditias vel adulationes, non obstante quocumque juramento seu confederatione facta cum eo, non expectata sententia vel mandato judicis cujuscumque.* Adversus hunc errorem satagens hæc sancta synodus insurgere, — declarat, decernit et definit, hujusmodi doctrinam erroneam esse in fide et moribus, ipsamque tanquam hæreticam, scandalosam, seditiosam, et ad fraudes, deceptiones, mendacia, proditorias, perjuria vias dantem reprobam et condemnat. *Declarat insuper, — quod pertinaciter doctrinam hanc perniciosissimam asserentes sunt hæretici, &c.* Even this decree was forced from them, however, by the emperor Sigismund, see *Jo. Gersonii* dialog. apologeticus (Opp. II. p. 357), in particular the letter of a companion of the bishop of Arras to a friend in Paris, in *Bulæi* hist. Univ. Paris. T. V. p. 293: *Videns ipse Rex, quod non potuit obtinere conclusionem condemnationis dictarum IX assertionum, ut volebat, licet sollicitaverit Judices quantum potuit per ejus præsentiam in judicio sapissime et per nuncios et literas, dixit, quod nunquam iret ad locum conventionis, videlicet Niciam, donec esset finis dicti processus.* Et quod plus est, ipse exivit civitatem Constantiæ per VIII dies, et juravit publice, ut dicebatur communiter, quod non rediret nisi prius expedito dicto processu. Quare oportuit pro satisfaciendo sibi, quod quædam alia propositio vocata *Quilibet tyrannus* — condemnata fuerit ad satisfaciendum dicto Regi, qui putabat, quod dicta propositio esset una de contentis in propositione M. Jo. Parvi, et ita datum est sibi intelligi, et sub illo colore fuit condemnata ipso Rege præsentante: unde gavisus est et omnes Adversarii, quod communiter dicebant ignorantes, quod propositio Parvi fuerat condemnata. — Sed Deo laus. Post recessum dicti Regis Ambaxiatores (Ducis Burgundiæ) sunt securiores quam antea, et liberius tractaverunt materiam et processum cum bono consilio. — Speramus hic omnes habere bonum exitum et honorabilem in materia, quia totum Concilium vellet processum terminari ad bonam pacem et concordiam Ducis. — Et si non habeatur finis per concordiam, non ita cito habebitur per processum, quia adhuc sumus in principio, ut potestis considerare: quia restat adhuc probare

of Paris unauthorized.<sup>9</sup> Soon after this there appeared a work of John of Falckenburg,<sup>10</sup> proclaiming extermination, by whatever means, to the Poles and their king Jagello. Though disapproved by the majority of the council (A. D. 1417),<sup>11</sup> the Pope, swayed by his fears of the Teutonic order, and the duke of Burgundy, would not allow it to be formally condemned. Neither did he decide concerning the work of Jean Petit. Thus the Mendicant monks were left at liberty to defend their seditious principles as they chose.<sup>12</sup>

intentionem circa libellum exhibitum, et examinare dictas propositiones hinc inde, quæ non fient ita cito et sine magno discursu.

<sup>9</sup> Judicium Deputatorum Concilii dd. 15 Jan. 1416, in *Gersonii* Opp. T. V. p. 500 seq.

<sup>10</sup> This same person had before defended Jean Petit against Gerson and d'Ailly: see tres tractatus in *Gersonii* Opp. T. V. p. 1013 seq.

<sup>11</sup> *Jo. Dlugossi* (Canon, in Cracow about 1465) hist. Polonica. ed. Francof. 1711, fol. lib. XI. p. 376: The archbishop of Gnesen brought the work with him to Constance, and accused the author before the council. Synodus sacra — prædictum libellum, ut falsum et erroneum, Joannem vero Falkenberg ejus auctorem, ut hæreticum, per definitivam sententiam damnavit, et perpetuis deputavit carceribus. Et in condemnationis præfatæ signum singuli Cardinales singillatim et omnes nationes sententiam prædictam manibus propriis subscripserunt. The book was condemned (v. d. *Hardt* Conc. Const. T. IV. p. 1555), per judices in causa fidei a s. Concilio deputatos, and it was decided by the college of cardinals, and in general council, quod idem libellus, tanquam hæreses et alia multa et quasi infinita mala et errores continens, in sessione publica per sacrosanctum concilium — publice damnaretur, seu publice damnatus nunciaretur. But even this solemn condemnation could not be maintained by Martin V., made Pope in Nov. 1417, *Dlugossus*, p. 386: Martinus P. V. prece incertum est an importunitate Cruciferorum de Prussia circumventus, sententiam damnationis Jo. Falkenberg — infirmare et moderari contendit, — quamvis, existens Cardinalis, se ei manu propria subscripserit. Of the contents of Falkenberg's book, we have nothing but what is preserved in the sentence of condemnation, written by a committee of the council, and in the name of the council, on the 4th of Jan. 1417 (see *Dlugossus*, p. 387). Its title was: Satyra contra hæreses et cætera nefanda Polonorum et eorum Regis Jagyel fideliter conscripta, and it was addressed universis Regibus et Principibus, cæterisque Prælatiis sive Ecclesiasticis sive sæcularibus, et generaliter omnibus, qui Christiani nominis meruerunt insigniri titulo. Propositions extracted: quod Rex Polonorum, cum sit malus præsidens, est idolum, et omnes Poloni sunt idololatæ, et serviunt idolo suo Jagyel. Item dicit, quod Poloni, et eorum Rex sunt odibiles, hæretici, et impudici canes, reversi ad vomitum suæ infidelitatis. Et ergo securissime omnes, non solum Principes sæculi, verum etiam inferiores, qui ad Polonorum et eorum Regis exterminationem se accinxerint ex charitate, vitam merentur æternam. Item dicit, quod indubie Polonos et eorum Regem propter periculum, quod ab eis timetur Ecclesiæ futurum; etiam antequam dissidium faciant, cæteris paribus, magis meritorium est occidere quam paganos. Item dicit, quod omni submoto dubio, belli certamine, quo pro defensione Christianorum suscepto Principes sæculi Polonos et eorum Regem occidunt, regna merentur cælestia. — Item dicit, quod ex Principibus sæculi, qui sunt idonei et ratione et potestate Polonos et eorum Regem Jagyel reprimere, et permittunt eum in Christianos debacchari, supplicia merentur gehennæ, &c.

<sup>12</sup> They sought especially to prove by various sophisms, that the IX assertions, note 6, were wholly distinct from the condemned Quilibet tyrannus, see the numerous controversial writings in *Gersonii* Opp. T. V. e. g. Responsio Episc. Atrebatensis, ibid. p. 475: eredo et affirmo, quod nulla dietarum novem assertionum est fidei judicio reprobanda, nec aliqua illarum est condemnanda ex condemnatione illius propositionis Quilibet tyrannus: cum nullo modo sequatur ex aliqua illarum novem assertionum, sed non ex omnibus simul, nec continent doctrinaliter illam

The theologians of this period employed themselves in the study of the Scriptures even less than those of the preceding centuries had done. The appointment of teachers of the oriental languages, by Clement V. (1311),<sup>13</sup> was wholly for the purpose of educating missionaries, and had no influence upon the study of the Scriptures. The biblical commentaries of the time are for the most part of little value. Almost the only one worth mentioning is that of the Franciscan Nicolaus de Lyra (teacher of theology at Paris, † 1340, Postillator),<sup>14</sup> whose knowledge of the Hebrew enabled him to do something for the grammatical interpretation of the Old Testament.

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vel virtualiter, nec in simili radice fundantur, quod patet. Non enim sequitur: *Licetum est unicuique subdito, — occidere vel occidi facere quemlibet tyrannum, qui per cupiditatem, fraudem, sortilegium, etc. Ergo quilibet tyrannus, etc.* Tum quia ibi arguitur a parte in modo, ad suum totum in modo, cum distributione: — tum quia ad mentem Assertionum a parte subjecti, *unicuique subdito* capitur pro vassallo immediate Regi subdito; et in illa Quilibet tyrannus capitur pro quocunque, etiam subdito tyranno, sive subjecto, etc. He draws the conclusion, finally, quod hanc doctrinam asserentes opinabiliter, citra determinationem sacri Concilii Generalis, et s. Sedis Apostolicæ, non sunt hæretici, — quod asserere — dictas Propositiones esse probabiles, aut forsitan hæretici, etc.

<sup>13</sup> Brought about through the influence of Raymundus Lullus, who was deeply interested in the conversion of the Mahometans. *Clementin.* Lib. V. Tit. I. c. 1: scholas in subscriptarum linguarum generibus, ubicunque Romanam curiam residere contigerit, necnon in Parisiensi et Oxon. Bonon. et Salamantino studiis providimus erigendas, statuentes, ut in quolibet locorum ipsorum teneantur viri catholici, sufficientem habentes Hebraicæ, Arabicæ et Chaldaicæ linguarum notitiam, duo videlicet uniuscujusque linguæ periti, qui scholas regant inibi, et libros de linguis ipsis in latinum fideliter transferentes, alios linguas ipsas sollicite doceant, — ut instructi et edocti sufficienter in linguis hujusmodi, fructum speratum possint Deo auctore producere, fidem propagaturum salubriter in ipsos populos infideles.

<sup>14</sup> Of him *Wolffi* Biblioth. Hebr. I. p. 912; III. p. 838. *Mich. H. Reinhard* Pentas conatum sacrorum Lips. 1709. Svo. p. 147. His chief work, *Postillæ perpetuæ in Biblia*, was first ed. Romæ, 1471. 5 voll. fol. best ed. cura *Fr. Feuardentii, Jo. Dabrei et Jac. de Cuiilly*, Lugd. 1590; also in the *Bibliis glossatis*. It is preceded by an essay de libris Biblicæ canonicis et non canonicis. Quia sunt multi, qui ex eo quod non multam operam dant sacræ scripturæ, existimant omnes libros, qui in biblia continentur, pari veneratione esse reverendos atque adorandos, nescientes distinguere inter libros canonicos et non canonicos, quos Hebraei inter apocrypha computant, unde sæpe coram doctis ridiculi videntur: et perturbantur scandalizanturque, cum audiunt, aliquem non pari cum cæteris omnibus veneratione persequi aliquid, quod in biblia legatur: ideirco id distinximus, et distincte numeravimus, primo libros canonicos, et postea non canonicos, inter quos tantum distat, quantum inter certum et dubium. Nam canonici sunt confecti spiritu sancto dictante: non canonici autem sive apocryphi nescitur, quo tempore quibusve auctoribus sint editi, etc. He then enumerates the canonical and apocryphal books of the Old Testament, according to Jerome, and adopts the views taken by him and Rufinus of their relation to each other. Prologus I de commendatione sacræ scripturæ in generali. e. g. of the double sense: Habet tamen iste liber hoc speciale, quod una littera continet plures sensus. Cujus ratio est, quia principalis hujus libri auctor est ipse Deus, in cujus potestate est non solum uti vocibus ad aliquid significandum, — sed etiam rebus significatis per voces utitur ad significandum alias res. The fourfold sense is described in the following verse:

*Littera gesta docet, quid credas allegoria,  
Moralis quid agas, quo tendas anagogia.*

Prologus II de intentione auctoris et modo procedendi: Omnes expositiones mysticæ præsupponunt sensum litteralem tanquam fundamentum: propter quod sicut ædificium declinans a fundamento disponitur ad ruinam, sic expositio mystica dis-



## CHAPTER FIFTH.

### HISTORY OF RITES AND CEREMONIES.

#### § 116.

Two new festivals were now established in honor of the Virgin Mary, that of the Presentation (festum Presentationis, on the 21st Nov., instituted by Gregory XI. A. D. 1372),<sup>1</sup> and that of the Visitation (festum Visitationis, on the 2d of July, instituted by Urban VI. A. D. 1389).<sup>2</sup> The doctrine of the immaculate conception of the Virgin was vehemently contested by the Dominicans, who to the revelations made to St. Birgitta in its favor<sup>3</sup> opposed those made to

crepans a sensu litterali reputanda est indecens et inepta, vel saltem minus decens, cæteris paribus, et minus apta. Et ideo volentibus proficere in studio sacrae scripturae necessarium est incipere ab intellectu sensus litteralis: maxime cum ex solo sensu litterali et non ex mysticis possit argumentum fieri ad probationem vel declarationem alicujus dubii, secundum quod dicit Augustinus in Epist. contra Vincent. Donatistam. Ulterius considerandum, quod sensus litteralis — videtur multum obfuscatus diebus modernis, partim scriptorum vitio, qui propter similitudinem litterarum in multis locis aliter scripserunt, quam habeat veritas textus, partim imperitia aliquorum correctorum, qui in pluribus locis fecerunt puncta ubi non debent fieri, et versus inceperunt vel terminaverunt ubi non debent incipi et terminari, et per hoc sententia litteræ variatur, — partim ex modo translationis nostræ, quæ in multis locis aliter habet quam libri hebraici: — et tamen secundum Hieronymum — pro veritate litteræ habenda in scriptura veteris testamenti recurrendum est ad codices Hebræorum. — Sciendum etiam, quod sensus litteralis est multum obumbratus propter modum exponendi communiter traditum ab aliis, qui licet multa bona dixerint, tamen parum tetigerunt litteralem sensum, et sensus mysticos in tantum multiplicaverunt, quod sensus litteralis inter tot expositiones mysticas interceptus, partim suffocatur. Item textum in tot particulas diviserunt, et tot concordantias ad suum propositum induxerunt, quod intellectum et memoriam in parte confundunt, ab intellectu litteralis sensus animum distrahentes. Hæc igitur et similia vitare proponens cum Dei adjutorio intendo circa litteralem sensum insistere, et paucas valde et breves expositiones mysticas aliquando interponere, licet raro. Similiter intendo non solum dicta doctorum catholicorum, sed etiam hebraicorum, maxime *Rabbi Salomonis* (Jarchi oder Raschi, see above, § 76, note 9), qui inter doctores hebræos locutus est rationabilius, ad declarationem sensus litteralis inducere. — Postremo quia non sum ita peritus in lingua hebraica vel latina, quin in multis possim deficere; ideo protestor, quod nihil intendo dicere assertive seu determinative, nisi quantum ad ea, quæ manifeste determinata sunt per sacram scripturam vel ecclesiæ auctoritatem; cætera vero omnia accipiantur tanquam scholasticæ et per modum exercitii dicta: propter quod omnia dicta et dicenda suppono correctioni sanctæ matris Ecclesiæ, ac cujuslibet sapientis, pium lectorem et charitativum flagitans correctorem.

<sup>1</sup> *J. A. Schmidii* Prolusiones Mariana: X (cum præf. *J. L. Moshemii* Helmst. 1733. 4to.) p. 100 seq. Augusti's Denkwürdigkeiten, Bd. 3. S. 107.

<sup>2</sup> *Schmid*. l. c. p. 111. Augusti, l. c. S. 88.

<sup>3</sup> Of St. Birgitta, see above, § 111, note 4. *Birgitta Revelationum* Lib. V. in fine, God reveals with regard to the Virgin: De radice Adæ processit, et de peccatoribus nata est, licet sine peccato concepta, ut filius meus de ea sine peccato nasceretur; Lib. VI. c. 49, the Virgin: Veritas est, quod ego concepta fui sine peccato originali, et non in peccato; and Cap. 55: Scito quod conceptio mea non

their own Catharine of Siena<sup>4</sup> against it. Still the festival of the immaculate conception was more and more widely adopted,<sup>5</sup> and with it the doctrine. The exasperated Dominicans having begun to oppose this doctrine with increased fury in Paris A. D. 1384,<sup>6</sup> both the populace and the university rose against them. The latter condemned the rejection of the doctrine of the immaculate conception as one of the heresies of the Dominican John of Montesono A. D. 1387.<sup>7</sup> He appealed to the Pope,<sup>8</sup> but the university prevailed here also (Jan.

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omnibus nota fuit. — Placuit Deo, quod amici sui pie dubitarent de conceptione mea, et quilibet ostenderet zelum suum, donec veritas claresceret in tempore præordinato.

<sup>4</sup> Of whom see above, § 101, note 5. In the Orations XXII ab ipsa in raptu et extasi ad Deum prolata, et a sibi assistentibus familiaribus exceptæ latinitatique donatæ we read Orat. XVI (the passage is wanting in the ed. of her works, Colon. 1553, but is cited as early as *Antoninus Summæ*, P. I. T. 8. c. 2): Datum est nobis verbum æternum per manum Mariæ, et de substantia Mariæ induit naturam absque peccati originalis macula, et hoc, quia non hominis, sed Spiritus Sancti inspiratione facta est illa conceptio. Quod quidem non fuit sic in Maria, quia non processit ex massa Adæ operatione Spiritus Sancti, sed hominis: et quia tota illa massa erat putrida, non poterat nisi in putridam naturam anima illa infundi, nec poterat purgari, nisi per gratiam Spiritus Sancti, cujus quidem gratiæ non est subiectum susceptibile corpus, sed spiritus rationalis aut intellectualis, et ideo non poterat Maria a macula illa purgari, nisi postquam anima infusa est corpori, quod quidem sic factum est propter reverentiam thesauri divini, qui in illo vase debebat reponi. Nam sicut fornax consumit guttam aquæ in modico tempore, sic facit Spiritus Sanctus de macula peccati originalis: nam post conceptionem ejus statim fuit ab illo peccato mundata, et gratia magna data. Tu scis, Domine, quia ista est veritas. See concerning these prophecies of both the saints *Wadding* legatio Philippi III et IV ad Paulum P. V et Gregorium XV de definienda controvers. immaculatæ concept. b. Virg. Mariæ. Lovan. 1624. fol. p. 342 seq.

<sup>5</sup> At the Conc. Londin. ann. 1328. c. 2 (Mansi XXV. p. 829), it was decreed by the archbishop of Canterbury, that the festum conceptionis b. Virginis should in future be solemnly observed through the whole kingdom. In A. D. 1343, it was introduced by Baldwin, bishop of Paderborn, into his diocese (*Schaten Annales Paderborn*, L. XIII. p. 303). At the university of Paris, it was resolved on behalf of the French nation, A. D. 1380, quod a modo celebraretur festum conceptionis gloriosæ V. M. eodem modo, quo et alia festa solent celebrari (*Bulæus* hist. Univ. Paris. T. IV. p. 964).

<sup>6</sup> *Bulæus*, T. IV. p. 599.

<sup>7</sup> On the whole controversy, see *Bulæus* IV. p. 618 seq., especially *d'Argentré* collectio judiciorum, T. I. P. II. p. 61 seq. The offensive propositions, with the censures of the theological faculty, see in *Bulæus*, p. 620; *d'Argentré*, p. 62: Propositio X: Non omnes præter Christum contraxisse ab Adam peccatum originale est expresse contra fidem. Censure: *Revocanda est tanquam falsa, scandalosa et piarum aurium offensiva, et præsumptuose asserta, non obstante probabilitate questionis, utrum b. Virgo fuerit in peccato originali concepta*. Prop. XI: B. Virginem Mariam et Dei genitricem non contraxisse peccatum originale, est expresse contra fidem. Prop. XII: Tantum est contra sacram Scripturam, unum hominem esse exemptum a peccato originali præter Christum, sicut si decem homines de facto ponerentur exempti. Prop. XIII: Magis est expresse contra sacram Scripturam, b. Virginem non esse conceptam in peccato originali, quam asserere ipsam fuisse simul beatam et viatricem ab instanti suæ conceptionis vel sanctificationis. These propositions were condemned in a mass as *revocandæ tanquam falsæ, scandalosæ, præsumptuose assertæ, et piarum aurium offensivæ*.

<sup>8</sup> He complained, as appears from the work of his opponent, Petrus d'Alliaco (*d'Argentré*, p. 82), 1. quia aliquæ conclusionum suarum trahuntur ex doctrina s.

1389), and after compelling many of the Dominicans to take back their offensive declarations against the hated doctrine,<sup>9</sup> made the assent to the decision of the university on this point the indispensable condition of admittance to any academical honor.<sup>10</sup> Though this decision only went as far as to disapprove the rejection of the doctrine, it had yet all the effect of a positive declaration in its favor,<sup>11</sup>

Thomæ; 2. quod Dominus Episcopus (Parisiensis), apponens falcem in messem summi Pontificis, dictas conclusiones pronuntiavit et decrevit falsas, hæreticas et erroneas: et causam subdit ibidem, quia ista, quæ tangunt fidem, sunt de majoribus Ecclesiæ causis, et quæ ad solum summum Pontificem pro examinatione et decisione deferri debent. The university sent four deputies to the Pope, of whom Peter d'Alliaco was the most distinguished: see his sermons and propositions in Consistorio in *d'Argentré*, p. 66. In answer to the first complaint of the Dominicans, the university had already declared in a letter ad universos Christiani fideles dd. 14 Febr. 1388 (*d'Argentré*, p. 65), quatenus s. Thomæ doctrinam in dicta nostra condemnatione nequaquam reprobamus. The condemnation referred solely to the *est expresse contra fidem*, compare *P. d'Alliaco*, l. c. p. 107: licet (s. Thomæ) dicat, quod fuit concepta in originali, tamen nec ibi, nec alibi dicit, quod oppositum dicere sit expresse — contra fidem. — Licetum est in hac materia probabiliter loqui, et istam partem tenere, vel etiam circa utrumque dubitare, ut supponitur: sed non licet sic probabiliter loqui vel dubitare de aliquo, quod est expresse contra fidem, etc. In answer to the second complaint, *d'Alliaco* maintains the propositions (l. c. p. 76): Ad s. Sedem Apostolicam pertinet auctoritate judiciali suprema circa ea quæ sunt fidei judicialiter definire. Ad Episcopos Catholicos pertinet auctoritate inferiori et subordinata circa ea quæ sunt fidei judicialiter definire. Ad Doctores theologos pertinet determinatione doctrinali et scholastica circa ea quæ sunt fidei doctrinaliter definire.

<sup>9</sup> Compare the documents in *Bulæus* IV. p. 633, 638 seq.; and in *d'Argentré*, l. c. p. 132 seq. From the expressions which they now had to take back, it may be seen how far the Dominicans had been carried in the heat of controversy. Thus *Fr. Richard (d'Argentré*, p. 136): Elle fut souillée, touillée et brouillée au ventre de sa mère. — Ne plus que vous ne pourriez bouter vostre main en un grand plain pot de gresse sans la souiller, ne plus ne fut la Vierge Marie engendrée sans souilleure, — *Fr. Adam de Soissons*, in a sermon (*Bulæus* IV. p. 639): Se la Vierge Marie fut tre-passee devant la mort et passion de son glorieux fils, — elle fust descendue en Enfer, pourcequ'elle avoit esté conceue en peché originel. He acknowledged that he added to this, que je affermais sous la damnation de mon ame, et que en icelle foy je voudrois vivre et mourir. *Fr. Joannes Ade* (ibid. 641), quod festum Conceptionis b. et gloriosæ Virgini Mariæ non erat solemnizandum nec colendum, et qui coleret dictum festum, male faceret plus quam bene. — Item prædicando ad populum increpavi illos, qui in laudem Virgini Mariæ tenebant, eam non fuisse in Originali peccato conceptam, impropere eis et dicendo: *En volés-vous faire une Deesse?* etc.

<sup>10</sup> See *Gersonius* pro reconciliatione Dominicanorum, ann. 1403 (*Bulæus* V. p. 83): conclusum erat, ut omnis gradus et honoris in Universitate expers fieret, quisquis non juraret tenere condemnationem super erroribus prædictis ab Universitate prius, deinde ab Episcopo Paris. factam. Distulerunt hoc agere Baccalarii et fratres prædicti tunc excipiendi, causantes a Superioribus suis licentiam ad hujusmodi præstationem juramenti necdum petiisse vel habuisse. Ex hac origine neque gradus, neque cathedram, neque sermones posterius adepti sunt. The restoration of the Dominicans to the university did not take place till 1403, see the Instrumentum in *d'Argentré*, l. c. p. 148.

<sup>11</sup> *Jo. Gersonii* Sermo de conceptione b. Mariæ Virginis, in A. D. 1401 (Opp. ed. du Pin, Vol. III. p. 1330): Est quod Spiritus sanctus interdum revelat Ecclesiæ vel Doctoribus posterioribus aliquas virtutes, vel expositiones s. Scripturæ, quas non revelavit eorum prædecessoribus. — Ideo Moyses scivit plus quam Abraham, Prophetæ quam Moyses, Apostoli quam Prophetæ: et Doctores addiderunt multas veritates ultra Apostolos. Quapropter dicere possumus, hanc veritatem, b. Mariam

and the authority of the university secured the success of the doctrine.

This period was as rich as the foregoing one in new saints,<sup>12</sup> relics,<sup>13</sup> and other holy things,<sup>14</sup> as well as in new festivals.<sup>15</sup> The masses, which constituted almost the whole of public worship, were multiplied by the avarice of the priests in the most outrageous man-

*non fuisse conceptam in peccato originali. de illis esse veritatibus, quæ noviter sunt revelatæ vel declaratæ, tam per miracula quæ leguntur, quam per majorem partem Ecclesiæ sanctæ, quæ hoc modo tenet. Fuit tempus aliquod, in quo non tenebatur generaliter, Mariam virginem esse in Paradiso in corpore et anima (see above, § 18, note 10), sicut modo tenetur; et similiter post institutionem festi nativitatis s. Joannis nativitas Domine nostræ ordinata fuit per revelationem unius solius femine, et multa similia. Nota de opinione s. Augustini de igne Purgatorii, qualiter tenetur opposita (See Vol. I. § 119, note 14). Such a doctrine of new revelations had not then become objectionable. Thus Guil. Occam tract. de sacram. Altaris (appended to his Quodlibetis) says, that the doctrine of transubstantiation was not indeed in the Scriptures, but it was believed that it had been revealed to holy fathers.*

<sup>12</sup> Schröckh, Th. 33. S. 417.

<sup>13</sup> Of the numerous, and some of them strange enough, relics, collected in Prague by the emperor Charles IV., see H a g e k s böhm. Chronik, S. 577, 593, 568 ff. P e l z e l s Kaiser Karl der Vierte, Th. I. S. 277.

<sup>14</sup> Of the holy blood in Wilsnack, to which numerous pilgrimages were made from A. D. 1383, see S. Buchholz's Gesch. der Kurmark Brandenburg, Th. 2. S. 593 ff.

<sup>15</sup> Besides the two festivals of the Virgin, see above, notes 1 and 2, the Festum s. Trinitatis, which had long been occasionally observed, but now was fixed by John XXII, for the Sunday after Whitsuntide, Baluz. PP. Aven. I. p. 177. cf. Not. p. 793, Festum s. Lanceæ et Clavorum, changed at the request of Charles IV. by Innocent VI. 1354. for Germany and Bohemia, to the Friday after Quasimodogeniti, cf. J. H. a Seelen miscellanea, P. I. p. 339 seq. See the bull, ibid. p. 394 seq. Compare the list of festivals on which it was unlawful to work, by Simon, archbishop of Canterbury, in Conc. Magfeldense, a. n. 1362 (Mansi XXVI. p. 417): In primis sacrum diem Dominicum ab hora diei sabbati vespertina inchoandum, non ante horam ipsam præveniendum, ne Judaicæ professionis participes videamur, quod in festis, quæ suas habent vigiliis, observetur: Item festa Natalis Domini, SS. Stephani, Joannis, Innocentium, Thomæ martyris; Circumcisionis, Epiphaniæ Domini, Purificationis b. Mariæ, s. Matthiæ Apostoli, Annunciationis s. Mariæ, s. Parasceves, Paschæ cum tribus diebus sequentibus, s. Marci Evangelistæ, Apostolorum Philippi et Jacobi, Inventionis s. Crucis, Ascensionis Domini, Pentecostes cum tribus diebus sequentibus, Corporis Christi, Nativitatis s. Joannis Baptistæ, Apostolorum Petri et Pauli, Translationis s. Thomæ, s. Mariæ Magdalene, s. Jacobi, Assumptionis s. Mariæ, b. Bartholomæi, s. Laurentii, Nativitatis s. Mariæ, Exaltationis s. Crucis, s. Matthæi Apostoli, s. Michælis, s. Lucæ Evangelistæ, Apostolorum Simonis et Judæ, Omnium Sanctorum, s. Andree Apostoli, s. Nicolai, Conceptionis b. Mariæ, s. Thomæ Apostoli, Dedicacionum ecclesiarum parochialium et Sanctorum, in quorum honore ecclesiæ parochiales dedicantur: aliaque festa quæ in singulis diætæ provincie diæcesibus per locorum ordinarios ex certa scientia peculiariter indicuntur. And even in this catalogue, some days formerly observed had been left out, the archbishop himself conceding: quod ad devotionis parabatur compendium, in dissolutionis erigitur cumulum, dum in ipsis festivitibus colitur taberna potius quam ecclesia, comessationes abundant et ebrietates uberius quam lacrymæ et orationes, lasciviis insistitur et contumeliis magis quam otio contemplationis: — tanquam solemnitates ipsæ ad profanationis et perversitatis exercitium gratis fuerint institutæ: quæ quanto magis protenduntur in numero, tanto abundantius cultores abusum hujusmodi in suis excessibus inolescunt.

ner.<sup>16</sup> It was already evident enough to the reflecting that bounds must be set to this mere ceremonial worship in which all true piety was merged.<sup>17</sup>

## CHAPTER SIXTH.

### HISTORY OF CHURCH DISCIPLINE.

#### § 117.

##### OF INDULGENCES AND PUNISHMENTS.

THE theory of Indulgences, as perfected by Thomas Aquinas, was not only adopted by the theologians of this period,<sup>1</sup> but from the time of Clement VI. by whom it was first openly proclaimed (in the bull for a year of Jubilee),<sup>2</sup> may be considered as the received opinion of

<sup>16</sup> *Alvarus Pelagius* de planctu Eccl. lib. II. c. 5: Nostra autem ecclesia plena et superplena est altaribus, missis et sacrificiis, sed cum hoc plena in sacrificantibus homicidiis, sacrilegiis, et immunditiis, et simoniis, et aliis sceleribus, excommunicationibus, et irregularitatibus usque ad summum. — Tot enim hodie dicuntur missæ quasi quæstuarie, vel consuetudinarie, vel ad complacentiam, vel ad scelera cõoperienda, vel propriam justificationem, quod apud populum vel clerum sacrosanctum corpus Domini jam vilescit. — Unde et almus Franciscus voluit, quod in quocunque loco fratres contenti essent una missa, præsciens, fratres se velle justificare per missas, et ad quæstum eas reducere, sicut videmus hodie fieri: unde et dicebat, quod una missa cõelum et terram implebat. Cap. 27: Et jam consuetudine vel potius corruptela — inolevit, quod missa taxata tribus vel quatuor denariis vel uno solido venditur et emitur a populo cæco et presbyteriis simoniacis sceleratis.

<sup>17</sup> *Petri de Alliaco* de Reformatione in Conc. Constant. c. 3 (in *Gersonii* Opp. ed. *du Pin*, T. II. p. 911): Quia Prælati de divino cultu specialis cura esse debet, circa hujusmodi reformationem, quæ necessaria est, providendum esset, ut in divino servitio non tam onerosa prolixitas, quam devo'a et integra brevitatis servaretur; ut in ecclesiis non tam magna imaginum et picturarum varietas multiplicaretur; ut non tot nova festa solemnizarentur; ut non tot novæ Ecclesiæ edificarentur; ut non tot novi Sancti canonizarentur; ut, præterquam diebus Dominicis, et in majoribus festis ab Ecclesia institutis, liceret operari post auditum Officium: cum quia in festis sæpe magis multiplicantur peccata in tabernis, in choreis, et aliis lasciviis, quas docet otiositas; tum quia dies operabiles vix sufficiunt pauperibus ad vitæ necessaria procuranda. cf. *Nicolaus de Clamensis* de novis celebratibus non instituendis in Opp. ed. *Lydi*, p. 143 seq. As long ago as *Henricus de Hassia*, he had recommended (*Gerson* de probatione Spirituum in Opp. I. p. 40), comprimendam esse tot hominum canonizationem.

<sup>1</sup> See the passages from their works collected in *Eus. Anort* de origine, progressu, valore ac fructu indulgentiarum (Aug. Vindel. 1735. fol.), P. II. p. 80. To the list may be added *Augustinus Triumphus* Summa de potest. eccles. Qu. 29–32.

<sup>2</sup> See the bull *Unigenitus* of January 27, 1343, in Extravagg. Comm. lib. V. Tit. 9, c. 2, and in *Raynald*, ann. 1349, no. 11: (Deus Filius) non corruptibilibus auro et argento, sed sui ipsius, agni incontaminati et immaculati, pretioso sanguine nos redemit, quem in ara crucis pro nobis innocens immolatus, non guttam sanguinis modicam, quæ tamen propter unionem ad Verbum pro redemptione totius

the church. The opportunities of getting absolution for sins were constantly multiplied. Smaller indulgences were daily to be had,<sup>3</sup> nor was there any dearth of crusades as a means of obtaining general absolution.<sup>4</sup> The new invention of the year of Jubilee, in particular, was used to great effect. Clement VI., at the prayer of the Romans (A. D. 1343), reduced the term of its recurrence to fifty years,<sup>5</sup> so that it was celebrated in the year 1350.<sup>6</sup> Urban VI. (A. D.

humani generis suffecisset, sed copiose velut quoddam profluvium nocitur effudisse, ita ut a planta pedis usque ad verticem nulla sanitas inveniretur in ipso. Quantum ergo exinde, ut nec supervacua, inanis aut superflua tantæ effusionis miseratio redderetur, thesaurum militanti Ecclesiæ acquisivit, volens suis thesaurizare filiis pius pater, ut sic sit infinitus thesaurus hominibus, quo qui usi sunt, Dei amicitia participes sunt effecti! Quem quidem thesaurum non in sudario repositum, non in agro absconditum, sed per b. Petrum cæli clavigerum, ejusque successores, suos in terris vicarios, commisit fidelibus salubriter dispensandum, et propriis (*leg. pro piis*) et rationabilibus causis nunc pro totidi, nunc pro partiali remissione pœnæ temporalis pro peccatis debitæ tam generaliter quam specialiter, prout cum Deo expedire cognoscerent, vere penitentibus et confessis misericorditer applicandum. Ad cujus quidem thesauri cumulum beate Dei Genitricis et omnium Electorum a primo justo utique ad ultimum merita administrum præstare noscuntur, de cujus consumptione seu diminutione non est aliquatenus formidandum, tam propter infinita Christi, ut prædictum est, merita, quam pro eo, quod quanto plures ex ejus applicatione trahuntur ad justitiam, tanto magis accrescit ipsorum cumulus meritorum.

<sup>3</sup> The inhabitants of Xanten, in the territory of Cleves, having appointed a bell to be rung in the evening as a summons to the worship of the Virgin by repeating the salutation of the angels; John XXII. A. D. 1318, granted an absolution of ten days to whomsoever should repeat it three times (*Raynald*, ann. 1318, no. 58, cf. ann. 1327, no. 54). The Conc. Avenionense, ann. 1326, cap. 2, gave to those who should accompany the sacrament to sick persons by day, twenty days, by night, thirty days absolution; cap. 3, to those who should pray for the Pope and the church, ten days; cap. 4, to those who bowed themselves at the name of Jesus, ten days. This is repeated in Conc. Avenion, ann. 1337, c. 2; Vaurense, ann. 1368, c. 124; Narbon, ann. 1374, c. 19.

<sup>4</sup> c. g. above, § 96, note 25; § 98, note 7.

<sup>5</sup> See an account of the solemn embassy of the Romans in the Tertia Vita Clementis VI. in *Baluz*, PP. Aven. 1. p. 286. The request was granted in the bull Unigenitus (see above, note 2): Nos autem attendentes, quod annus quinquagesimus in lege Mosæica — jubileus remissionis et gaudii — censebatur, quodque ipse quinquagenarius numerus in testamentis, veteri quidem ex legis donatione, in novo ex visibili s. Spiritus in discipulos missione — singulariter honoratur, quodque huic numero plura et grandia divinarum adaptantur mysteria scripturarum; et clamorem peculiaris populi nostri, Romani videlicet, hoc humiliter supplicantis, ac nos ad instar Moysi et Aaron per proprios et solemnes nuntios ad hoc specialiter destinatos orantis pro toto Christiano populo et dicentis: *Domine aperi eis thesaurum tuum fontem aquæ vivæ*, desiderantes benignius exaudire; — volentesque quamplurimos hujusmodi indulgentiam fore participes, cum pauci multorum respectu propter vitæ hominum brevitatem valeant ad annum centesimum pervenire; de fratrum nostrorum consilio prædictam concessionem ejusdem indulgentiæ ex superscriptis et aliis justis causis ad annum quinquagesimum ducimus reducendam. He then ordains for the year of Jubilee, ut universi Christiideles, qui vere penitentes et confessi — Petri et Pauli Apostolorum basilicas et Lateranensem ecclesiam — visitaverint, plenissimam omnium peccatorum suorum veniam consequantur, ita videlicet, ut quicumque voluerit indulgentiam hujusmodi assequi, ad minus triginta, si Romani: si vero peregrini aut forenses modo simili XV. diebus ad prædictas Basilicas et Ecclesias accedere teneantur. Adjicientes, ut ii etiam, qui — post iter arceptum impediti legitime, quo minus ad urbem illo anno valeant pervenire, aut in via, vel dierum prætaxato numero non completo in dicta urbe decesserint, vere penitentes et confessi, eandem indulgentiam consequantur.

1389) changed it to three and thirty years.<sup>7</sup> Boniface IX. availed himself of this to celebrate it in the year 1390; but not content with this, he caused the Jubilee-indulgence to be offered for sale throughout the three following years in different countries, and drove a most scandalous traffic in indulgences of various kinds.<sup>8</sup> Besides the gross

<sup>6</sup> Of the concourse to Rome, see *Matteo Villani* l. c. 56 (*Muratori* Scriptt. Rer. Ital. XIV. p. 56), *Heinr. a Rebdorff*, ad ann. 1350. Prima Vita Clementis VI. in *Baluz.* l. p. 256. Comp. *Limpurgische Chronik* (by a contemporary) Wetzlar. 1720. Svo. S. 16.

<sup>7</sup> The bull, dated April 8, 1389, in *Eus. Amort de indulgentiis* P. I. p. 84: Nos considerantes, quod ætas hominum amplius solito in dies habitur pauciores, et desiderantes, quam plurimos participes fieri indulgentiæ memorate, eum plurimi ad annum quinquagesimum propter hominum vitæ brevitate non perveniant, — ac intendentes, quod anno tricesimo tertio Salvatoris Domini nostri Jesu Christi ipse Salvator noster pro nobis aeterno Patri Adæ debitum solvit, — et quod mysterio hujusmodi XXXIII annorum — plura etiam alia et grandia divinarum scripturarum mysteria adaptari possunt, — et aliis justis causis ad annum tricesimum tertium reducimus, etc. The true motive, however, was the wish to conciliate the tumultuous Romans. See *Spondani* annall. eccl. ann. 1389, no. 3.

<sup>8</sup> *Theod. a Niem* de schism. l. c. 68: Innumerabiles peregrini toto illo anno (1390) — ad urbem venerunt, unde et maxima offerentia Ecclesiis et Basilicis urbis per visitatores data fuerunt, ex quibus aliquæ reparationes ipsarum Ecclesiarum factæ fuerunt, sed residuum et major pars ad manus Bonifacii et quorundam aliorum devenit. Ipse etiam Bonifacius hujusmodi offerentiis non contentus, licet ad maximas summas ascenderent (erat enim insatiabilis vorago, et in avaritiâ nullus ei similis), ad diversa regna misit quæstuarios vendendo dictam indulgentiam offerentibus tantum, quantum essent expensuri in via, si propterea ivissent ad urbem: et hujusmodi exactores seu quæstuarii etiam maximas summas pecuniarum a simplicibus seu barbaris subtiliter extorserunt, ita quod aliquando in uno regno, seu in una provincia hujusmodi venditionibus ultra centum millia florenorum reportarunt, quia omnia peccata etiam sine pœnitentiâ ipsis confitentibus relaxarunt, super quibuslibet irregularitatibus dispensarunt interventu pecuniæ, dicentes, se omnem potestatem habere super hoc, quam Christus Petro ligandi et solvendi contulisset in terris. Et per hoc ipsi quæstuarii impinguati, dilatati, ingrossati, et cum multis pulchris equis et decenti familia redeuntes ad urbem, ipsam de recollectis per eos taliter rationem Pontifici fecerunt, sed aliquos eorum, quos comperit infideliter egisse, carceribus intrudebat: nonnulli eorum mala morte perierunt, aliqui vero sibi ipsi mortem consciverunt, quidam furore populi in petias (*en pièces*) secti fuerunt, etc. — *Magnum Chronicon Belgicum* (in *Rerum German. Scriptt.* ed. *Pistorius-Struve*, T. III. p. 363): Postquam annus Jubilæus — transit, Dominus Bonifacius unum annum sub anni Jubilæi urbis Romæ indulgentiarum forma Coloniensi civitati concessit; ita ut venientes Coloniæ, vel ibidem habitantes, illo anno durante visitantes certas Ecclesias ad hoc directas cum oblationibus suis possent consequi indulgentias, quæ visitantibus urbem Romanam in anno Jubilæo concessæ erant, videlicet plenissimam remissionem omnium peccatorum. Quo anno elapso similis annus concessus est ab eodem Domino Bonifacio sub eadem forma civitati Magdenburgensi. Et ad utramque harum civitatum missus est collector Papæ, qui certam partem recepit oblatorum. Deinde indulgentias similes concessit visitantibus alias nonnullas civitates Germaniæ ad certos menses. Unde in Misnia et Praga ex hujusmodi concessione concursus magnus populorum fuit. Deinde idem concessit multis locis Almanniæ, ut visitantes certas istorum locorum Ecclesias consequerentur indulgentias similes, quæ erant quondam concessæ tali vel tali loco, seu tali vel tali Ecclesiæ, quæ in ipso privilegio concessionis exprimebatur (see the bull following). — Et in omnibus privilegiis concessionum prædictarum ponebatur clausula *porrigentibus manus adjutrices*, ita ut hujusmodi indulgentias, nisi qui ipsius locis vel ecclesiis manum porrigeret adjutricem, nemo consequi posse videretur. Unde quidam concessiones hujusmodi magis non magni faciebant, ut quas pro lucro magis, quam ex zelo, tum institutas a Papa suspiciabantur. The part taken by the Pope's Camerarius, Balthasar Cossa, afterwards

John XXIII., in this traffic, see in *Theod. de Niem* de vita Joh. XXIII. (in *Meibomii* *Res. Germ.* T. I. p. 7, and v. d. *Hardt* *Conc. Const.* T. II. p. 340 seq.): Nec istis lueris contentus, sed amplius ditari satagens, quosdam eloquentes et audaces apostatas de Spoletio in vicinis partibus oriundos, quos Italici Exiretanos appellant, et nuncios dicti Bonifacii ad prædicandas in Almania, Dacia (Denmark), Suecia, et Norvegia, et adjacentibus provinciis indulgentias et peccatorum remissiones de omni peccato largisimas fieri procuravit. Qui me sæpe audiente publice prædicarunt, quod etiam s. Petrus, si viveret, majorem remissione peccaminum potestatem non haberet, quam ipsi ab eodem Bonifacio receperunt ad salutem animarum illorum, quibus illi eandem remissionem communicarent, et quod omnia, quæ ipsis darentur ratione indulgentiarum hujusmodi, in succursum Imperatoris Constantinopolitani, qui et sui subditi Christiani per Turcos tunc essent oppressi gravissime, mitterentur. Qui quidem quæstores cum magna copia ad Germaniam pervenientes, et primo in Suevia in diœcesi Constantiensi notabiliora hospitia in locis et oppidis insignibus pro se receperunt, et banderium Romanæ ecclesiæ cum clavibus s. Petri depictum die immediate sequenti post jucundum illic eorum adventum extra fenestras extenderunt: intrantes autem cum magno apparatu illic majorem ecclesiam aut principalem, major eorum in ipsa ecclesia in altiori loco prope altare sedile cum tapetis puleris per suos ministros ad id deputatos sibi fecit apparari cum panno nobili de serico etiam superius extenso. — Solemnem benedictionem ille major nuntius populo dedit, et per aliquos Episcopos titulares illud mel sequentis sermonis ibidem in publico fieri fecit, intimando simplicibus ibidem tunc congregatis, ut eos levius decipere necnon pecunias reportare possent, indulgentias et remissiones peccaminum antedictas: et semper in eisdem sermonibus publice dicebatur, quod ipse major nuntius super omni irregularitate ac peccato posset dispensare, ac ipsa peccata remittere, ac etiam parentum animas eorundem offerentium ipsis de purgatorio liberare, et ultra hoc quicquid posset Papa de plenitudine potestatis, id idem ipsi possent, et etiam aliquid amplius, si expediret. Et si aliquis eis in hoc forsân contradixit, illum hæreticum aut schismaticum, necnon Apostolicæ sedi rebellem nominabant, et modis omnibus persequabantur, et quod infra paucos dies in præfata curia coram prædicto Bonifacio, pro meritis digna recepturus personaliter compareret, ignominiose citarunt, et per hoc Prælatos ecclesiasticos et alios terruerunt, quod istis — se opponere non audebant. — Sicque ultra centum millia florenorum auri ipsi nuntii infra biennium per illos modos in eisdem partibus collegerunt. The principalis nuntius, Antonius de Roma, went then to Bologna to account to Balthasar, who in the mean time had become cardinal and legate in that city; Balthasar put him in prison and took the money from him, cum quo sperabat se empturum aliquam pinguem cathedralem ecclesiam vel abbatiam a Bonifacio sæpedito. Videns autem se hujusmodi spe fraudatum, tanquam desperans in carceribus ipsis mortem sibi conscivit, se ipsum quadam chorda, qua cingebatur, quadam nocte jugulando. Finally, when a sufficient sum had been collected, Boniface, to redeem the honor of the papal see, took back all the absolution which had thus been granted, as unlawful (just as he had before done with the Expectatives, *Theod. a Niem* II. c. 9, see above, § 102, note 7). See the bull of December 22, 1402, in *Statuta Synodalia a Wenceslao Episc. Wratislav.* ann. 1410, publicata ed. a *J. Chr. Friedrich*, Hannoveræ. 1827. p. 11: *Intenta salutis operibus sedis apostolicæ circumspècta benignitas — interdum aliqua per importunam petentium instantiam, quadam autem per surreptionis malitiam vel fraudem vel quemvis modum illicitum impetrata statuit vel indulget, demum vero in ejus notitiam his deductis ac utilitate publica suadente ea reformat in melius.* Such were the grounds of the following decree: Item revocamus et annullamus omnes et singulas indulgentias, in quibus continetur *a pœna et a culpa* vel *plena indulgentia omnium peccatorum suorum*, et alias, quæ concessæ sunt sub formis indulgentiarum ecclesiarum urbis, anni jubilai, vel s. Sepulchri dominici, s. Michaelis de monte Gargano, s. Jacobi in Compostella, et s. Marci de Venetiis, s. Mariæ de Angelis, alias in Portiuncula, s. Mariæ de Collomadio, et omnes alias, quæ factæ sunt ad instar indulgentiarum quibusvis aliis ecclesiis concessarum, et volumus, quod nullius sint roboris vel momenti, etiamsi in litteris apostolicis, super dictis indulgentiis confectis, contineretur talis clausula, videlicet: *et si contigerit revocari per nos indulgentias in genere vel in specie, quod indulgentiæ ipsæ per easdem litteras concessæ non intelligantur revocata.*



rapacity displayed in this traffic,<sup>9</sup> constant impositions were practised. Thus the decree for a year of Jubilee, in 1350, seems to have been forged by the inhabitants of Rome in the name of Clement V.<sup>10</sup>

<sup>9</sup> Thus when Cardinal Albornoz preached a crusade in Italy A. D. 1356 (comp. above, § 98, note 3), *Matteo Villani* VI. c. 14: E incontanente l'avarizia de' Cherici cominciò a fare l'ufficio suo, e allargarono colla predicazione l'indulgenza oltre alla commissione del Papa. E cominciarono a non rifiutare danajo da ogni maniera di gente, compenando i peccati e voti d'ogni ragione con danari assai, e pochi, come gli poteano attrarre. E per non mancare alla loro avarizia, sommoveano nelle Città, e ne' Castelli, e nelle Ville ogni femminella, ogni povero, che non havea danari, a dare pannolini, e lani, e masserizie, grani, e biade. Niuna cosa rifiutavano, ingannando la gente, con allargare colle parole quello, che non portava la loro commissione. E così davano la Croce, e spogliavano le Ville, e le Castella più che non poteano fare le Città. Comp. Balthasar Cossa's traffic, note 8, above.

<sup>10</sup> This is the bull *Ad memoriam*, which we have from two contemporaries, Peter of Herentals, prior of the convent of Fleury (Quinta vita Clementis VI. in *Baluz. Vitæ PP. Aven. I. p. 312*), and Albericus de Rosate (*Dictionarium juris s. v. Jubilæus annus*). The most striking passages are: Item concedimus, quod, si vere confessus in via morte præveniat, ab omnibus peccatis suis sit immunis et penitus absolutus, et nihilominus mandamus Angelis paradisi, quod animam illius a purgatorio penitus absolutam ad paradisi gloriam introducant. — Cum autem fideles prædicti ita devote prædicta compleverint, ostendatur eis ex mandato nostro sudarium Domini nostri Jesu Christi, quo visio ab omnibus peccatis suis sint absoluti et indulgentias habeant ab eisdem. Nosque ex parte D. N. Jesu Christi, cujus sumus in terra Vicarii, reducimus eos ad statum, quo erant die illo, quo baptismum receperunt, de gratia speciali. In reference to this *Jo. Wessel* († 1489) says in *Epist. ad M. Jac. Hoek* (Farrago rerum theologiarum. Vitemb. 1522. 4to. fol. XXXIX. b. and in *Goldasti Monarchia*, T. I. p. 581): Neque parum horrori mihi est verbum tuum illud, quo mones, quod magis quam pro ratione mihi esse debet auctoritas Papæ. Numquid Parisiensi Facultati theologicæ non dico ratione majus fuit, immo numquid fuit pro ratione Clementis Papæ auctoritas, quando temeritatem illius angelis præcipientem reprehenderunt et correxerunt? quando cruce signatis ad eorum vota tres vel quatuor animas ex purgatorio quas vellent elargiebatur? item quando indulgentias a pœna et culpa publicabat? Horum tamen errorum hodie plumbatæ bullæ reperiuntur. Since the bull was printed by *Joh. Hoorubek* *Examen Bullæ Papalis, qua Innocentius X. abrogare nititur pacem Germaniæ*. Ultraj. 1653. 4to. p. 273 seq., much use has been made of it by the opponents of papacy. Still it is undoubtedly spurious, see *Baluzii Vit. PP. Aven. I. p. 915 seq.* *Pagi Breviar. gest. Pontiff. Rom. ed. Luc. T. II. P. II. p. 86.* *Chais lettres hist. et dogm. sur les Jubilés*, T. I. p. 164 seq. For, 1. Albericus, who himself went to Rome to secure the dispensation offered, introduces this bull with the remark: Circa prædictam indulgentiam alias formas habui, quæ an fuerint apostolica ignoro, tamen sunt pulchræ et ideo eas hic describo; and adds afterwards: Hæc forma, sicut puto, non fuit bullata, nec confirmata, nec servabatur tempore dictæ indulgentiæ, ad quam fui cum uxore et tribus filiis. 2. *Antoninus Florentinus Summæ*, P. III. Tit. 10, c. 3, § 6: sciendum quod in copia ejusdem bullæ, quæ dicitur esse Clementis, multa narrantur, quæ non videntur esse de stylo Curiæ, cum sint levia et exorbitantia satis. Unde licet adscribantur Clementi, non videtur verisimile illius vel alterius summi Pontificis fuisse, sed fictitiæ inventa. 3. Nothing is known of any such resistance of the Sorbonne, as is mentioned by John Wessel above. 4. Baluze observes correctly: *Insulsa est compositio, fatua, demens, aliena a stylo curiæ*, such as is hardly to be expected from a learned man like Clement VI. It is impossible that he should have allowed, as in this bull is done, all priests to leave their churches for a year, all monks to force their abbots to give them permission to travel and the means; which betrays rather the interest of the Romans, who were never satisfied with pilgrims. 5. The bull orders: *Volumus insuper et ordinamus, quod omnes Romipetæ patriæ Romanæ, Campaniæ, Tusciæ, Apulegiæ, Calabriæ, Principatus terræ Lombardiæ et Italiæ usque ad Pedemontem in præfata civitate per unum mensem sequentem residenti-*

The widest field, however, for such impostures was opened by the measure above-mentioned, of Boniface IX., of exposing the Jubilee-indulgence for sale every where.<sup>11</sup>

In making their indulgences dependent upon the fulfilment of certain arbitrary external conditions, whilst they granted to some and refused to others what was alike the right of all,<sup>12</sup> the popes conducted themselves rather as the uncontrolled disposers than as the stewards of the heavenly grace. They also laid themselves open to the same reproach by granting privileges to certain communities, or to individuals of a community, to which all had an equal claim.<sup>13</sup> This was especially seen in the case of the kings of France, on whom the devoted Clement VI. heaped privileges of this sort, some of them highly exceptionable in a moral point of view.<sup>14</sup>

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am faciant, etc. in opposition to the true bull of Jubilee (see note 5), according to which only the inhabitants of Rome were thus called upon to have absolution. In this we detect the marks of Roman avarice.

<sup>11</sup> *Bonifacii* Ep. ad Episc. Ferrariensem (in *Raynald*, ann. 1390, no. 2): Ad audientiam nostram — fidedignorum quamplurimum relatio perduxit, quod quidam religiosi diversorum, etiam mendicantium, ordinum, et nonnulli clerici sæculares etiam in dignitatibus constituti, asserentes, se a nobis — missos, — non veras et præteritas facultates hujusmodi mendaciter simulant, cum etiam pro qualibet parva pecuniarum summula non penitentes — ab atrocibus delictis — absolvant, male ablata certa et incerta, nulla satisfactione prævia (quod omnibus sæculis absurdissimum est) remittant; castitatis, abstinentiæ, peregrinationis ultramarinæ — et alia quævis vota levi compensatione commutent; de hæresi vel schismate — condemnatos, absque eo quod in debita forma abjurent, — non tantum absolvant, sed in integrum restituant; — et indulgentiam, quam felices recordationis Urbanus P. VI. — Christifidelibus certas basilicas et ecclesias dictæ urbis instanti anno visitantibus concessit, — quibusvis elargiri pro nihilo ducant; — ut quasi hominibus perpetuam felicitatem in hoc sæculo polliceri conentur, et æternam gloriam in futuro; et quæstum, quem exinde percipiunt, nomine cameræ apostolicæ se percipere asserant, et nullam de illo nihilominus rationem velle reddere videantur. They were to be compelled ad reddendum computum de receptis, and imprisoned.

<sup>12</sup> The theologians of the time discussed the question very seriously, why the Pope, since he had the power, did not release all souls from purgatory: e. g. *Summa Astesanz* (see § 115, note 1). Lib. V. Tit. 40: Si Papa potest animas in purgatorio sic absolvere, saltem per modum suffragii, quare ergo non absolvit omnes solo verbo, cum talibus sit maxime compatiendum? *Resp.* Si Deus per se ipsum sic miseretur, ut semper velit timeri justitiam, multo fortius similiter Dei Minister facere debet: unde dispensatio bonorum Ecclesiæ discretæ et cum moderamine est faciendâ, et nisi ita fiat, Deus non accipit.

<sup>13</sup> Thus Boniface IX., 1395, allowed as a privilege to the city of Wolfhagen, that an interdict imposed on its inhabitants for the offences of certain individuals, should cease as soon as the excommunicated persons had left the city. See *Kopps Nachr. v. d. geistlichen und Civilgerichten in d. Hessen-Casselischen Landen*, Th. I, Beylagen S. 61.

<sup>14</sup> What these were (almost all passed April 20, 1351) see in *d'Achery Spicileg.* T. III. p. 723 seq. Especially objectionable is the Privilegium, p. 724: Vobis et successoribus vestris Regibus et Regibus Franciæ — in perpetuum indulgemus, ut confessor religiosus, vel secularis, quem vestrum et eorum quilibet duxerit eligendum, vota per vos forsitan jam emissa, ac per vos et successores vestros in posterum emittenda, ultramarinis, ac bb. Petri et Pauli Apostolorum, ac castitatis et continentiæ votis dumtaxat exceptis; necnon juramenta per vos præstita, et per vos et eos præstanda in posterum, quæ vos et illi servare commode non possetis, vobis et eis commutare valeat in alia opera pietatis. Further: Quod Rex et Regina in locis interdictis possunt facere celebrare; quod Confessor absolvere eos

Whilst the hierarchy were thus prodigal of their indulgences, they were no less so of their punishments,<sup>15</sup> so that these too lost much of their power.<sup>16</sup> The most solemn excommunications were those which the popes pronounced on the Thursday before Easter.<sup>17</sup>

potest in casibus sedi Apost. reservatis; quod Confessor Regi cum exercitu potest dare licentiam vescendi carnibus; quod confessor Regem et Reginam dispensare potest de jejuniis, quod Rex ingredi potest Monasterium inclusarum; quod Rex possit facere celebrare super Altare portatile in sua et Gentium exercitus sui presentia; quod Prælatus celebrans coram Rege seu Regina conferre potest unum annum et XL dies indulgentiæ; quod Confessor Regis et Reginæ eis semel in mortis articulo, et quotiescunque pro Regni defensione imminet periculum, plenam remissionem peccatorum indulgere possit; quod orantibus pro Rege et Regina centum dies de injunctis penitentibus qualibet die relaxantur; quod Rex et Regina eligere possunt Confessorem, qui eos absolvant, si excommunicationis sententiam incurrerint propter manuum injectionem in Clericos; quod nemo potest in terram Regis et Reginæ interdicti sententiam promulgare absque auctoritate Apostolica; quod non teneantur ad restitutionem bonorum, nisi his qui ad notitiam eorum venerint, sed elemosynæ cedant loco restitutionis; quod Confessor Religiosus Regis et Reginæ, cui est esus carniū secundum statuta sui Ordinis interdictus, licite potest in eorum comitiva vesci carnibus; quod Clerici Regis et Reginæ possunt a quocunque Episcopo Ordines suscipere, etc.

<sup>15</sup> See above, § 102, note 4; § 105, note 6. Thus *Alvarus Pelagius* de planctu Eccl. II. c. 20, reckons amongst the usual accusations brought against the bishops, Trigesimum quintum, quod pro minimis culpis paratos etiam corrigi excommunicant; quum tamen nemo excommunicari debeat, nisi pro magnis peccatis, et quando aliter corrigi non potest.

<sup>16</sup> Comp. § 105, note 9. *Alvarus Pelagius* I. c. 69, discusses the question: Quum ecclesia tantam nunc habeat potestatem temporalem, cur Prælatorum sententiæ aut nullo modo aut male a subditis pro majori parte servantur, parvipenduntur et despectui habentur? *Petri de Alliaco* Canones reformandi Eccl. in Conc. Const. (written 1416) in v. d. *Hardt* Conc. Const. T. I. P. VIII. p. 417: De secundo gravamine supra tacto, scil. de multiplicatione excommunicationum, et ex consequenti irregularitatum, quas Rom. Ecclesia in suis constitutionibus pænalibus, et maxime in quibusdam novis decretalibus imposuit, et sæpe per suos collectores in multorum scandalum fulminavit (see § 102, note 4), et ad cujus exemplum alii prælati leviter et pro levibus causis — pauperes excommunicatione crudeliter percutiunt, necesse est providere. — Nam gladius ecclesiæ, scil. excommunicatio, qui in primitiva ecclesia, veneranda raritate, erat formidabilis, jam propter abusum contrarium contemptibilis effectus est. *Jo. Vitoduranus* in the *Thesaur. hist. Helv.* p. 70:

Mos interdicti pænæ nocuit maledictæ  
Plus cæteris longe censuris Catholicorum,  
Quam tulit in plebem Papa nimis tener  
Extinguit cultum Domini, fidei quoque lumen;  
Devotos animos indurans reddit ineptos,  
Suscitat ac hæreses improbitate sua.

<sup>17</sup> Thus Paschal II. pronounced a solemn decree of excommunication on Henry IV. in cœna domini 1102 (see § 49, note 7), Gregory IX. 1227, on Frederick II. (*Ibid.* § 55, note 7). The feria quinta was, namely, according to the consuetudo Romanæ Ecclesiæ, the day of the readmission of penitents (*Guil. Durandus* Rationale divin. offic. Lib. VI. c. 73): excommunication on that day was therefore the more fearful. Towards the end of the 13th century, it had already become customary for the Popes to repeat on this day every year certain important acts of excommunication. Thus according to the testimony of the Conc. Herbipol. ann. 1287. c. 40. against the imponentes et exigentes nova passagia (see § 63, note 19). There are two processus in cœna Domini extant of Boniface VIII., one of A. D. 1299, against those, qui ad Saracenos arma, victualia aliaque deferrent (*Bullar. Rom. T. III. P. II. p. 92*); the other of A. D. 1303, against those, qui læderent ad sedem Apostolicam venientes (*ibid.* p. 96). These Processus were united, and

## § 118.

## EPISCOPAL INQUISITORIAL SYNODS.

[See § 82, note 1.]

From the time that these Synods had adopted the punishment by fines almost exclusively, they seemed to have become only a new source of revenue to the prelates.<sup>1</sup> The most suspicious testimony was admitted without scruple, and the innocent were often glad to buy themselves free from false accusations.<sup>2</sup> The efforts of the laity

yearly repeated, for the most part in the same form, but sometimes also with slight modifications. A similar compound Processus by Gregory XI. of A. D. 1370, is said to be in the Vatican (*Le Bre t Gesch. d. Bulle In Cœna Domini*, Th. 2. S. 156): the oldest yet published, however, is that of Gregory XII. A. D. 1411 (*Raynald*, ad h. a. no. 1): Excommunicamus et anathematizamus ex parte Dei Patris, et Filii, et Spiritus Sancti, auctoritate quoque bb. Apostolorum Petri et Pauli et nostra omnes hæreticos, Gazaros, Patarenos, Pauperes de Lugduno, Arnaldistas, Speronistas et Passaginos, et omnes alios hæreticos, quocumque nomine censeantur, et omnes fautores, receptatores, et defensores eorum. Item excommunicamus et anathematizamus omnes piratas, cursarios, et latrunculos marinos, et omnes fautores, receptatores et defensores eorum. Item excommunicamus et anathematizamus omnes illos, qui equos, arma, ferrum, lignamina, vel alia prohibita deferunt Saracenis, quibus Christianos impugnant. Item excommunicamus et anathematizamus omnes illos, qui ad sedem Apostolicam venientes vel recedentes ab ea, necnon illos, qui jurisdictionem ordinariam vel delegatam aliquam non habentes in eadem curia morantes temeritate propria capiunt, spoliunt, percutiunt, mutilant, et detinere præsumunt, et qui talia fieri faciunt seu mandant, etc. This Processus annualis, after various changes made by the different Popes since Pius V. (1566) has received the name of the bull *In cœna Domini*. Of its origin, see especially *Prosperi Card. Lambertini* (Benedicti XIV) de festis, P. I. c. 196: *Le Bre t s Pragmat. Geschichte der Bulle In cœna Domini* (Frankf. and Leipz. 1769-70. 4. Bde. 4to. 1-2ter Bd. N. A. 1772) gives no information whatever as to its origin.

<sup>1</sup> *Petri de Alliaco* Canones reformandi Eccles. in Conc. Const. (written 1416) in v. d. *Hardt* Conc. Const. T. I. P. VIII. p. 421: Item providendum erit, ut Prælati in suis synodis, et eorum officiales in suis curiis non ad repletionem bursarum intendant, sed ad correctionem vitiorum, emendationem morum, et ædificationem animarum. Et ut exactiones pro sigillis et literis moderentur, et pœnæ pecuniariæ vel tollantur vel temperentur, aut in totum vel partem ad pios usus notorie applicentur.

<sup>2</sup> *Nic. de Clamengis* de ruina Ecclesiæ, c. 21 (v. d. *Hardt* Conc. Const. T. I. P. III. p. 23): Dici non potest, quanta mala ubique faciunt illi scelerati exploratores, quos Promotores appellant. Simplices et pauperulos agrestes, vitam satius innocuam in suis tuguriis agentes, et fraudis urbanae nescios in jus sæpe pro nihilo vocant. Causas et crimina contra eos sedulo contingunt, vexant, terrent, minantur, sicque eos per talia secum componere et pacisci cogunt. Quod si facere renuerint, crebris eos citationibus, quotidieque repetitis supra modum infestant. Quod si semel qualibet occasione præpediti comparere desierint, censura illico anathematis ut rebelles et contumaces feriuntur. Si vero ad diem venire, quoties vocati erunt, perseveraverint, eorum audientias apud iudicium tribunalia impediunt, morasque et subterfugia dilationum et interlocutionum captabunt, quæ perfacile in foris ecclesiasticis obtinentur, quo vel sic longo tædio longaque sui temporis jactura fatigati super futuram vexationem atque impensam pecuniæ pactione redimere cogantur. Ita fit pro levi vel nullo delicto, vel pro exiguo debito infinitarum cumulus expensarum. The same complaints are found in the *Gravaminibus* of the

became therefore more and more general to shake off the jurisdiction of these courts.<sup>3</sup>

## CHAPTER SEVENTH.

### HISTORY OF THE HERETICAL PARTIES.

#### § 119.

##### HISTORY OF THE OLDER PARTIES.

THE labors of the Inquisition seem to have been very successful in sweeping the Albigenses from the south of France,<sup>1</sup> and scattering them in the countries lying East; especially in Bosnia, where we now find them in great numbers.<sup>2</sup> The Waldenses, on the other

French Barons, A. D. 1329 (see § 105, note 6), e. g. Grav. VIII: Item (officiales) faciunt citari plures laicos ex officio suo super aliquibus, quæ sibi imponunt, maleficiis responsuros. — Et quando citati hujusmodi — negabant maleficia, — dicti officiales ipsos detinent captos, — licet in casibus eis impositis pertineat recerentia (*récréance*), et licet captio et detentio ad eosdem officiales minime pertineat, sed ad iudices sæculares. IX. Item in casibus supra dictis licet — iidem laici reperiantur puri et innocentes, nihilominus dicti officiales nolunt eos excedere, donec pro scripturis processuum seu inquesta (*enquête*) prædictorum satisfactionem fecerint de magna pecuniæ quantitate: licet de jure in tali casu eis expensas restituere tenerentur. XXXVII. Item cum quis excommunicatus est in aliquo loco, dicti officiales dant citationes personales super participibus, et faciunt citari totam patriam ad unam vel duas leucas (*lieues*) circumquaque, vel tales, qui noverunt excommunicatum bene XL, LX vel centum personarum purgaturarum se super participatione prædictorum. Ex quo sequitur, quod probi homines antiqui et senes redimunt se quilibet de XII denariis vel de duobus solidis pro vitandis expensis et laboribus. XXXVIII. Item dicti officiales imponunt pluribus personis famæ laudabilis et honestæ vitæ, quod sunt usurarii, et oportet eos cum ipsis officialibus concordare pro evitanda eorum infamia et labore. XXXIX. Item dicti officiales faciunt citari aliquem bonum hominem conjugatum, et imponunt ei, quod adulteratus est cum aliqua: et similiter mulierem aliquam conjugatam, imponendo sibi, quod adulterata est, in perpetuam infamiam ipsorum conjugum, et cum hoc extorsionem pecuniarum recipiunt ab eisdem, etc.

<sup>3</sup> Compare § 84, note 4. In A. D. 1357, the city of Marburg also we find free from clerical jurisdiction. Kopp's Nachricht von den Geistl. u. Civilgerichten in Hessen, Th. I. S. 183.

<sup>1</sup> In the Liber sententiarum Inquisitionis Tolosanae ab anno Chr. 1307 ad annum 1323, appended to Ph. a Limborch hist. Inquisitionis, there are still many Sententiæ contra Albigenses. Compare Hist. générale de Languedoc, T. IV. p. 183 seq.

<sup>2</sup> Petri Ranzani († 1492) Epit. Rerum Hungaricarum Index XIX (in Schwandtneri Scriptores Rerum Hungar. T. I. p. 377) says of Lewis I. king of Hungary: Expugnavit Bosnenses et Bulgaros, qui ab ipso desciverant (A. D. 1359). — Navavit et operam, ut Patareni, Bosnensis natio, abjecta execrabili illa Manichæorum hæresi, cui per diu inhæserant, ad fidei veritatem unitatemque redirent. Verum perfidi homines haud multo post, ab eorum hæresiarchis persuasi, ad pristinos redierunt errores. cf. Joh. de Thurocz Chron. Hungarorum, written 1473, P. III. c. 47 (Schwandtner I. p. 195) and Raynald. ann. 1366, no. 11.

hand, resisted successfully all the persecutions to which they were subjected, and were not to be driven from the valleys of Piedmont, whither they had retreated.<sup>3</sup> All the other heretical parties were designated by the common name of Beghards. Amongst these the Fratricelli and the brethren and sisters of the free spirit form the two great divisions, though the various combinations and modifications of opinions give the parties different aspects in different countries. In the south of France, Italy, and Sicily the Fratricelli were predominant.<sup>4</sup> The German Beghards, on the other hand, called indiscriminately Lollards,<sup>5</sup> were brethren of the free spirit,<sup>6</sup> and not only

<sup>3</sup> See the letter of John XXII to the Inquisitor at Marseilles, A. D. 1332, in *Raynald*, ad h. a. no. 31: in vallibus Lucernæ et Perusie, — Philippi de Sabaudia — temporali dominio subjectis, ita creverunt et multiplicati sunt hæretici, præcipue de secta Waldensium, quod frequenter congregationes per modum capituli facere inibi præsumperunt, in quibus aliquando quingenti Waldenses fuerunt in simul congregati; quodque dudum — diei Waldenses contra ipsum Albertum Inquisitorem manu insurrexerunt armata, et quod quadam die quondam Guilelmum rectorem parochialis Ecclesie de Engravia Taurinensis diocesis, celebrata Missa per eum in platea dictæ villæ nequiter occiderunt, etc. In 1403 St. Vincentius Ferrerius undertook the conversion of these vallies (*Raynald*, ad h. a. no. 24). Of their being found in the south of France till A. D. 1323, see *Liber sententiarum Inquis. Tolos.* appended to *Limborch*. — In A. D. 1335, Benedict XII. attempted to exterminate them from Dauphiny (*Raynald*, ad h. a. no. 63): though as late as 1373 they were still found there in great numbers (see *Gregorii P. XI. Ep. ad Carol. V.*, in *Raynald*, 1373. no. 20), and in 1375 they were violently persecuted in the same province (*Raynald*, ad h. a. no. 26).

<sup>4</sup> See § 110, note 3. Thus the Beguines in the *Liber Sententiarum Inquis. Tolos.* see *Limborch*, p. 351, were all Beguini, qui se dicunt esse de tertio ordine s. Francisci.

<sup>5</sup> See above, § 112, note 3.

<sup>6</sup> They were found chiefly at Cologne, where an edict was issued against them in 1306, by the archbishop, Henry of Virneburg (*Mosheim* de Beghardis et Beguinabus, p. 210). In A. D. 1322, Waltherus, Fratricellorum princeps et hæresiarcha pessimus was burnt at the stake (*Jo. Trithemii Chron. Hirsaug. T. II. p. 155*), and the persecution was renewed in 1325 (see the contemporary *Willelmi Egmondani Chron.* in *Ant. Matthæi veteris avi Analecta, T. II. p. 643*: Eodem anno Begardorum nequitia, quæ diversis mundi climatibus hactenus latere cernitur, apud Coloniam propalatur. Isti enim eorum ibidem stultitiam prædicantes, et matronas varias ad ipsorum ludibria contrahentes sub terra quoddam mirabile habitaculum fecerant, quod *Paradysum* vocabant. — Ad quem locum, ut sæpius etiam in nocte Parasceues convenire decreverant, ubi cujusdam potentis uxorem eum ceteris invitabant. The husband followed, cujusdam Lollardi habitu indutus. One of the company, nititur surgere, in Jesu suæque matris Mariæ, ut ajebat, præsentia erroris materiam propalare. Duo enim — ibidem aderant, qui se Mariam et ejus filium asserebant. Dictus itaque nudus prædicans, et omnes more innocentum ad nuditatem exhortans, vario errore tam prima quam media nititur detegere, et conclusionem tenebris, extinctione candelarum videlicet, deturpare, which was the signal for the most scandalous scenes. The concealed witness informed against them. Capiuntur igitur — hujus sectæ singuli, quorum corpus aut ignis voragine aut Rheni flumine suffocatur). Shortly after this the Provincial of the Dominicans, *Aicardus* or *Eccardus*, in Cologne, was discovered and condemned as a Beghard, and the sentence confirmed by John XXII, A. D. 1329 (*Raynald*, ad h. a. no. 70. *Mosheim* de Beghardis, p. 281). Still the decrees against them had to be renewed by archbishop Walram, 1335 (*Mosheim*, p. 294), and his successor, William, 1357, quia hujusmodi hominum perniciose de novo incipit in nostra civitate et diocesi invalescere multitudo (*Mosheim*, p. 330). — In Strasburg a decree was issued against them by the bishop, A. D. 1317 (*Mosheim*, p. 255): and as late

renounced their allegiance to the church, but all regard to the common rules of morality.<sup>7</sup> They disseminated their doctrines by means

as 1366 many of them were burned at the stake in that city (*Mosheim*, p. 332) : — In Constance three Beghards were burned in A. D. 1339 (*Itoduranus*, p. 76), in Speyer, 1356, a hære-iarcha ex eorum secta, Berthold, who had been before distinguished for his activity in the cause in Franconia (*Jo. Trithemii Chron. Hirsaug.* T. II. p. 231). — At about this time they began to spread in the north of Germany. In Magdeburg, 1336, quadam Beghinæ de his, quæ se de alto spiritu appellant were discovered by archbishop Otho (*Chron. Magdeb. in Meibomii Scriptt. Rer. Germ. T. II. p. 340*) : afterwards it is related to the praise of the inquisitor, Walter Kerling, that by his activity, A. D. 1367, this sect in Magdeburg et in Erfordia et partibus convicinis est abolita et deleta (*Chron. Magdeb.* completed in *J. G. Menckenii Scriptt. Rer. Germ. T. III. p. 370.* cf. *Mosheim*, p. 338). — In Lübeck, A. D. 1402, Wilhelmus quidam, albis vestibus indutus, et pro Apostolo se gerens was discovered per varia impudicitiae signa et verba diversis personis expressa, et turpia exercitia cum pluribus habita. Propter quod a bonis et honestis mulieribus accusabatur apud Inquisitorem hæreticæ pravitatis (*Herm. Carneri Chron. in Eccardi Corp. Scriptt. mediæ ævi. T. II. p. 1185*).

<sup>7</sup> See § 87, note 20. Compare also the bull of John XXII., A. D. 1329, (*Raynald.* ad h. a. no. 70), condemning the 26 propositions of the Dominican Eccard (see note 6). The verbal agreement of many of these with the fragments given by Mosheim from a German work of the sect *De novem rupibus* seems to prove that Eccard was the author of this last. See further the propositions of the Beghards condemned by John XXII. in the bull *In agro Dominico* 1330, in *Carneri Chron. in Eccardi Corp. Scriptt. mediæ ævi, T. II. p. 1035*, in *Mosheim* de Beghardis, p. 284: I. Quod in anima nostra est a Deo increatum et increabile, puta intellectus humanus. II. Item quod Deus neque bonus est neque malus, sed nec optimus; et tam male dictum est, Deum esse bonum, sicut dicere, album esse nigrum. III. Item quod in omni malo tam pœnæ quam culpæ manifestatur et relucet æqualiter gloria Dei. IV. Item quod vituperans quenquam, ipso peccato vituperii laudat Deum, et quanto plus vituperat et gravius peccat, tanto amplius laudat Deum. V. Item quod petens a Deo hoc vel hoc, malum petit et male, quia petit negationem boni, et negationem Dei, et orat sibi Deum negari. VI. Item quod in illis hominibus honoratur Deus, qui non intendunt res, nec honores, nec utilitatem, nec devotionem internam, nec sanctitatem, nec premium aut regnum cælorum, sed omnibus his renuntiaverant. VII. Item quod homo debeat bene deliberare, utrum ipse velit a Deo aliquid recipere, quia ubi esset homo a Deo recipiens, ibi esset sub Deo, vel infra eum, sicut unus famulus vel servus, et Deus aliquid esset in dando. Sed sic non debemus esse in vita æterna, sed debemus ei conregnare. VIII. Item quod nos transformamur totaliter in Deum, et convertimur in eum simili modo, sicut in Sacramento panis convertitur in corpus Christi. IX. Item quod quilibet talis dicere potest: quicquid dedit pater unigenito filio suo in divinis, hoc totum dedit et mihi et sibi. X. Item quod quicquid dicit s. Scriptura de Christo, hoc totum verificatur etiam de quolibet homine justo et bono. XI. Item quod quicquid est proprium divinæ naturæ, hoc totum proprium est homini justo et bono, et propter hoc homo iste operatur, quod Deus operatur, et creavit una cum Deo cælum et terram, et est genitor verbi æterni, et Deus sine tali homine nihil facere potest. XII. Item quod bonus homo debet conformare voluntatem suam voluntati Dei in omnibus, ut ipse velit Deo conformiter, quod ipse vult. Et quia Deus vult, me aliquo modo peccasse, ideo nollem ego, quod peccata non commissem, et hæc vera est pœnitentia. XIII. Item quod si homo commisisset mille peccata mortalia, si homo esset ad talia dispositus, non deberet se velle ea non commisisse. XIV. Item quod Deus non præcipit proprie actum exteriorem, nec actus exterior est bonus, aut divinus, nec operatur in ipsum proprie Deus. XV. Item quod bonus homo est unigenitus Dei filius, quem Pater æternaliter genuit. XVI. Item quod omnes creaturæ sunt unum pure nihil. They held the highest distinction of man to be, to live as a part of the *Universal*, i. e. of God. In those who were conscious of this oneness with God, every inclination and impulse was divine, and every law which hindered its gratification, a hindrance to the perfect union with God. They supposed that

of wandering preachers,<sup>8</sup> and writings in the German language,<sup>9</sup> and by their heresies called once more into action the long dormant power of the Inquisition in Germany.<sup>10</sup> To these Beghards belonged perhaps the Adamites, who appeared in Austria in the year 1312,<sup>11</sup>

before the fall man had this consciousness of unity with God in its greatest perfection; and this state they wanted to restore. Hence the custom of assembling naked, the name Paradise for their places of assembling, and the promiscuous intercourse (see note 6) instead of wedlock, which, as an especial connexion with an individual, they considered a hindrance to the oneness with the Universal.

<sup>8</sup> *Conradus de Monte Puellarum*, Canon. in Ratisbonne in the 14th century, says of the Beghards, in a fragment published by *Gretser* (appended to *Rainerius contra Waldenses*, Ingolst. 1613. 4to., also in the *Biblioth. Patrum Lugd. T. XXV. p. 310*): Sunt enim hujusmodi viri rustici, et plerique mechanici, corpore robusti, et literarum omnino in experti ac penitus idiotæ, aut si literas aliquantulum norunt, tenuissimum tamen est, quod sciunt. Hi opera manualia suorum postponentes artificiorum, cucullati gyrovagando provincias per diversas incedunt, et latebras quarunt occultas, præcipue hospitii: Beginarum inhiantes, eo quod simile suo simili complaudat. Quibus pro nocturno receptaculo in prima congressione malitia suæ, coloratis verbis, insanas et ut plurimum infectivas seminant doctrinas. At illæ illorum in crastino promotrices, seu ut verius dicam copulatrices, ostiatium per domos cursitant mulierum, intimando sub arcani sigillo, asserentes, angelum verbi divini adesse occultum, quoadusque conventicula eisdem hypocritis placita congregentur. Quibus secretissime convenientibus in unum, labia suæ malitiæ resolvunt, de attributis in divinis atque de proprietatibus divinae bonitatis disserendo. Et sic paulatim descendendo affirmant, qualiter ex pietate divina homo ad Dei imaginem creatus existat, et tantum mereri valeat per exercitium bonorum operum, ut Christo, Domino nostro, in humana anima sua a que perfectus quis efficiatur. Taliū etenim unum de Suevia natum ego in Ratispona reperi, qui jam prædictum et articulos alios in Clementinis prohibito sub titulo de Hæreticis *Ad nostrum (Clementin. Lib. V. Tit. 3. c. 3)* diligenter affirmabat, etc. These strolling preachers seem to be the Apostoli who are so frequently mentioned in connexion with the Beghards.

<sup>9</sup> Such as those of Eccard, see note 8. So too, Walter, who was burned in Cologne, see *Trithemii Chron. Hirsaug. T. II. p. 155*: Lohareus [*Lolhardus*] autem ille Waltherus, natione Hollandinus, Latini sermonis parvam habebat notitiam, et quia Romano non potuit, sermone sibi Teuthonico plures sui erroris libellos conscripsit, quos deceptis per se occultissime communicavit. Of *Gerhardi Beghardi* tract. de spirituali exercitatione reparationis lapsus, see *Mosheim de Beghardis*, p. 376. Compare the edict of the emperor Charles IV. in A. D. 1369 (in *Mosheim*, p. 369): Attendentes, — quod in partibus Alemanniæ propter sermones, tractatus et alios libros in vulgari scriptos, inter personas laicas vel pene laicas dispersos, quos libros ut plurimum vel viciosos, erroneos ac lepra hæresis infectos laici legentes — a veritate auditum avertunt. — Quapropter districtè præcipiendo mandamus universis, — quatenus in recipiendis, exigendis hujusmodi libris vulgari scriptis, — præsertim cum Laicis utriusque sexus secundum canonicas sanctiones etiam libris vulgaribus quibuscumque de sacra scriptura uti non liceat (see § 86, note 26), — assistatis Inquisitoribus, etc.

<sup>10</sup> About A. D. 1367, Urban V. appointed 2 Dominicans to be Inquisitors for Germany (*Mosheim de Beghardis*, p. 335), one of whom, Walther Kerling, soon made himself formidable to the Beghards. In 1369 the Inquisitors were vigorously supported by Charles IV. (*Mosheim*, p. 343). Gregory XI. increased the number of Inquisitors to four, A. D. 1372 (*Mosheim*, p. 380); Boniface IX., 1399, appointed six for the north of Germany alone (*Mosheim*, p. 384).

<sup>11</sup> See Anonymi Auctoris brevis narratio de nefanda hæresi Adamitica in variis Austriae locis sæculo XIV grassante in *Pezii Scriptt. Rerum Austriac. T. II. p. 533*. In A. D. 1312, there were numerous heretics detected in Krems, St. Hippolyt and Vienna, and many of them burned. Their offences: Primus casus est, quod comparabant Missas Luciferò, credentes et dicentes, quod ipse adhuc cum



and the Luciferians in Angermuende, A. D. 1336;<sup>12</sup> but certainly the Turlupines, who were exterminated from the Isle of France, A. D. 1372.<sup>13</sup>

## § 120.

## FLAGELLANTS.

[*Jac. Boileau*] *Historia Flagellantium, de recto et perverso flagrorum usu apud Christianos.* Paris. 1700. 12mo. *Ch. Schættgen* de secta flagellantium commentatio. Lips. 1711. 8vo. — Dr. E. G. Förstemann *die christl. Geislergesellschaften.* Halle, 1828. 8vo.

Notwithstanding the easy terms on which the forgiveness of sins was now granted by the church, the practice of flagellation still continued in high repute amongst the devout. Among the common people also, in times of great calamity and distress, this means of

Michæle confligeret, et de eo triumpharet, et quod tunc Lucifer, Angelique sui apostatæ cum credentibus, h. e. cum hæreticis, æterna gaudia possideant. Secundus casus est: Sanctus autem Michael cum suis Angelis in beatitudine jam existentibus, suisque credentibus, æterno deputetur incendio puniendus. Item dicunt se habere XVI Apostolos, annis singulis — climata mundi perlustrantes, ex quibus annuatim Paradisum introant, auctoritatem ligandi et solvendi ab Helia et Enoch recipiant, quam suis possent communicare credentibus. They denied that Mary was a virgin, rejected the sacraments and the worship of the church, and reproached the clergy. Quintam feriam noctem in-somnem, diemque Parasceues in luxuria et voluptate, ac dissolutione repletioneq; ventris in esu carniû — transigebant (because this was the great fast of the church). Further, of their hypocritical observance of Catholic customs, secret marks of recognition, &c. One of them, who was burned to death by St. Hippolyt, confessed: fateor hodie, si fides nostra per XV annos in suo robore perstitisset, cogitavimus eam publice prædicare, ac manu valida defensare. It is further remarked: raro est apud eos homo cujuscunque sexus, qui textum Novi Testamenti non sciat cordetenus in vulgari. In a persecution which took place afterwards, they resisted, see *Catalogus Abbatum Glunicensium* in *Pez.* l. c. p. 330: anno 1338, in civitati Laureacensi et Styrensi, aliisque vicinis locis suborta est inquisitio hæreticorum, et ab istis contra persecutio Catholicorum, præsertim Cleri et Religiosorum. An account of these Austrian heretics is given also by *Jo. Vitoduranus*, p. 44 and 45 ad ann. 1336, and their meetings in hypogæis sive aliis quibusque locis subterraneis described. It is to be observed, however, that the name hæresis Adanitica is found applied to these heretics only in the title of this anonymous work, which is plainly of a later date. The name was perhaps taken, therefore, from the Adamites, who appeared in Bohemia in the 15th century. It is uncertain, from the imperfect account we have of these heretics, whether they belonged to the brethren of the free spirit, or to the Cathari, who are found in these regions as early as the 13th century (see *Epist. Yvonis*, § 87, note 15).

<sup>12</sup> *Chronicon Magdeb.* apud Meibom. II. p. 340.

<sup>13</sup> *Mosheim* de Beghardis, p. 413 seq. Thus Gregorii XI. Ep. ad Carolum V. in *Raynald.* ann. 1373, no. 19: secta Begardorum, qui alias Turlupini dicuntur. *Jo. Gersonii* Sermo de s. Ludovico (Opp. et du Pin, T. III. p. 1435): Begardi et Turlupini de nulla re naturaliter data erubescendum esse dicebant. Id. de examinat. doctrinarum, P. II. Cons. 6. A. D. 1423 (T. I. p. 19): sicut nulla est vehementior quam luxuriosa libido, sic ad errandum falsumque docendum nulla perniciosior. Patuit in sectis Turelupinorum, quarum sequaces non desunt usque hodie, quando et ubi latere putaverint serpunt ubilibet.

appeasing the divine wrath was resorted to,<sup>1</sup> as more efficacious than those commonly used in the church. In the year 1348 a plague, which came from Asia into Europe, and spread its desolation far and wide,<sup>2</sup> led to the formation of various societies of Flagellants, first established in the north of Germany in the spring of 1349, and soon extending themselves throughout the land, as well as in the neighbouring countries.<sup>3</sup> They conducted their exercises according to fixed rules, having no connexion with the clergy, and being solely under the direction of their own masters (Magistri);<sup>4</sup> nor did they make any secret of their conviction that the means of salvation recommended by the church were far inferior in efficacy to their flagellations.<sup>5</sup> Clement VI. prohibited their public processions, already very common,<sup>6</sup> but this only led them to practise their penance the more zealously in private. The disgust against the church,

<sup>1</sup> Of the pilgrimages of the Flagellants in Italy, in the years 1334 and 1350, see Förstemann, S. 54.

<sup>2</sup> Called in Germany the *great death*, in the north the *black death*, see Kurt Sprengels Beiträge zur Gesch. der Medicin, Bd. 1. St. 1. S. 36 ff.

<sup>3</sup> Of these, Cruciferi, Flagellatores, Flagellantes, see *Heinr. a Rebdorff annales ad ann. 1349*; *Matthiæ Neoburg.* Continuation by *Albertus Argent.* in *Urstittus* H. p. 147; *Limpurgische Chronik*, S. 10; *Henricus de Herfordia* in *Brunns* Beiträgen aus alten Handschriften, St. 3. S. 291; Jac. v. Königshovens Elsassische Chronik, S. 297. — Compare Förstemann, S. 64 ff.

<sup>4</sup> See Jac. v. Königshoven, S. 298 (in Förstemann, S. 258): *Heinr. a Rebdorff ad ann. 1349*: isti flagellatores cum multas superstitiones attentare præsumerent, minum invicem se absolvere a peccatis, prædicantes apocrypha et similia, propter quod Laici sunt Clero graviter indignati.

<sup>5</sup> See the song of the Flagellants, fragments of which are given in the *Limpurg Chronicle*, but which are given more complete in a Low-German dialect, by Dr. H. F. Massmann (Erläuterungen zum Wessobrunner Gebet, Berlin, 1824. S. 39. Compare Förstemann, S. 267).

<sup>6</sup> In the bull of the 20th of Oct. 1349, directed to the German archbishops, in *Jo. Trithemii Chron.* Hirsaug. II. p. 209; and in *Raynald.* ann. 1349, no. 20: Sane molesta nobis — relatio — nostrum — turbavit auditum, quod in partibus regni Germaniæ et ei conviciis quædam sub prætextu devotionis et agendæ penitentię vana religio et superstitiosa adinventio — surrexerit, per quam profana multitudo simplicium hominum, qui se Flagellatores appellant, decepta verbis fictis et mendacibus malignorum, asserentium Salvatorem nostrum Jerosolymis Patriarchæ Jerosolymitano apparuisse (cum tamen a longis citra temporibus nullus ibidem præsentialiter fuerit Patriarcha), et sibi aliqua dixisse, quæ colorem non habentia nec saporem, in quibusdam scripturæ sacræ obviare noscuntur, in illam cordis vesaniam et animæ damnationis præcipitium est deducta; — quod se per societates et conventicula — dividens diversas circumvit patrias, cæterorum vitam et statum contemnendo se justificant, et claves ecclesiæ vilipendunt, ac in contemptum disciplinæ ecclesiasticæ crucem Domini ante se, et habitum certum, nigrum videlicet, ante et retro ipsius vivificæ crucis appensum habentem signaculum, sine superioris licentiâ deferentes; sub nomine penitentia vitam gerunt insolitam; congregationes, conventicula et coadunationes, quæ a jure sunt prohibita, faciunt, et ad alios actus prosiliunt, a vita et moribus observantiaque fidelium Christianorum penitus alienos; ordinationes etiam et statuta, quibus utuntur, ino verius abutuntur, propria temeritate fecerunt, erroris suspitione non vacua et judicio rationis carentia. After the prohibition follows the limitation: Per prædicta tamen nequam intendimus prohibere, quin Christianifideles impositam sibi penitentiam, vel etiam non impositam, dummodo recta intentione et pura devotione ad illam peragendam procedant, in suis hospitiiis, vel alias, absque superstitiosis congregationibus, societatibus et conventiculis supradictis possint facere.

which persecuted a work so well pleasing in the sight of God merely from interested motives, led them now to associate themselves together more closely, and thus, with the help of the Beghards, there sprung up the heretic sect of the *Flagellants*, sometimes comprehended under the more general name of Beghards.<sup>7</sup> This sect continued in Germany (found especially in Thuringia) till the Reformation, and was always much dreaded by the church.<sup>8</sup>

<sup>7</sup> First trace of them in the letter of Gregory XI. to an Inquisitor in Germany, in *Raynald. ann. 1372, no. 33*: cum, sicut accepimus, pestis illorum hæreticorum negantium ecclesiastica sacramenta, qui appellantur Flagellatores, in nonnullis Alamanniæ partibus — dicatur exorta, etc. *Trithemius in Chron. Hirsaug. T. II. p. 296*, relates, that in the year 1392, the papal Inquisitor in Würzburg discovered hæreticos nonnullos ex simplicioribus et rusticanis de secta Flagellantium et Fratricellorum, and afterwards in Erfurth simili pravitate infectos, Beghardos, Beguttas et alios, quorum aliqui cremati sunt ignibus, aliqui vero pœnitentiam egerunt super erroribus suis, reliqui fugam inierunt.

<sup>8</sup> The first full account of their doctrines, in the investigation which took place at Sangerhausen, 1414, where the Dominican Henry Schönefeld compelled some of them to retract, and burned 91 at the stake. See their 50 articles in *Theod. Vriehist. Conc. Const. P. III. Dist. 13* (in v. d. *Harold Conc. Const. T. I. P. I. p. 126*) and *Cyr. Spangenberg's Chronik v. Sangerhausen* (in *Buders nützl. Sammlung verschiedener meist ungedruckter Schriften, Frankf. u. Leipz. 1735. S. 335 ff.*). I. Quod secta crucifratrum, qui ad LX annos vel circa semetipsos flagellando cum cantu per mundum transiverunt, originem habuerit ex quibusdam literis, quas Angeli sancti Romæ super altare b. Petri de celo portaverint. II. Quod ante LX annos, cum se ipsos flagellando crucifratres transiverunt, Deus Papam Romanum et omnes Epi-copos, ceterosque prælatos et sacerdotes, ne deinceps populo in spiritualibus præ-sent, licentiarit, et omni auctoritate ligandi et solvendi, aut quascunque res consecrandi eodem simpliciter privavit. III. Quod, sicut in expulsionem negotiatorum de templo propter sacerdotum malitiam Christus repudiavit et abiecit sacerdotium Judaicum: ita in transitu crucifratrum propter presbyterorum nequitiam Deus licentiarit et abiecerit sacerdotium Evangelicum. VI. Sacerdotes baptismum aquæ et aliorum sex sacramentorum legem prædicando docentes, sint seip-sos cum populo eisdem credente spiritualiter occidentes. IX. In transitu crucifratrum lex baptismi aquæ deposita a Deo, et lex baptismi proprii sanguinis instituta. XII. Quod post transitum crucifratrum nemo potuit salvari et verus existere Christianus, nisi in proprio sanguine cum flagello de corpore suo excusso baptizaretur, et flagellatorum esset consecratus. XV. Quod Deum et corpus Christi non contineat sub se realiter altaris sacramentum. XVI. Quod si hoc esset verum, quod in sacramento altaris esset veraciter Christus Deus, diu esset devoratus, etiamsi esset mons ingens et magnus. XIX. Quod si Christus sit veraciter in sacramento altaris, tunc Juda traditore, qui eundem Christum dedit pro XXX argenteis, sacerdotes moderni peiores existant: quia Christum pro uno denario vendunt. XXII. Qui sacerdoti confitetur, non plus munditiæ acquirit, quam qui sui lutosæ se allidit. XXIII. Quod omnia peccata, quantumcunque enormia, tollat sola proprii corporis flagellatio spontanea. XXIX. Quod post inchoationem sectæ flagellatorum nullus more Romanæ Ecclesiæ septem sacramenta percipere poterit, qui in ipsorum perceptione mortaliter non peccat. XXXIV. Quod Antichristus diu regnarit et regnet, et quotidie immineat dies judicii. Quod Elias et Enoch jam in mundo apparuerint, et diu sint mortui. XXXV. Quod Antichristus, qui diu jam regnarit, sint Prælati, Presbyteri. Qui omnes Antichristi sint et dicantur, quod sectam flagellatorum infestent et persequantur. XXXVI. Quod Elias jam mortuus sit, qui fuerit quidam Begardus, qui ante XLVIII annos propter hæresin in Erfordia combustus est. XXXVII. Quod Enoch, qui jam de sæculo diu migrarit, fuerit Conradus Smet (Schmidt), qui hæreses supradictas primus in Thuringia publicavit. XLII. Quod ultimum judicium in die novissimo non instituturus sit Christus, sed Conradus Smet, flagellatorum

This warning example, combined with the natural mistrust of the hierarchy towards all spiritual excitement, not originating in themselves, decided the fate of the later Flagellants. In the year 1399 a society of this character, the White Brethren (Bianchi),\* descended from the Alps into Italy, and were every where enthusiastically welcomed both by the clergy and the populace. But no sooner had they reached the papal territory than their leader was put to death, and the whole array dispersed.<sup>9</sup> After this processions of Flagellants were led through Italy, Spain, and the south of France by the Dominican Vincentius Ferrentius, who may perhaps have been the secret instigator of the White Brethren.<sup>10</sup> But such processions having been condemned at the council of Constance,<sup>11</sup> he also discontinued them.

### § 121.

#### DANCERS.

See Forstemann (as cited § 120). p. 224 seq.

Whilst the sects hitherto mentioned were supposed by their contemporaries of the orthodox church to serve the spirit of evil voluntarily, the Dancers, who appeared on the Rhine and in the Netherlands in the year 1374, were thought to be possessed by him against their

hæresiarcha. XLIII. Quod, quamvis omnia juramenta, qualitercunque fiant, sint peccata mortalia, eligibilis tamen sit, flagellatores coram Inquisitoribus jurare, et multa committere perjuria, quam se et sectam proderet: quod possint juramenta et perjuria postmodum cum flagello expiare. XLIV. Quod post hanc vitam non sit aliquod animarum purgatorium. Quare defunctos non juvent suffragia vivorum. XLVI. Quod crucem Christi et imagines gloriosæ virginis aliorumque sanctorum nullus debeat adorare, quia in ipsorum adoratione committatur idololatria. L. Quod existentes in prædicta nova flagellatorum secta sacerdotes venerentur, et Ecclesie sacramenta percipiant, eorundem mandatis obtemperent, et oblationes et jura solvant in jejuniis quatuor temporum, et aliis fidelibus conformentur, et sanctorum imagines et festa colant, solum propter hoc, ne ab hominibus notentur; et postmodum de hoc penitentes flagello se percutiant.

\* So called from their dress of white linen. See *Mosheim*, cent. 15. — Tr.

<sup>9</sup> See the account of contemporaries in Förstemann, S. 104. Of the execution of their leader, *Platina* de vitis Pontificum in vita Bonifacii IX: Sunt qui scribant hujus fraudem questione detectam fuisse, hominemque in tanto facinore deprehensum meritis pœnas huisse, igne scilicet, quo exustum ferunt. Sunt etiam qui dicant, nil fraudis in homine deprehensum fuisse, sed id fictum a Pontifice, abolendo rumori, quo hominem per invidiam captum et necatum affirmabant. Utrum verius sit, Deus novit.

<sup>10</sup> See Acta SS. ad d. 5 April. T. I. p. 475 seq. Förstemann, S. 142 ff.

<sup>11</sup> *Jo. Gersonii* Epist. ad Mag. Vincentium contra flagellantes (Opp. ed. *du Pin* II. p. 658): Crede mihi, Doctor emerite, multi multa loquuntur super prædicationibus tuis, et maxime super illa Secta se verberantium, qualem constat præteritis temporibus fuisse pluries et in variis locis reprobata, quam nec approbas, ut testantur noti tui, sed nec efficaciter reprobas. Epist. Petri Card. Cameraensis ad eundem (ibid. p. 659) *Jo. Gersonii* tract. contra sectam flagellantium se (ibid. p. 660).

will, and were therefore exorcised.<sup>1</sup> In the year 1418 the same phenomenon appeared in Strasburg, on which occasion the holy St. Vitus was resorted to for aid.<sup>2</sup>

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## CHAPTER EIGHTH.

### ATTEMPTS AT REFORM.

#### § 122.

##### IN BOHEMIA.

IN proportion as the papal power became more irresistible and fearful, the heretical parties assumed more and more the character of fanaticism, and, despairing of any reformation within the church, sought to lay the foundations of their religious faith without it. But the power of the popes being thus diminished, a more rational spirit of reform was developed in the church itself, which, acknowledging the church as the true foundation of Christian faith, sought only to purify it from the abuses that had crept in.

In these attempts at reform there was, however, an essential difference. For the most part they aimed only at external reformation; seeking, namely, to set bounds to the papal power, and to restore the discipline and virtue of the clergy, without going deeper into the sources of the evil. The *Mystics* were nearer the truth in avoiding the over estimation of externals, and endeavouring to revive inward religion. But, on the other hand, they were too exclusively engaged in the pursuit of their peculiar object, and their religion was of too transcendental and dreamy a character to allow them accurately to examine, and rightly to understand the general state of the church.

The true Reformers were distinguished by this: — that they looked for the evil not in single abuses, but in the pervading spirit; and this spirit it was their aim to renovate. Amongst these “*testes veritatis*,”

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<sup>1</sup> *Radulphi de Rivo*, Decani Tongrensis († 1403) gesta Pontiff. Leodiensium, c. 9 (in Chapeaville Gesta Pontiff. Leodiens. T. III. p. 19): Anno 1374, mense Julio — admirabilis hominum secta ex superioribus Germaniæ partibus primo Aquisgranum, inde Trajectum, et tandem circa mensem Septembrem Leodium advenit. Horum tale erat institutum. Utriusque sexus homines a dæmonibus possessi seminudi sertis capita eingeabant, choreas non in plateis tantum, sed et in Ecclesiis et domibus absque ullo pudore ducebant, nomina Dæmonum hactenus inaudita in carminibus suis usurpabant: choreis finitis eos Dæmones gravissimis pectoris doloribus cruciabant, ita ut nisi nexibus quibusdam umbilicatum fortiter stringerentur, magnis furiosisque ululatus se mori proclamarent. — Causam hujusmodi sectæ Diabolicæ non aliam viri prudentes assignabant, quam fidei et præceptorum Dei, quæ per id tempus regnabat, crassam ignorantiam. Non deerant tamen e vulgo, qui in sacerdotes concubinos culpam rejicerent, quod per eos minus recte pueri baptisarentur, etc. See Limpurgische Chronik, § 122.

<sup>2</sup> See Schilters Aumerkung zu Jac. von Königshoven Chronik. S. 1087.

many no doubt have been since reckoned by Protestants, who did not deserve such honor,<sup>1</sup> and of others we have only passing and imperfect notices;<sup>2</sup> still the 14th century can boast of many whose right to be so reckoned is beyond dispute. The foremost of these are three of the Bohemian clergy, who, fired with pious indignation at the mechanical worship and the dead hypocrisy which prevailed, directed their undaunted attacks against the Mendicant monks, to whose influence they chiefly ascribed this corruption.

The first was Conrad Sükna (Conradus ab Austria), a preacher at Prague († A. D. 1369).<sup>3</sup> He was followed by John Milicz,<sup>4</sup> who voluntarily resigned the office of archdeacon of Prague, and took that of sacristan, and by his preaching produced the most extraordinary

<sup>1</sup> e. g. Joh. Munsinger, rector of the school in Uhm (mentioned by *Flacius* catal. testium veritatis, no. 315, and elsewhere), on account of his opposition to the worship of the sacrament. The propositions for which Munsinger was declared a heretic by the Dominicans in Uhm, A. D. 1385, were the following (*Schelhorn* amonitates literarie, T. VIII. p. 511, l. c. T. XI. p. 222): Corpus Christi non est Deus. Nulla creatura est adoranda adoratione qua Deus debet adorari, adoratione scil. latine: *hyperbula* debetur creaturæ excellenti, sicut est caro Christi, b. Virgo, etc. Further: Hostia consecrata non est Deus; Deus est sub hostia consecrata, corpus ejus, sanguis et anima. Namely, per hostiam intelligo accidentia qua sunt in pane, rotunditatem videlicet, saporem et gravitatem. He denied the propriety of calling the hostia the corpus Christi, quia accidentia visa non sunt corpus Christi, licet intus sit corpus Christi. Therefore it was better to say, hic esse corpus Christi sub specie panis. Munsinger only objected, therefore, to considering the visible head to be Christ himself; but by no means denied that Christ should be prayed to, sub specie panis: hence his propositions were approved by both the universities.

<sup>2</sup> Thus of the layman Franz Hager, in Würzburg, A. D. 1342 (not Conrad Hager, as the name is given by *Flacius* catal. test. verit. no. 305), we know only that he was forced to retract the assertion that the saying of masses for the dead had neither any merit nor use: and of the priest, Hermann Kächner, who was supposed to be a Beghard, that he asserted shortly after, that the popes and bishops were no greater on account of their office than other priests. See *Gropp* collect. noviss. Scriptorum Wirceburg. T. IV. (Wirceb. 1759. fol.) p. 108; *Ludewig* Gesch. vom Bisth Würzburg (Frankf. 1713. fol.), S. 626.

<sup>3</sup> Of whom, see especially *Bohuslai Balbini* epitome historica rerum Bohemiarum Prag. 1677. fol. Lib. IV. p. 406. His contemporary, the Canonick at Prague, Benessius de Weitmil, says of him, according to the account of Balbin, ex Ms., inter maximos ætatis suæ Concionatores habitum, zelo divino accensum usurarios potissimum et injustos possessores, item luxum vestium et Simoniacam pravitatem exagitasse; ob eam causam a Religiosis quibusdam gravia passum, a quo animo tulisse omnia, eo quod esset vir perfectæ charitatis. At a later date, *Andreas de Broda*, a theologian of Prague, in an Epist. ad *Jo. Hussum* (in *Jo. Cochlaei* hist. Hussitarum, Mogunt. 1549. fol. lib. f. p. 42): Si non esset causa alia, præterquam hæc, quod prædicatis contra Clericos, nullus vos, ut æstimo, excommunicaret. Nam et antiquis temporibus *Militius*, *Conradus Styckna* et alii quam plurimi contra Clericos prædicaverunt, nullus tamen propter hoc excommunicationis fuit sententiæ subditus. Balbinus had seen also a large work of Conrad's in Ms. entitled *Accusationes Mendicantium*, in quo et accusat Mendicantes Religiosos, et eorum responsiones ad sua objecta iterato refellit. — qui ejus quædam opera legerunt, putant, eum nimium licenter de sacris personis loqui, atque etiam in Episcopos et Clerum acerbas invectivas componere.

<sup>4</sup> His life, by a pupil, in *Balbini* Miscellaneis historicis regni Bohemiæ Decadis I. Lib. IV. Tit. 34, p. 43 (Prag. 1682. fol.). cf. *Balbini* Epitome, p. 407, and *Audaeti Voigt* Acta literaria Bohemiæ et Moravia, vol. I. (Prag. 1775. 8vo.) p. 216.

effects. At the same time he excited the clergy, and in particular the monks, against him to such a degree that he was accused at Rome as a heretic.<sup>5</sup> He repaired thither himself, and was acquitted, but died soon after (A. D. 1374).<sup>6</sup> Matthias von Janow (Magister Parisiensis, † A. D. 1394)<sup>7</sup> went even farther in the energy with which

<sup>5</sup> Vita in *Balbini* Miscell. l. c. p. 45: Quamvis in principio suæ prædicationis paucum populum habere videretur, et licet etiam ab aliquibus propter incongruentiam vulgaris sermonis derideretur, he still persevered: et sic per ejus assiduum prædicationem et austeritatem correctionum primo aperiebantur aures surdorum, — et post cæpit populus affluere et admirabantur turbæ laudantes nomen Domini, etc. In A. D. 1367 he went the first time to Rome to preach there, but was put in prison; and the mendicants in Prague announced already in their sermons: Charissimi ecce jam Militius eremabitur (Vita, p. 51). Having returned in safety, his zeal and eloquence had such an effect, ut etiam publicæ meretrices de prostibulis per ejus prædicationem ad pœnitentiam converterentur; and he changed for them the prostibulum Benatky (*Vencias*) nuncupatum into a conservatorium conversarum (Vita, p. 55). At length, however, he fell a victim to the hatred and envy which his success excited, Vita, p. 58: Malignus spiritus — Prælatos, Plebanos, Religiosos ad furorem in eum suscitavit, ita ut prædicationem sibi sapius prohiberent, et hæreticum eum appellarent. p. 59: ei verbis multis ac probrosis conviciabantur, inter cætera vero dicebant: a principio prædicationis tuæ nunquam pace fruimur, sed semper disturbia multa patimur. — Quem sapius et Beghardum, et Hypocritam, et Sodomitam appellabant. — Postremo vero in tantum fuerunt in furorem concitati, quod et 12 articulos falsos et mendaces construxerunt, et eos ad Curiam Romanam — miserunt. The Pope commanded the archbishop of Prague to investigate the matter (*Raynald*, ann. 1374, no. 10): and applied to Charles IV. for the necessary assistance (ibid. no. 11). In a letter to the last, we read: Plurium fidedignorum relatus nuper ad nostrum pervenit auditum, quod quidam Milecius presbyter, olim canonicus Pragensis, sub specie sanctitatis, spiritu elationis et temeritatis assumpto, et prædicationis officio (quod sibi non competit) usurpato, multos errores non solum temerarios et iniquos, sed etiam hæreticos et schismaticos, utique nimium scandalosos et periculosos, fidelibus, præsertim simplicibus, dicere, publice prædicare in tuo regno Boëmia et aliis terris tuis præsumpsit hactenus et præsumit; nonnullas personas utriusque sexus ad ejus sectam, quam damnabiliter inchoavit, ac in errores detestabiles et reprobandos actus — inducendo, prout in quibusdam articulis scriptis in schedula inclusa præsentibus continetur. These Articles are no longer extant.

<sup>6</sup> That he was fully acquitted before his death is evident from a diploma of the strictly Catholic Charles IV. (*Balbini* Epist. p. 408), in which he is called bonæ memoriæ honorabilis Milicius, quondam devotus noster dilectus.

<sup>7</sup> His works, in Ms., are thus enumerated in *Balbini* Bohemia docta ed. ab Raph. Ungar. P. II. (Prag. 1778. 8vo.) p. 178: De frequenti communione; Hypocrisi; Unitate Ecclesiæ; Antichristo et præceptis Domini; De abominatione in Ecclesia Dei; Regulæ veteris et novi testamenti. *Cochlaeus* hist. Hussit. lib. VI. p. 227, cites a passage from a work entitled Parisiensis liber vitiorum. — Now Theobald (Hussitenkrieg, Th. I, cap. 2) says that Matthias' work de Antichristo has, by mistake, got among Huss' writings, and is printed in his Opp. Hence Schröckh, Th. 34, S. 372, supposes the Liber de Antichristo et membrorum ejus anatomia in Historia et monumenta Jo. Hus atque Hieron. Pragensis. Norimb. 1715. T. I. p. 423, to be a work of Matthias; but, probably, as will presently be seen, without sufficient cause. — In the collection of Huss' writings the work De sacerdotum et monachorum abhorrenda abominatione desolationis in Ecclesia Christi. T. I. p. 473, does probably (though it has never been suggested) belong to Matthias; for *Jo. de Przibram*, A. D. 1430, in his Professio, appended to *Cochlaei* hist. Hussit. p. 528, cites a passage from Mag. Parisiensis lib. de abominatione, c. 83, which is found word for word in that work of Huss, c. 82. Matthias must have written it in 1392; for, according to p. 513, the work de novissimorum temporum periculis (see above, § 69, note 5) had been written 136 years. Now in the lib. de abominatione the author several times cites his Tract. de Antichristo,

he denounced the religious abuses of the time, insisting on inward religion, and inveighing bitterly against the mere external worship of the age, the worldliness of the clergy, and the hypocrisy of the monks.<sup>8</sup>

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and from these citations it is evident that this is not the Lib. de Antiehr. et membrorum ejus anat., but that probably we have a part of it in the fragment De mysterio iniquitatis Antiehristi (Hist. et monum. Jo. Hus. T. I. p. 603 seq.) — Comp. p. 512, 557, with 610; p. 515 with 611; p. 586 with 612. (The second fragment also, De revelatione Christi et Antiehristi, p. 615 seq., may, perhaps, belong to Matthias; comp. the citation p. 476 with p. 621.) This is confirmed also by the citation in *Flacii* catal. test. verit. no. 316. Flacius had the lib. de Antiehristo of John Militius as well as that of Matthias.

<sup>8</sup> *Matthiae* lib. de Sacerdotum et Monachorum abhorrenda abominacione desolationis in Ecclesia Christi in Hist. et monum. Jo. Hus. T. I. p. 473 seq. Cap. 1: Notanter dicit hic Propheta (Hos. v. 1), Sacerdotes esse laqueum factos speculationi, i. e. custodiae populi Dei. Et ista est horrenda abominacione in templo, quod populus, a quibus deberet custodiri, ne labatur in idololatriam vel peccatum, illi facti sunt ei laqueus ad capiendum: et per quos deberet educi de laqueis, ab illis involvitur ad laqueos. Non enim tantum propter nostram indignam conversationem et contagiosam nos, o sacerdotes, facti sumus laqueus custodiae Christianorum, sed quod est majus, — dum loquimur in ambone, praesertim ea de causa, quod communiter accidit, puta quod quidam sacerdotes sua opinata affirmant, — idem alii quidam ex adverso positi negant. — Cap. 3: Illa nocentissima abominacione in Dei Ecclesia, puta controversia inter Sacerdotes, et maxime tunc et manifeste [invaluit], quando Religiosi falsi sunt multiplicati per Ecclesiam et invaluerunt. — Ubique nundum manent Religiosi, vel non visitant ibidem communiter, ibi stant bene Sacerdotes concorditer ad invicem, et plebs est sine distractione et dissensione. — Cap. 21: Vae, vae illis, qui faciunt multas promissiones in populis, et excoGITant atque adinveniunt multas justificationes peccatoribus! — Veluti est promissio multarum indulgentiarum in festis suis vel locis, ut habeant per hoc nomen, et praeter aliis accursum et applausum populorum: promissio literarum ab omni poena et culpa, promissio communionis fraternitatum, et omnium orationum vel Missarum, vel aliorum bonorum, quae per confratres exercentur, etc. — quae nec ipsi certi sunt, si acceptabilia sunt Deo, imo plus odibilia Deo. — Cap. 30: Veruntamen, salvo judicio meliori, ego puto coram Domino dulcissimo Jesu crucifixo, tunc illa omnia habuisse suum initium, quando Dominus Apostolicus contraxit ad se omnia beneficia et officia Ecclesiae, pro sua voluntate dispensando, et incepit dispensatione beneficiorum totius Ecclesiae occupari, atque distributione bonorum temporalium se ipsum aggravare, et conferre multa privilegia, et exemptiones ab obedientia infinitis personis, puta ut essent sibi soli subjecti, et a suis immediatis Praelatis exempti, — habentes potestatem super terrenis (*leg. alienos*) subditos confessiones audiendi, et auctoritatem praedicandi quae volunt, et per consequens impediendi Dominos Curatos, et Ordinem sanctissimum conturbandi, alios Ordines excoGITando. — (Satan) abduxit Christianos — a primæva ipsorum dignitate et sanctitate — ad quandam mirabilem simulationem, et Deo nimis abominabilem conversationem, compositam ex vitis et speciebus sanctitatis, religionis et virtutum, facietenus solum apparentium splendide et laudabiles apud homines, sed nequaquam apud Deum. Ita, dico, abduxit spiritualiter et successive a virtutibus pulcherrimis et dulcissimis, et a rigore ipsarum ad quandam vanitatem vitae, et tepiditatem abominabilem solum consuetudinum et rituum Ecclesiae Romanae, similiter in facie bene apparentium, sed in veritate Dei mortuorum, et desolatorum a Spiritu Jesu crucifixo: ita ut omnia fere Christianorum jam decora et honesta, sint solum quasi pulchra imago exterius picta sine spiritu et vita, sint quoque justitia hominum propria, nimis remota a justitia Dei. — Seduxit, inquam, tali modo — populum Christianum, ut omnia turpia et omnia vitia, quae in primitivo populo tantum erant horribilia et abusiva, — sint usitata, — excusata. — Et non solum hoc, sed etiam viceversa, qui alienant se strenue ab exercitio talium et a contubernio propter Domini Jesu timorem et amorem, mox a vulgo Christiano hujus mundi conviciantur et confunduntur, et nota pessima singularitatum vel haeresum criminantur: propter quod tales homines devoti, qui similia vulgo profano non agunt, Bechardi



vel Turpinii, aut aliis nominibus blasphemis communiter jam nominantur. — Cap. 37: Dei Ecclesia nequit ad pristinam suam dignitatem reduci, vel reformari, nisi prius omnia fiant nova. — Credo, — quod jam tunc surget novus populus, secundum novum hominem formatus, qui secundum Deum creatus est: ex quo novi clerici et sacerdotes provenient et assumuntur, qui omnes odient avaritiam et gloriam hujus vitæ, ad conversationem cælestem festinando. — Veruntamen Dominus piissimus Jesus Christus hoc opus, puta innovationis Ecclesiæ suæ, jam in nostris temporibus, i. e. a 50 vel 70 annis, cæpit valde accelerare, exercens sua judicia manifesta in Christianis per orbem universum. — Cap. 60: Ad hoc comparandum (quod fieret æstimatio communis, — quod bene Deo servitur fruendo pace et deliciis hujus vitæ), Diabolus omnem religiositatem in Ecclesia multiplicat in conventibus et personis, et per consequens omnem sanctitatem et faciem pietatis et gratiæ in verbis et habitu exteriori, sed omnia solum ad extra et secundum faciem corporalem, et sine spiritu Jesu crucifixi. Multiplicavit insuper — omnem decorem et honestatem in Ecclesiasticis, vel saltem illa omnia accepit sibi in adminiculum seducendi Christianos ad amorem hujus sæculi. — Inde etiam idem Satan — multiplicavit promissiones infinitas, et magnas in Dei Ecclesia peccatoribus et amatoribus talibus hujus sæculi justificationes multas inventitias humanas, aut ipsas convertit ad suam fortiorem deceptionem, ut Christiani in illis sibi blandirentur, et constituerent suam spem salutis, non habentes ad Jesum crucifixum fideliem charitatem et ad proximos, et habentes vitam totaliter carnalem. — Item ob id permisit vel procuravit fieri — scientias adinventitias et recentes, quæ æqualiter vel magis quam scientia Dei — sunt autenticæ, tremendæ, et maximæ auctoritatis. — Multiplicata sunt ad hæc mandata et cerimonie hominum infinitæ, et ut tantum essent tremenda et tantæ auctoritatis, quemadmodum Dei summi præcepta, prædicantur et docentur, et cum magna districtione imperantur. — Multiplicata sunt quoque multa incerta corporalia, simpliciter nullam virtutem in se ipsis habentia, nullam efficaciam salutis, nullam sanctitatem Spiritus Jesu, nullam auctoritatem ex Deo vel Scripturis, quæ quia sunt in se recentia et nova, et splendida coram hominibus, et quasi stupenda, et celeberrime prædicantur, commendantur et famantur, vulgus ea accipit nimis ardue, colit et adorat strenue, tremit coram ipsis, et virtutem quandam magnam et suffragia ponit, quod in talibus corporalibus — et per talia sit Deus colendus et inquirendus. — Cap. 82: Hypocritæ, et maxime sacerdotes amici hujus sæculi, habent illud de more, quod sanctos Dei, qui sunt in cælis, multum nimis solemnizant et extollunt: sanctos vere Christianos secum adhuc in hac vita pauperes et humiles contemnunt et persequuntur. — Sanctorum in cælis ossa et reliquias sumptuose procurant auro, et serico contegunt, sed pauperes sanctos degentes cum eis in hac vita admittunt fame et siti cruciari, et nudos pati gelu et frigora. — Et hoc commune est apud ipsos, illustres viros et sanctos mortuos laudare et glorificare supra modum, sanctos vero illustres et conviventes vituperare, et ipsorum facta virtuosa detractione obnubilare. — Sanctos tamen jam in cælis singulariter hypocritæ sacerdotes sæculares libenter pro eo diligunt et solemnizant, quia in nomine ipsorum multa et magna bona a populis Christianis sortiuntur, habentes pingues præbendas, et altaria, multa offertoria, multa festa, multas distributiones pro nomine et in nomine Sanctorum jam in cælis. Nam simili causa allekti et animabus in purgatorio faciunt multa obsequia, et valde promovent ad populum facienda. — Cap. 83: The Mulier ebria de sanguine Sanctorum (Apoc. xvii. 6) he explains de multitudine hypocritarum, qui secundum communem consuetudinem nunc Ecclesiæ vocantur Religiosi. — Nulli etenim magis proprie comedunt peccata populorum, sicut ipsi, et bibunt et inebriantur. — In isto tamen valde talium ebrietas sanguinis ostenditur evidenter, puta quod in tantum placet ipsis peccata populorum comedere et potare, quod otiosam vitam et quietam continuantes, accipiant multas oblationes et donaria magna tradita pro peccatis, quod non audent hominibus peccatoribus annunciare peccata ipsorum vel aggravare, quinimo magis peccatis blandiuntur et excusant. — Non enim facile audebunt hominibus displicere hi qui — de gratia sola expectant sibi aliquid projiciendum a plebeis alienis. — Et ex eadem necessitate compelluntur violare veritatem Jesu crucifixi et virtutem apud populum blanditiis etiam solum pro pugillo hordei et fragmine panis. Hoc autem non facile contingit ordinario Sacerdoti, qui de certa Ecclesia potest habere et suam vitam i. e. victum et amictum. — Et super hoc amplius vigilare eos oportet omni speciei religionis et pietatis, utpote templis eorum de magno sumptu et adornatissimis omni supellectile pulcherrima et delectabili in

These men have with right been considered as the precursors of Huss;<sup>9</sup> but the notion that their efforts had any reference to the revival of the ancient Greek-Sclavonian form of worship, supposed to have been still kept up, and especially the restoration of the cup in the communion-service, is only an unfounded conjecture of later Hussite writers.<sup>10</sup> Matthias von Janow, alone, made perhaps an attempt to bring about this last object.<sup>11</sup>

aspectu populorum, ita ut omnia sint munda coram hominibus ordinata, quatenus perinde extrahendi a plebibus alienis magis donaria et multam eleemosynam, multam haberent occasionem et nimium coloratam. — Insuper — habent communiter necesse multiplicata loqui de orationibus, cantare ornate in suis pulchris templis, multiplicare missas, etc. — Hæc their multæ festivitates gloriose sanctorum rum Dei in cælis, — multæ sanctorum reliquiæ, — pulcherrimæ picturæ et statuæ, quæ faciunt insignia portenta et miracula magna. — Et tunc deinceps nequaquam est omittendum, quia talia omnia et cum multo additamento exquisite in populis divulgantur, — proclamantur, ut sciant Christiani, ubi vel qua sua salutem debeant providere. Enimvero indulgentiæ magnæ et magna promissa omnibus accurrentibus, et gratiæ vix ab hominibus credibiles, alias ita authenticæ, et a Dominis Apostolicis ita roboratæ per testes et per bullas, quod non est plus homini de ipsis nullo modo dubitare. Nam etsi contradiceret, vel non crederet, indignationem Dei omnipotentis incurreret. Et forte plaga manifesta puniretur, sicut jam multi, inquit, pro simili incredulitate sunt puniti. — Et ista talia sunt multa nimis et magna per universam Dei Ecclesiam, quæ omnia non redolent nisi applausum populorum, et sine virtute promissionis pietatis eorum, qui quæstum reputant pietatem, etc.

<sup>9</sup> In particular by the Hussites and Protestants, amongst whom, however, this very view has led to many wholly unfounded traditions. One of these is that the archbishop Zbyniek (Sbynko) of Prague, 1410, caused the writings of John Milicz and Matthias of Janow, to be burned together with those of Wicliffe. The only authorities for this opinion are: H a g e k s († 1553) böhm. Chronik, S. 659: "It is said by some that many other writings besides those of Wicliffe were burned;" and *Procopii Lupacii* († 1587) *Calendarium hist. ad d. 16 Jul.* Feruntur tum et plurimi libri esse concremati Joannis Militii, Mag. Matthiæ cognomine Parisiensis, etc. In the decree of condemnation, however, which is extant in Huss' Appeal (*Hussii* Opp. I. p. 113), and in this Appeal itself no mention is made of any but Wicliffe's writings, so that the tradition to the contrary, which is one hundred and fifty years later, has little probability. See *Balbini* *Bohemia docta*, P. II. p. 178. — Joh. Milicz is mentioned as a heretic by the annalists, Raynaldus, Spondanus, and Bzovius, ad ann. 1374. On the other hand, most of the Catholic Bohemian writers since Balbinus, have defended all three of the above mentioned men as orthodox.

<sup>10</sup> *Paulus Stransky* de republica Bojema, 1633, c. VI. § 5 (also in *Goldasti* *comm. de regni Bohem. juribus* ed. Schminckii, Francof. ad M. 1719. fol. T. II. p. 511), is the first who maintained this view, though without mentioning the cup in particular. He was followed by *Jo. Amos Comenius* (*historia persecutionum Ecclesiæ Bohemicæ*. 1648. p. 19 seq., and *historia Fratrum Bohemorum*. 1600. ed. Buddei, p. 6), who mentions that those three men advocated the restoration of the cup. He has been followed by all the later writers, especially by Augustin Zitte in his uncritical and legendary *Lebensbeschreibungen der drey ausgezeichnetsten Vorläufer des berühmten M. Johannes Hus*. Prag. 1786 (in d. *Kurzen Lebensbeschreibungen berühmter Männer Böhmens*, Bd. 1), to which Schröckh also, Th. 34, S. 566, gives too much weight. The grounds for rejecting the hypothesis are, 1. That in the older authorities there is no trace of a Greek-Sclavonic ritual in the time of Charles IV., and the persecution thereof; so far from it, that this emperor built the convent Emmaus in Prague, 1347, for the introduction of the Latin-Sclavonic ritual. See *Dobner* in den *Abhandl. der Böhmisches Gesellsch. der Wissensch.* auf 1785, S. 174 f. 1786, S. 433; and 2. That in the numerous works called forth by the introduction of the cup by James de Misa, there is (with

## § 123.

## JOHN WICLIFFE.

*Henrici de Knyghton* (Canon at Leicester, a contemporary of Wicliffe) *de eventibus Angliæ usque ad ann. 1395* (in *Rog. Twisdeni* Scriptt. X. hist. Angl. Lond. 1652. fol.). — *Thomæ Walsingham* (a Benedictine in St. Alban about 1440) *Hist. Anglica major* (in *Camdeni* Scriptt. Rer. Angl. Lond. 1574. Francof. 1602. fol.).

The chief works are : *The History of the Life and Sufferings of John Wicliffe*, by *John Lewis*. London. 1720. Svo. ; and *the Life and Opinions of John de Wycliffe*, by *Rob. Vaughan*. London. 1829. 2 voll. Svo. — For a general view, see also *Wilh. Gilpin's Lives of the Reformers*. 2 vols. Svo. Lond. 1809.

But in England there now appeared a reformer, who, favored on the one hand by the indignation of the people at the ill-treatment they had experienced from the popes, and on the other by the mistrust of the government of a power, which they knew to be entirely under French influence, instituted an examination as fearless as it was impartial, not only into the customs, but the doctrines of the church.

John Wicliffe, Fellow of Merton College in Oxford, and distinguished for his learning and acuteness,<sup>1</sup> first came forward in the controversies of the university with the Mendicant orders, A. D. 1360,<sup>2</sup> proclaiming fearlessly the corruption of these orders.<sup>3</sup> In the year 1366, Edward III. having freed himself with the help of his

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the exception of that mentioned in note 11) no reference whatever to any former attempts of the kind.

<sup>1</sup> *v. d. Hardt* Conc. Const. T. III. Prolegg. p. 20, relates, as extracted from the transaction of the Bohemians at the council of Basil A. D. 1433, the following, which must have been taken from a Ms., as it is found in no printed Acts of the council : *Johannes de Polemar, cum Rockizana in Basileensi Concilio de communionis calicis contendens, in responsione sua agnoscit quidem, Pragæ apud S. Nicolaum Magistrum Matthiam pro concione populo nova de sacramento quoque cœnæ prædicasse, ast palinodiam in Synodo Pragensi anno 1389 cecinisse, ait. In quibus tamen articulis, ut Polemarus eos refert, communionis calicis clara mentio haud facta. Unde in dubio relinquit Polemarus, an Matthias calicem populo dederit, an secus. Hoc interim certum esse ait, eum prohibitum fuisse. Sive, inquit, ipse inceperit hanc novitatem prædicare, sive sub utraque specie communicare, tamen sua doctrina sive practica non habuit progressum.* The Hussite *Wenceslaus Piseceus* writes, about 1520, of Matthias Parisiensis (*Balbini* Bohemia docta, T. II. p. 178) : *multos eruditissimos conscripsit libros, in quibus de communionem utriusque speciei pluribus egit* : comp. however, l. c. p. 179.

<sup>1</sup> His declared opponent, *Heinr. de Knyghton* *de eventibus Angliæ*, lib. V. p. 2644, speaks of him as *Jo. Wykliff Doctor in Theologia eminentissimus in diebus illis. In Philosophia nulli reputatur secundus, in scholasticis disciplinis incomparabilis.* His numerous works are given, *Lewis*, p. 143 seq.

<sup>2</sup> See § 109, notes 2 and 3, above.

<sup>3</sup> He wrote *Of the Poverty of Christ ; Against Able Beggary ; and Of Idleness in Beggary.* He maintained : *sith open Begging is thus sharply damned in holy Writ, it is a foule Error to meyntene it, but that it is more error to seie that Christ was such a Beggar.* See *Lewis*, p. 7.

parliament from the disgraceful tribute exacted from him by the Pope, Wicliffe defended this step with his characteristic boldness.<sup>4</sup> He thus secured the favor of the court, and was made professor of theology at Oxford, A. D. 1372. The government being now earnestly bent on the more complete emancipation of the English church from the papal yoke, Wicliffe was one of the commissioners to treat with the legates of the Pope at Bruegge in the year 1376.<sup>5</sup> Under such circumstances he had enjoyed ample opportunity of becoming acquainted both with the corruptions of papacy,<sup>6</sup> and the evil effects of monachism,<sup>7</sup> and having boldly declared his convictions on these subjects, he was accused before the Pope in the year 1376 of 19 heresies. Gregory XI. ordered an inquiry to be made into the matter,<sup>8</sup> but Wicliffe was protected from harm by the favor of the nobility, especially of the regent, the duke of Lancaster.<sup>9</sup>

<sup>4</sup> *Lewis*, p. 17 seq. A further defence against a monk who had maintained, quod sit falsum et pseudoevangelicum, quod domini temporales possunt in aliquo casu legitime auferre ab Ecclesiasticis bona sua. See in *Lewis*, p. 363 seq.

<sup>5</sup> *Lewis*, p. 39.

<sup>6</sup> He called the Pope Antichrist, the proud worldly Priest of Rome, and the most cursed of Clippers and Purse-kervers. *Lewis*, p. 34.

<sup>7</sup> In 1382 he collected all the charges against the monks scattered through his works, in fifty heresies and errors. See *Lewis*, p. 20 seq.

<sup>8</sup> The papal letters of A. D. 1377 to the university of Oxford, the archbishop of Canterbury, and the bishop of London, also to the king of England, in *Walsingham*, p. 201 seq. The accompanying *Schedula* with the nineteen heretical propositions, *ibid*, p. 204, see in *Lewis*, p. 266: e. g. I. Totum genus hominum concurrentium circa Christum non habet potestatem simpliciter ordinandi, ut Petrus et omne genus suum dominetur politice imperpetuum super mundum. VI. Si Deus est, Domini temporales possunt legitime ac meritorie auferre bona fortuna ab Ecclesia delinquente. VII. Numquid Ecclesia est in tali statu vel non, non est meum discutere, sed dominorum temporalium examinare, et posito casu confidenter agere, et in pena damnationis aeternae ejus temporalia auferre. VIII. Scimus, quod non est possibile, quod Vicarius Christi pure ex Bullis suis, vel ex illis eum voluntate et consensu suo et sui Collegii quatenus habilitet vel inhabilitet. IX. Non est possibile hominem excommunicari, nisi prius et principaliter excommunicaretur a seipso. XIII. Discipuli Christi non habent potestatem coacte exigere temporalia per censuras. XVI. Hoc debet catholice credi, quilibet sacerdos rite ordinatus habet potestatem sufficienter sacramenta qualibet conferendi, et per consequens quemlibet contritum a peccato quolibet absolvendi. XIX. Ecclesiasticus imo et Romanus Pontifex potest legitime a subditis et laicis corripi et etiam accusari.

<sup>9</sup> *Lewis*, p. 50 seq. At the second trial in Lambeth, at which, as *Walsingham*, p. 205, complains, non dico cives tantum Londonienses, sed viles ipsius civitatis se impudenter ingerere praesumpserunt in eandem capellam, et verba facere pro eodem, et istud negotium impedire, Wicliffe gave in a *Declaratio* concerning these propositions (p. 206), in which he to be sure artfully avoids some of the points, e. g. ad I. Patet non esse in hominum potestate impedire adventum Christi ad finale iudicium. — ad VI. Si Deus est, ipse est omnipotens. Et si sic, ipse potest praecipere dominis temporalibus, sic auferre: — sed absit ex illo credere, quod intentionis meae sit, saeculares dominos licite posse auferre, quandoeunque et quomodocunque voluerint vel nuda auctoritate sua, sed omnino auctoritate ecclesiae in casibus et forma limitatis a jure. Others, however, he defends, e. g. ad VIII. Patet ex fide catholica, cum oportet dominum [*in*] omni operatione vicaria tenere primatum. Ideo sicut in omni habilitatione subjecti prius exigitur gratia et dignitas habilitati, sic in omni inhabilitatione prius exigitur dignitas ex demerito inhabilitati, et per consequens non pure ex ministerio vicarii Christi fit talis habilitatio vel inhabilitatio.

The great papal schism (A. D. 1378) gave Wicliffe new occasion and more opportunity to examine into the corruptions of the church and propose reforms. Hitherto he had only touched on questions of discipline, but now he ventured farther. In the year 1380 he began to translate the bible into English, and this undertaking being soon denounced as heresy, he defended the right of the people to read the Scriptures for themselves.<sup>10</sup> In the year 1381, having attacked the doctrine of transubstantiation, many of those who had hitherto favored him began to waver,<sup>11</sup> but Wicliffe had now too many friends

<sup>10</sup> *Henr. de Knyghton*, p. 2644: Hic Magister Jo. Wyclif Evangelium, quod Christus contulit Clericis et Ecclesiæ Doctoribus, ut ipsi Laicis et infirmioribus personis secundum temporis exigentiam et personarum indigentiam cum mentis eorum esurie dulciter ministrarent, transtulit de Latino in Anglicam linguam, non angelicam, unde per ipsum fit vulgare et magis apertum laicis et mulieribus legere scientibus, quam solet esse Clericis admodum literatis et bene intelligentibus: et sic Evangelica margarita spargitur, et a porcis conculcatur, etc. The passages in which Wicliffe defends his translation, see in *Wharton* auctarium historiae dogmaticæ *J. Usserii* de scripturis et sacris vernaculis. Londin. 1689. 4to. p. 432 seq. in *Lewis*, p. 67 seq. e. g. The clerks say, it is Heresy to speake of the holy Scripture in English, and so they would condempne the Holy Gost that gave it in Tongues to the Apostles of Christ, to speake the Word of God in all Languages that were ordayned of God under Heaven, as it is written.

<sup>11</sup> He came forward with sixteen conclusiones, which he offered to defend publicly; of which the first was: Hostia consecrata quam videmus in altari, nec est Christus, nec aliqua sui pars, sed efficax ejus signum (*Wood* hist. et antiquit. Univers. Oxon. lib. I. p. 188). The chancellor of the University condemned this doctrine at once (see the *Definitio* in *Lewis*, p. 268): but Wicliffe appealed to the king. Et post appellationem advenit nobilis Dominus, Dux Lancastriæ, — prohibens Magistro prædicto Johanni, quod de cætero non loqueretur de ista materia. Sed nec ipse contempnans suo ordinario Cancellario, nec tam strenuo Domino incepit *Confessionem* quandam facere, in qua continebatur omnis error pristinus, sed secretius sub velamine vario verborum, in qua dixit suum conceptum, et visus est suam sententiam probare. Sed velut hæreticus pertinax refutavit omnes Doctores de secundo Millenario in materia de sacramento Altaris, et dixit, omnes illos errasse præter Berengarium, — et ipsum et suos complices; dixit palam Sathanam solum et potestatem habere in Magistro Sententiarum et in omnibus qui fidem Catholicam prædicaverunt (see *Lewis*, p. 271). The *Confessio* in *Lewis*, p. 272: Sæpe confessus sum et adhuc confiteor, quod idem corpus Christi in numero quod fuit assumptum de Virgine, quod passum est in cruce, — est vere et realiter panis sacramentalis: — cujus probatio est, quia Christus, qui mentiri non potest, sic asserit. Non tamen audeo dicere, quod corpus Christi sit essentialiter, substantialiter, corporaliter vel identice ille panis. — Credimus enim, quod triplex est modus essendi corpus Christi in hostia consecrata, scil. virtualis, spiritualis et sacramentalis. Virtualis, quo benefacit per totum suum dominum [*leg. dominium*] secundum bona naturæ vel gratiæ. Modus autem essendi spiritualis est, quo corpus Christi est in Eucharistia et Sanctis per gratiam. Et tertius est modus essendi sacramentalis, quo corpus Christi singulariter [*est*] in hostia consecrata. Sed præter istos tres modos essendi sunt alii tres modi reales et veriores quos corpus Christi appropriate habet in cælo, scil. modus essendi substantialiter, corporaliter et dimensionaliter. Et grosse concipientes non intelligunt alium modum essendi naturalis substantiæ præter illos. Illi autem sunt valde indispositi ad concipiendum arcana Eucharistiæ, et subtilitatem scripturæ. These advocates of transubstantiation were designated as a secta cultorum accidentium, cultores signorum, and confuted by various passages from the church-fathers. The close: Væ generationi adulteræ, quæ plus credit testimonio Innocentii vel Raymundi, quam sensui Evangelii capto a testibus supradictis. Idem enim esset scandalizare illos in isto, et imponere eis hæresim ex perversione sensus scripturæ, præcipue et iterum de ore perverso Apostatæ accumulantis super Ecclesiam Romanam mendacia, quibus

amongst the learned, especially at Oxford, to be entirely put down. The archbishop of Canterbury, at a council held in London May and June, 1382), condemned a number of his assertions as heresy.<sup>1</sup> The king began once more to support the hierarchy.<sup>13</sup> But though Wic-

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fingit, quod Ecclesia posterior priori contraria correxit fidem, quod sacramentum istud sit accidens sine subjecto, et non verus panis et vinum, ut dicit Evangelium cum Decreto. Nam teste Augustino tale accidens sine subjecto non potest sacerdos conficere. Et tamen tantum magnificent sacerdotes Baal mendaciter, indubie juxta scholam patris sui, consecrationem hujus accidentis, quod reputant missas alias indignas audiri, vel dissentientes suis mendaciis inhabiles alicubi graduari: sed credo, quod finaliter veritas vincet eos.

<sup>12</sup> See Mansi XXVI. p. 695. Namely, as Conclusiones hæreticæ: I. Quod substantia panis materialis et vini maneat post consecrationem in sacramento altaris. II. Item quod accidentia non maneat sine subjecto post consecrationem in eodem sacramento. III. Item quod Christus non sit in sacramento altaris identice, vere et realiter in propria præsentia corporali. IV. Item quod si Episcopus vel sacerdos existat in peccato mortali, non ordinar, conficit, nec baptizat. V. Item quod si homo fuerit debite contritus, omnis confessio exterior est sibi superflua vel inutilis. VI. Item pertinaciter asserere, non esse fundatum in Evangelio, quod Christus Missam ordinaverit. VII. Item quod Deus debet obedire Diabolo. VIII. Item quod si Papa sit præstigiator et malus homo, ac per consequens membrum Diaboli, non habet potestatem supra fideles Christi ab aliquo sibi datam, nisi forte a Cæsare. IX. Item quod post Urbanum sextum non est aliquis recipiendus in Papam, sed vivendum est more Græcorum sub legibus propriis. X. Item asserere, quod est contra sacram scripturam, quod viri ecclesiastici habeant possessiones temporales. Then follow 14 Conclusiones erroneæ: I. Quod nullus Prælati debet aliquem excommunicare, nisi prius ipsum sciat esse excommunicatum a Deo. III. Item quod Prælati excommunicans clericum, qui appellavit ad regem et consilium regni, eo ipso traditor Dei est, regis et regni. IV. Item quod illi, qui dimittunt prædicare seu audire verbum Dei vel evangelium prædicatum propter excommunicationem hominum sunt excommunicati, et in die iudicii traditores Dei habebuntur. V. Item asserere, quod liceat alicui, etiam diacono vel presbytero, prædicare verbum Dei absque auctoritate sedis Apostolicæ vel Episcopi catholici, seu alia de qua sufficienter constat. VI. Item asserere, quod nullus est dominus civilis, nullus est Episcopus, nullus est Prælati, dum est in peccato mortali. VII. Item quod domini temporales possint ad arbitrium eorum auferre bona temporalia ab ecclesiasticis habitualiter delinquentibus, vel quod populares possint ad eorum arbitrium dominos delinquentes corrigere. VIII. Item quod decimæ sunt puræ elemosynæ, et quod parochiani possint propter peccata suorum curatorum eas detinere, et ad libitum aliis conferre. IX. Item quod speciales orationes applicatæ uni personæ per Prælati vel religiosos non plus prosunt eidem personæ, quam orationes generales, cæteris paribus, eidem. X. Item quod eo ipso, quod aliquis ingreditur religionem privatam quamcunque, redditur ineptior et inhabilior ad observantiam mandatorum Dei. XI. Item quod sancti instituentes religiones privatas quascunque, tam possessionatarum, quam mendicantium, in sic instituendo peccaverunt. XII. Item quod religiosi viventes in religionibus privatis non sint de religione Christiana. *Error perniciosus.* XIII. Item quod fratres teneantur per laborem manuum, et non per mendicationem victum suum acquirere. *Damnatus ab Alex.* XIV. Item quod conferens elemosynam fratribus vel fratri prædicanti est excommunicatus et recipiens. Three of the most distinguished of Wicliffe's followers, Nicholas de Hereford, John Aston, and Philip Repingdon were summoned before the council; their explanations of the above propositions were not, however, satisfactory. Wicliffe complains that various assertions were attributed to him at this council without foundation; namely, Deus debet obedire Diabolo, see *Lewis*, p. 96.

<sup>13</sup> See the royal edict of 12 Jul. 1382, in *Lewis*, p. 282, by which permission was given the bishops ad omnes et singulos, qui dictas conclusiones sic damnatas prædicare seu manutenerent vellent, — arrestandos, etc., and the university of Oxford ordered on 13 Jul. (*ibid.* p. 379), to excommunicate all qui quicquam prædic-

liffe was forced to leave Oxford and retreat to his rectory of Lutterworth, he continued to attack the abuses of the church with unabated zeal. Shortly before his death († 1384) he wrote the *Triologus*, in which he deposited the results of all his observations in ecclesiastical and theological matters, a legacy, as it were, for posterity.<sup>14</sup>

torum hæresium vel errorum — foverint vel defenderint, vel qui magistros Jo. Wycelyff, Nicholaum Herforde, Philippum Repyngdon, Jo. Astonu — in domos et hospitia ausi fuerint acceptare, vel cum eorum aliquo communicare etc.

<sup>14</sup> *Jo. Wiclefi dialogorum libri IV.* ed. (*Basilee*) 1525. 4to. (compare Baumgartens Nachr. von einer hall. Bibl. Bd. 5. S. 178); ed. *L. Ph. Wirth*. Francof. et Lips. 1753. 4to. Wicliffe himself calls the work *triologus*, see the introduction: *vidinus quod posset multis utilis quidam esse Triologus, ubi primo Alithia tanquam solidus theologus loqueretur; secundo infidelis, captiosus tanquam Pseudis objiceret; et tertio subtilis theologus et maturus, tanquam Phronesis decideret veritatem.* Contents: Lib. I. de Deo et ideis (in which the Platonic Realism is very decidedly maintained) Lib. II. de rebus creatis (teaching, c. 14, strict predestination: *Et sic videtur mihi probabile, quod Deus necessitat creaturas singulas activas ad quemlibet actum suum. Et sic sunt aliqui prædestinati, hoc est post laborem ordinati ad gloriam: aliqui præciti, hoc est post vitam miseram ad penam perpetuam ordinati.* (cf. *Thomas Bradwardinus*, § 113, note 10) Lib. III. de virtutibus et vitiis (cf. cap. 31): *nulla alia scriptura capit auctoritatem vel valorem, nisi de quanto sua sententia a scriptura sacra sit derivata.* — *Et hinc Augustinus — sæpe præcipit, quod nemo credat scriptis suis vel verbis, nisi de quanto se fundaverint in scriptura, et in ipsa, ut sæpe dicit, omnis veritas implicite vel explicite continetur. Et indubie idem est judicium de scriptis aliorum sanctorum doctorum, et multo magis de scriptis Romanæ ecclesiæ, et doctorum novorum.* — *Et tunc scriptura sacra foret in reverentia, et bullæ papales (sicut debent) forent postpositæ, et tam leges papales, quam doctorum novorum sententiæ, quæ sunt post solutionem Sathanæ promulgatæ, forent in suis limitibus veneratæ.* He appears as a reformer more especially in the Lib. IV., where, beginning with the sacraments, he goes on to reprove many of the abuses and errors of the church. First, de Eucharistia, c. 2–10, where he attacks the notion, *quod hoc sacramentum sit accidens sine subjecto.* Cap. 2: *Ipse curia ante solutionem diaboli cum antiqua sententia planius concordavit, ut patet Dist. II. c. Ego Berengarius (see above, § 29, note 10).* *Et sic de omnibus sanctis Doctoribus, qui usque ad solutionem Sathanæ istam materiam pertractarunt. A tempore autem solutionis Sathanæ, dimissa fide scripturæ, multæ hæreses in ista materia, et specialiter inter fratres et discipulos eis similes, volitarunt.* Cap. 4: *Non dubium etiam laico idiotæ, quin sequitur: iste panis est corpus Christi, ergo iste panis est, et per consequens manet panis, et sic simul est panis et corpus Christi. Exempla autem possunt grossa poni pro ista materia attestanda. Non enim oportet, sed veritati repugnat, quod homo, dum fit dominus vel prælatus Ecclesiæ, desinat esse eadem persona: sed maneat omnino eadem substantia quoddammodo exaltata. Sic oportet credere, quod iste panis virtute verborum sacramentalium fit consecratione sacerdotis primi veraciter corpus Christi: — natura panis non ex hinc destruitur, sed in digniorem substantiam exaltatur.* Cap. 6: *Istam ergo reputo causam lapsus hominum in istam hæresim, quod discrepant Evangelio, et leges papales ac dicta apocrypha plus acceptant.* Cap. 7: *Ideo si essent centum Papæ, et omnes fratres essent versi in Cardinales, non deberet concedi sententiæ suæ in materia fidei, nisi de quanto se fundaverint in scriptura.* — Cap. 14 *De confirmatione*, doubts de ejus fundatione ex fide scripture. — Cap. 15: *De sacramento ordinis*: *In primitiva ecclesia — suffecerunt duo ordines clericorum, scil. sacerdos atque diaconus. — Tunc enim adinventum non fuit distinctio Papæ et Cardinalium, Patriarcharum et Archiepiscoporum, Episcoporum et Archidiaconorum, Officialium et Decanorum cum cæteris officariis, et privatis religionibus, quorum non est numerus neque ordo. De contentiõibus autem circa ista, quod unumquodque istorum est ordo, et in ejus acceptione gratia Dei ac character imprimatur, cum aliis difficultatibus quas nostri balbutiunt, videtur mihi esse tacendum, cum sic loquentes nec fundant quod asserunt, nec probant. Sed ex fide scripture videtur mihi sufficere, esse Presbyteros atque Diaconos, servantes statum*

The followers of Wicliffe, to whom the heretic name of Lollards was soon applied, were chiefly amongst the higher and more cultivated

atque officium, quod eis Christum imposuit, quia certum videtur, quod superbia cæsarea hos gradus et ordines adinvenit. — Dixit dominus ad Aaron: *in terra eorum nihil possidebitis, — filiis autem Levi dedi omnes decimas Israel.* — Si ergo prælati nostri — fundant se in secunda parte hujus dicti dominici ad avide capiendum decimas, — cur non primam partem auctoritatis domini pro amore Christi pauperis adeo amplectuntur? Cap. 17: Habere civiliter, cum necessitat ad sollicitudinem circa temporalia et leges hominum observandas, debet omnino clericis interdicti. Et quantum ad Sylvestrum et alios, est mihi probabile, quod in recipiendo taliter dotationem graviter peccaverunt. Cap. 18: Temporales domini in isto graviter peccaverunt. Et hinc credo quod justo Dei judicio taliter in suis mundanis divitiis sunt puniti. Ex hoc enim orta sunt bella, contentio et paupertas multorum sæcularium dominorum. — Unde narrant Chronice, quod in dotatione Ecclesiæ vox audita est in aëre angelica tunc temporis sic dicentis: *hodie effusum est venenum in ecclesia sancta Dei.* Unde a tempore Constantini, qui sic dotavit ecclesiam, decrevit imperium Romanum, et ipso dominium sæculare. — Nos autem dicimus illis [dominis temporalibus], quod nedum posunt auferre temporalia ab ecclesia habitualiter delinquente, nec solum quod illis licet hoc facere, sed quod debent sub pœna damnationis gehennæ, cum debent de sua stultitia pœnitere et satisfacere pro peccato, quo Christi ecclesiam macularunt. Cap. 23: *De pœnitentia.* Prima est solum in animo et insensibilis, quia contritus domino confitetur. Illa autem licet sit parvipensa, est tamen virtute maxima, sine qua alia nihil valent. Secunda vero est pœnitentia aggregata ex illa, et expressione vocali singulariter facta Deo, et sic tam patres legis veteris, quam patres novi testamenti communiter sunt confessi. Sed tertia est pœnitentia aggregata ex duabus prioribus, et promulgatione secreta private facta presbytero. Et ad istam pœnitentiam magis attendimus propter lucrum. Utrum autem ista pœnitentia tertia sit de necessitate salutis, vel qua auctoritate introducta fuerat, est dissensio apud multos. — Sed non credat aliquis, quin sine tali confessione auriculari stat hominem vere conteri et salvari, cum Petrus injunxit generalem pœnitentiam. Of the passage, *Matth. xvi. 19: Quodcumque ligaveris, etc.* Non videtur hoc dictum in Petro ulteriorem sapere potestatem, nisi quod omne, quod ligaverit vel solverit super terram conformiter ad Christi judicium et ecclesiæ triumphantis, erit solutum et in cœlis. Cap. 25: *De extrema unctione.* That there was no foundation for this sacrament in *James v. 14:* cum fidelis posset dicere satis probabiliter, quod ille sanctus Apostolus non specivocat infirmitatem finalem, sed consolationem faciendam a presbytero, dum aliquis infirmatur, et quia per viam naturæ oleum abundans in illis partibus valet ad corporis sanitatem. Ideo talem meminit unctionem, non quod illud oleum agat in animam, sed quod oratio effusa a sacerdote devoto medicat quemquam, ut Deus infirmitati animæ suffragetur. Si enim ista corporalis unctio foret sacramentum, ut modo fingitur, Christus et cæteri Apostoli ejus promulgationem et executionem debitam non tacerent. — Et sic in sacramento baptismatis, in sacramento confirmationis et cunctis aliis Antichristus ritus infundabiles adinvenit, et ad onus ecclesiæ extra fidem scripturæ supra fideles subditos cumulavit. Sacramenta autem alia necessaria prætermisit, ut patet de septem operibus spiritualis misericordiæ, quæ debent apud fideles, et specialiter presbyteros, esse sacramentum, etc. Cap. 26: *De speciebus ministrorum:* Antichristus habet sub specie cleri procuratores duodecim contra ecclesiam Christi machinantes, cujusmodi communiter ponuntur Papæ et Cardinales, Patriarchæ, Archiepiscopi, Episcopi, Archidiaconi, Officiales, Decani, Monachi et Canonici bifurcati, Pseudofrateres introducti jam ultimo, et Quæstores (all which were to be distinguished from the sacerdotes Christi, recte ejus Evangelium prædicantes. Et ista pars debet esse quasi anima corpori matris nostræ). Omnes autem isti duodecim, et specialiter prælati Cæsarii et fratres infundabiliter introducti sunt manifeste discipuli Antichristi, quia libertatem Christi tollunt, ac onerant sanctam ecclesiam et impediunt, ne currat lex evangelii libere sicut olim. Cap. 27: *Quod fratres comminiscant hæresim in ecclesia.* Tres blasphemias de multis ostendi populo de istis fratribus in vulgari. Prima est de quidditate sacramenti altaris (namely, quod ipsa consecrata hostia sit accidens sine subiecto); secunda de mendicatione Christi, et tertia



classes.<sup>15</sup> The hierarchy continued to repeat their condemnation of

de literis fraternitatum falsissimis (in which they pretend, quod personæ, quibus istas concedunt, participabunt post mortem de suis meritis). This subject continued to c. 31. Cap. 32: *De indulgentiis*: Superbia eorum, quia Deum oderunt, ascendit semper. Ideo licet fons hæresis et peccati sit in ipso tenebrarum principio, tamen rivulus fratrum ab eo descendens nititur, ut dictum est, innaturaliter se extollere supra fontem. Fateor, quod indulgentiæ Papales, si ita se habeant ut dicuntur, tunc sapiant manifestam blasphemiam. Dicitur enim, quod Papa prætendit se habere potentiam ad salvandum singulos viatores: — et nedum ad mitigandum pœnas eorum, qui deliquerunt, ad suffragandum eis cum absolutiõibus et indulgentiis, ne unquam veniant ad purgatorium, sed ad præcipiendum sanctis angelis, ut anima separata a corpore, indilate ipsam deferant in requiem sempiternam. Et per fratres coloratur ista blasphemiam per hoc, quod Christus est omnipotens. — Sed Papa est plenus vicarius ejus in terris, et ideo potest idem quicquid potest Christus humanitus. — Unde ad declarandum papalem potentiam pseudo-fratres in secretis fidei sic procedunt. Supponunt enim primo, quod in cœlis sint infinita sanctorum supererogata merita, et specialiter meritum domini nostri Jesu Christi, quod sufficeret salvare mundos alios infinitos: et super illum totum thesaurum Christus Papam constituit ad secundum quod sibi libere dispensandum: ideo infinitum potest de illo distribuere, cum hoc remaneat infinitum. Contra istam rudem blasphemiam invexi alias primo sic. Nec papa nec dominus Jesus Christus potest dispensare cum aliquo, nec dare indulgentias, nisi ut æternaliter deitas justo consilio definitivum. — Item quæro de illis supererogatis meritis sempiternis, in quo membro ecclesiæ subjectantur? Si in Christo et membris suis, mirabile videtur, quod Papa potest a subjectis propriis illa subtrahere propter multa. Primo quia accidens non potest esse sine subjecto. Secundo quia nullus eorum illa desiderat, præterit illis hora merendi. Et tertio quia plene juxta suum meritum præmiatur. Quomodo ergo Papa potest per rapinam talem imaginativam facere Deo et illis injuriam? Item per deducens ad impossibile declaratur, quod si viator in tempore alicujus Papæ damnabitur, ipse Papa erit reus damnationis propter hoc, quod mittit ipsum salvare, etc. — In tales infinitas blasphemias involvit infatuata ecclesiæ, et specialiter per caudam illius draconis, hoc est sectas fratrum, quæ ad illusionem istam, et alias seductiones ecclesiæ Luciferinæ deserviunt. Sed eia milites Christi, abjicite prudente hæc atque fictitias principis tenebrarum, et induimini Jesum Christum, — et excutite ab ecclesiæ tales versutias Antichristi, etc. — Cap. 33 to 38 are against the Mendicants. With this work of Wicliffe's may be compared the account of his opinions given in *Lewis*, p. 125, and supported by citations from the original works. The most remarkable of his views are those concerning the abuse of the mass, the scientific music in the churches, consecration with oil, salt, wax, etc., canonization, pilgrimages, ecclesiastical asylums, the celibacy of the clergy, etc. He defines heresy, p. 140, as *Errour meynthened agenst holy writt, and that in life and conversation, as well as in opinion.* He also condemns war and capital punishment.

<sup>15</sup> See the list of Wicliffe's most considerable followers in *Wood* hist. Univ. Oxon. p. 186; and in *Lewis*, p. 175. — *Henricus de Knyghton*, Lib. V. p. 2660: Erant etiam milites, Dominus Thomas Latymer, Dom. Johannes Trussel, etc. — cum Ducibus et Comitibus, isti erant præcipue eis adhærentes et in omnibus eis faventes. — Cumque aliquis Pseudo-Prædicator ad partes alicujus istorum militum se diverteret prædicationis causa, in continenti cum omni promptitudine populum patriæ convocare, et ad certum locum vel Ecclesiam cum ingenti sollicitudine congregare satagebat, ad audiendum voces eorum, licet invitos, resistere tamen vel contradicere non audentes. Nam assistere solent juxta sic inepte prædicantes gladio et pelta stipati, ad eorum defensionem, ne quis contra eos aut eorum doctrinam blasphemiam aliquid tentare vel contradicere quandoque auderet. — Crevit populus credentium in ista doctrina, et quasi germinantes multiplicati sunt nimis, et impleverunt ubique orbem regni, — audacesque ad plenum facti sunt. — Sicque a vulgo Wyclif discipuli et *Wycliviani* sive *Lollardi* vocati sunt. — Secta illa in maximo honore illis diebus habebatur et in tantum multiplicata fuit, quod vix duos videres in via, quin alter eorum discipulus Wyclefi fuerit. — *Thomas Walsingham* in *Hypodigmate Neustriæ*, p. 544: Lollardi sequaces Johannis Wickliff

in tantam sunt evecti temeritatem, ut eorum presbyteri more Pontificum novos crearent presbyteros, asserentes, quemlibet sacerdotem tantam habere potestatem conferendi sacramenta ecclesiastica, quantum Papa. — Audierunt et cognoverunt hæc regni Pontifices, sed abierunt alius in villam suam, alius ad negotiationem suam: solus Norwicensis temporibus malis ausus est esse bonus. *Henricus de Knyghton*, p. 2706, says of them: insuper novos errores antiquis immiscuit, and then gives a catalogue of 25 heresies, amongst which, besides those of Wicliffe above enumerated, are the following: VII. quod non est supplicandum Sanctis orare pro viventibus, nec dicenda est Letania: affirmant enim Deum omnia facere, ipsos nihil facere posse, quos Sanctos vocamus. Sed multos eorum prædicant esse in inferno, quorum festa celebrantur. XI. quod nullus intrabit regnum cælorum, nisi omnibus renunciaverit, ea dando pauperibus, solum Deum sequendo, modo ipsorum. XIII. quod omnia inter clericos debent esse communia. XVI. quod non licet aliquo modo jurare. Compare the *Conclusiones*, presented to Parliament by the Lollhards, A. D. 1394, in *Loris*, p. 298: *Prima* Conclusio est, quod, quando Ecclesia Angliæ incepit delirare in temporalitate secundum noværam suam magnam Ecclesiam Romanam, et Ecclesiæ fuerant auctorizatae per appropriationem diversis locis; fides, spes, charitas inceperunt fugere de Ecclesia nostra, quia superbia cum sua dolorosa genealogia mortalium peccatorum vendicabat hoc titulo veritatis. — *Secunda* Conclusio, quod nostrum usuale sacerdotium, quod incepit in Roma, fictum potestate Angelis altiori, non est istud sacerdotium, quod Christus ordinavit suis Apostolis. — III. quod lex continentie injuncta sacerdotio, quæ in præjudicium mulierum prius fuit ordinata, inducit Soloniam in totam sanctam Ecclesiam. — IV. quod fictum miraculum sacramenti panis inducit omnes homines — in idolatriam. — Sed vellet Deus, quod ipi vellent credere, quod *Doctor Evangelicus* dicit in suo *Trialogo*, quod panis Altaris est accidentaliter corpus Christi. — V. quod Exorcismi et benedictiones factæ super vinum, panem, aquam et oleum, sal, ceram, et incensum, lapides Altaris, et ecclesiæ muros, super vestimentum, mitram, crucem et baculos peregrinorum sunt vera practica necromantie potius quam sacra theologia. — VI. quod Rex Episcopus in una persona, Prælatus et iudex in temporalibus causis, Curatus et Officialis in mundiali officio facit quodlibet regnum extra bonum regimen. — VII. quod spirituales orationes pro animabus mortuorum factæ in Ecclesia nostra, præferentes unam per nomen atequam aliam, est falsum fundamentum elemosynæ. — VIII. quod peregrinationes, orationes, et oblationes factæ crucibus sive *Rodys*, et surdis imaginibus de ligno et lapide, sunt prope consanguineæ ad idolatriam: — imago usualis de trinitate est maxime abominabilis. — IX. quod auricularis confessio, quæ dicitur tam necessaria ad salvationem hominis, cum ficta potestate absolutionis, exaltat superbiam Sacerdotum, et dat illis opportunitatem secretarum sermocinationum, quas nos nolumus dicere, quia Domini et Domine attestantur, quod pro timore confessorum suorum non audent dicere veritatem, et in tempore confessionis est opportunum tempus procationis, id est *of Howyng* et aliarum secretarum conventionum ad peccata mortalia. Ipsi dicunt, quod sunt commissarii Dei ad iudicandum de omni peccato, ad perdonandum et mundandum, quemcumque eis placuerit. Dicunt, quod habent claves cæli et inferni, et possunt excommunicare et benedicere, ligare et solvere ad voluntatem eorum, in tantum quod pro tussello vel XII denariis volunt vendere benedictionem Cæli per cartam et clausulam de warrantia (*garantie*) sigillata sigillo communi. — X. Quod homicidium per bellum vel prætentam legem justitiæ pro temporali causa sine spirituali revelatione, est expresse contrarium Novo Testamento, quod quidem est lex gratiæ et plena misericordiarum. — XI. quod votum continentie factum in nostra Ecclesia per mulieres, quæ sunt fragiles et imperfectæ in natura, est causa inductionis maximorum horribilium peccatorum possibilium humanæ naturæ: quia, licet interfectio puerorum antequam baptizentur, et abortivorum, et destructio natura per medicinam sint turpia peccata, adhuc commixta cum seipsis vel irrationalibus bestiis, vel creatura non habente vitam, tali transcendit indignitate, ut puniantur pœnis inferni. — XII. quod multitudo artium non necessarium usitatarum in nostro regno nutrit multum peccatum in *Waste* curiositate et inter *Disguising*. — videtur nobis quod aurifabri et armatores, et omnimodæ artes non necessariae homini secundum Apostolum destruerentur pro incremento virtutis.

his doctrines,<sup>16</sup> denouncing especially his translation of the bible,<sup>17</sup> but without effect. At length under the young Henry V. (A. D. 1413) at the instigation of the clergy, in particular of his father confessor, the Carmelite Thomas Waldensis,<sup>18</sup> a bloody persecution was commenced, and the Wicliffites in England seemed soon to be entirely exterminated.<sup>19</sup> But the truth thus persecuted and trampled down soon rose again in its full vigor. The renewed condemnation of Wicliffe at the council of Constance, with the sentence that his bones should be dug up and burned (A. D. 1428),<sup>20</sup> only served to show the impotence of earthly power in the struggle.<sup>21</sup>

<sup>16</sup> cf. *Wilkins* Conc. Britanniae, vol. III. p. 202 seq. Compare especially Conc. Londin. ann. 1396, p. 227 seq. (Mansi XXVI. p. 811 seq.), where again 18 propositions of Wicliffe's were condemned; and Constitutiones *Dom. Thomæ Arundel* Cantuar. Archiep. ann. 1408, in *Wilkins*, p. 314 (Mansi XXVI. p. 1031).

<sup>17</sup> In A. D. 1401, Wicliffe's translation was attacked by the Franciscan, William Butler (see *Jac. Usserii* historia dogm. controversiæ de scripturis et sacris vernaculis, Lond. 1690. 4to. p. 163). — Constitutionum *Thomæ Arundel*, ann. 1408. Const. VII: Periculo-a quoque res est, testante b. Jeronymo, textum sacre scripturæ de uno in aliud idioma transferre, eo quod in ipsis translationibus non de facili idem in omnibus sensus retinetur, prout idem b. Jeronymus, *etsi inspiratus fuisset*, se in hoc sapius fatetur errasse. Statuimus igitur et ordinamus, ut nemo deinceps aliquem textum sacre scripturæ auctoritate sua in linguam Anglicanam vel aliam transferat per viam libri, libelli aut tractatus: nec legatur aliquis hujusmodi liber, libellus aut tractatus jam noviter tempore dicti Johannis Wycliffi, sive citra, compositus, aut in posterum componendus, in parte vel in toto, publice vel occulte, sub majoris excommunicationis pœna, quousque per loci diœcesanum, seu si res exegerit per Concilium provinciale ipsa translatio fuerit approbata. Qui contra fecerit, ut fautor hæresis et erroris similiter puniatur.

<sup>18</sup> He too, with many others, wrote a *Doctrinale antiquitatum fidei Ecclesie Cathol.* (against the followers of Wicliffe and Huss), ed. Paris. 1532. Venet. 1571. fol.

<sup>19</sup> The persecution began with the arrest of John Oldcastle, Lord Cobham, who escaped from the tower, but was, at length, imprisoned again, and in A. D. 1416, hung in chains, and burned. Comp. *Walsingham* hist. Angliæ, p. 382 seq. Ejust. hypodigma Neustriæ, p. 574 seq. *Jo. Fox* rerum in ecclesia gestarum, quæ postremis et periculis his temporibus evenerunt (Basil. 1559. fol.), P. I. p. 97 seq. — Compare *Thomas Waldensis* in proemio (*Raynald.* ann. 1414, no. 16): Henricus V. Christo et mundo commendatissimus inter Reges, gaudebat in ipso regni sui primordio contra Wiclevistas hæreticos crexisse vexillum, dum scilicet ad Christi natalem cum duce iniquitatis eorum Joanne Castriveteris (*Oldcastle*) contra inclytum Regem conspirare cœperunt: nec mora longa processit, quin statutum publicum per omne regni concilium in publico emanavit edicto, quod omnes Wiclevistæ, sicut Dei proditores essent, sic proditores Regis et regni, proscripti bonis censerentur, duplici pœnæ dandi, incendio propter Deum, suspensio propter Regem factumque est ita. Stat res jure perenni. Multi eorum deprehensi ignibus consumti sunt, contriti sunt: et sic malignantium habita opportunitate relicto regno decesserunt. Si qua alia gens (Bohemia) hujus fascinata criminibus colligere dignum ducat paleas, quas nos auctoritate sanctorum antistitum cum clero regni et principali terrore discussimus, quis imputet Anglicis? Mare nostrum eiecit mortuos nostros, et terra nostra dedit fructum centuplum, quis criminabitur Angliam, quod populus circumventus dolo hæretico mortuos nostros colit et veneratur ut Deus?

<sup>20</sup> The council of Constance at its eighth sitting, on the 4th of May, 1415, condemned 45 articles of Wicliffe's, sentenced his books to be burned, and resolved, corpus ejus et ossa, si ab aliis fidelium corporibus discerni possint, exhumari, et procul ab ecclesiastica sepultura jactari secundum canonicas et legitimas sanctiones (v. d. *Hardt* Conc. Const. T. IV. p. 150 seq.). As late as 1427, how-

## CHAPTER NINTH.

## PROGRESS OF CHRISTIANITY.

## § 121.

IN this period the last heathen nations of Europe were converted to Christianity in as far as depended on the mere performance of the rite of baptism. In Lithuania the Greek church had already made some converts, when the Grand Duke Jagello, in order to secure the hand of Hedwig, the heiress of the Polish crown, caused himself to be baptized into the Romish church (A. D. 1386), and called on his subjects to follow his example.<sup>1</sup> But although many were baptized,<sup>2</sup>

ever, Martin V. had to enjoin the execution of this command on the bishop of Lincoln again and again (*see Raynald. ann. 1427, no. 14*).

<sup>1</sup> The Lutheran theologians do injustice to Wicliffe. Luther condemns his doctrine concerning the last supper, calling him the *spitzigen Wicliffe* (the subtle Wicliffe) (*Bekenntniss vom Abendmahl Christi in Walchs Ausg. Th. 20. S. 1288 and 1294*). *Melancthon* in *Apologia August Confess. ad Art. XVI: Plane furebat Wiglefus, qui negabat licere sacerdotibus tenere proprium*. And even in the *Unschuldigen Nachrichten, A. D. 1712, S. 558*, Wicliffe is denied a place amongst the true reformers.

<sup>1</sup> *Jo. Dlugossi* (Canon. in Cracow, † 1480) *hist. Poloniae. Francof. 1711. fol. Lib. X. p. 96 seq.* According to p. 104, Jagello's brother Switrigal, and his cousin Witondt were baptized with him at Cracow: *reliqui Lithuaniae Duces, fratres Ducis Jagyellonis cum dudum ante Græcorum ritu baptismata sortiti fuerint, ad iterandum, vel ut significatori verbo utar, ad supplendum baptismata non poterant induci*. Compare *Schlossers Gesch. von Litthauen, in der Allgem. Weltgesch. Th. 50. S. 84 ff.*

<sup>2</sup> *Jo. Dlugossus, l. c. p. 109 seq.* In A. D. 1387, Jagello, now Wladislaus II., repaired with a great retinue to Lithuania, and there commanded all the heathen relics to be destroyed. *Contractis autem et exterminatis idolis, dum Deorum suorum falsitatem — oculis pervidissent, universa Lithuanorum gens et natio fidem Christianam suscipere — prona et obediens devotione consensit. Per dies autem aliquot de articulis fidei, quos credere oportet, et oratione dominica, atque symbolo per sacerdotes Polonorum, magis tamen per Wladislaw Regis, qui linguam gentis noverat et cui facilius assentiebat, [operam] edocta, sacri baptismatis unda renata est, largiente Wladislaw Rege singulis ex popularium numero post susceptum baptismata de panno ex Polonia adducto novas vestes, tunicas, et indumenta. Qua quidem provida liberalitate et largitione effecit, ut rudis illa natio et pannosa, lineis in eam diem contenta, fama hujusmodi liberalitatis vulgata pro consequendis laneis vestibus catervatim ad suscipiendum baptismata ex omni regione accederet. Et quoniam labor immensus erat, unumquemque credentium baptisare singillatim, concurrentis ad baptismata populi Lithuanici utriusque sexus multitudo mandante Rege sequestrabatur in turmas et cuneos, et universis de qualibet turmarum benedicta aqua sufficienter conspersis, cuilibet etiam turmæ et universis, qui in ea constituerant, nomen Christianum et usitatum abrogatis barbaricis, videlicet primæ turmæ *Petrus*, secundæ *Paulus*, etc. — imponebantur. Militaribus tamen et natu majoribus specialis impendebatur baptismata, etc.* The nature of this conversion will be better understood by the following facts: the Lithuanian prince had been baptized once in Prussia, in 1384, when he took refuge with the Order of the German Knights (*see Jahrbücher Johannes Lindenaublat's [a contemporary]*

they remained in fact as completely heathen as before.<sup>3</sup> Such was likewise the case amongst the Laplanders, whom Hemming, archbishop of Upsal, undertook to convert (A. D. 1335).<sup>4</sup>

The popes still continued to flatter themselves with false hopes of converting the Moguls to Christianity, though most of the nations comprehended under that name had now decidedly embraced Mohammedanism.<sup>5</sup> The small Christian church in China was entirely destroyed by the expulsion of the Moguls from that country (A. D. 1369).<sup>6</sup>

### § 125.

#### PERSECUTION AND CONVERSION OF THE JEWS.

The Jews in the 14th century underwent various persecutions, the offspring partly of avarice, and partly of religious fanaticism.<sup>1</sup> One

ed. by Joh. Voigt u. Schubert Königsberg, 1823, S. 60); and again by Russian priests (see Lucas Davids [† 1583] Preuss. Chronik, ed. by Henning, Bd. 7. S. 174, Anm. S. 189, 225), before he received baptism in Cracow. — The Samogitæ, a Lithuanian tribe, invited the German Order to come in and baptize them, in 1401 (Lindenblatt, S. 130): in 1413, king Wladislaus found this land still heathen, and once more converted it (*Dlugossus*, lib. XI. p. 342 seq.): but in 1418, the Samogitæ drove away their priests, burned their churches, and returned again to paganism (Lindenblatt, S. 334).

<sup>3</sup> *Æneas Sylvius* de Statu Europæ sub Frider. III. c. 20. (in *Freheri* Rer. Germ. Scriptt. ed. Struve, T. II. p. 114) relates on the authority of a monk, Hieronymus Pragensis, that only a short time before the council of Basil, idolatry was still extensively prevalent in Lithuania. When the monk, supported by king Wladislaus and duke Witoldt, began to destroy their idols, and their temples, there were symptoms of reformation: motus ea re Witoldus, veritusque populorum tumultum, Christo potius quam sibi deesse plebem voluit, revocatisque literis, quas Præsidibus provinciarum dederat, jubens parere Hieronymo, hominem ex provincia deedere jussit. As late as the 16th century idolatry was secretly practised in this country, see Lucas David, Bd. 7. S. 205.

<sup>4</sup> *Jo. Schefferi* Lapponia Francof. 1673. 4to. p. 63 seq. Dalin Gesch. des Reichs Schweden, Th. 2. S. 169.

<sup>5</sup> Compare above, § 90, note 4. *Mosheim* hist. Tartarorum ecclesiast. p. 90 seq.

<sup>6</sup> *Mosheim*, l. c. p. 119 seq.

<sup>1</sup> Comp. Josts Gesch. der Israeliten seit der Zeit der Maccabæer, Th. 6. S. 341 ff., and Th. 7. The common pretences for persecuting them were the poisoning of wells, the desecration of the hostia, and the murder of Christian children. How much imposition was practised in this, see in *Benedicti* XII. Epist. ad Albertum Ducem Austriæ, in *Raynald.* ann. 1338, no. 18 seq. A persecution of the Jews in the territory of Passou having risen out of the finding of a bloody hostia before the house of a Jew, the duke took part with the Jews, and wrote the Pope, quod olim in ducatu Austriæ in oppido Neirmiburch — quædam hostia non consecrata cruore madefacta per quendam clericum in ecclesia dicti oppidi posita fuit, qui postmodum — confessus fuit, se dicto cruore præfatam hostiam madidasse ad præsumptionem inducendam, quod a Judæis contumeliose dehonestata taliter extitisset in opprobrium Salvatoris, quæ etiam cum a Christifidelibus per aliquod temporis spatium tanquam verum corpus Christi adoraretur, demum vernibus tinesque scaturiens demolita extitit penitus et consumpta. Quam quidam clericus ejusdem ecclesiæ sic consumptam aspiciens suggestione diabolica persuasus, erro-

of the most bloody was that which began in Seville, A. D. 1390, and spread over a great part of Spain, proving fruitful in pretended conversions.<sup>2</sup>

## APPENDIX I.

### HISTORY OF THE GREEK CHURCH.

#### § 126.

##### ATTEMPTED UNION WITH THE LATIN CHURCH.

*Lco Allatius* de Eccl. Occident. et Orient. perp. Consensione, lib. II. c. 16—18.

In order to secure the aid of the Western nations against the Turks, the Greek emperors of the 14th century exerted themselves almost incessantly to bring about a reconciliation of the two estranged churches. But, excepting themselves and a small court-party, there was no one on either side disposed to make the least concession, and all their efforts were of course in vain. The first who began these negotiations was the emperor Andronicus III., Palæologus (reigned A. D. 1328—1341), in the year 1333,<sup>1</sup> and in consequence of them a Greek embassy appeared at Avignon (A. D. 1339), but without effect.<sup>2</sup> The most conspicuous man in the embassy, the abbot Bar-

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rem errori accumulans, aliam hostiam non consecratam, cruore per ipsum intinctam, loco prædictæ hostiæ sic consumptæ reponere minime formidavit, sicut postmodum per confessionem ejusdem clerici talia perpetrantis extitit revelatum: eademque hostia in alterius locum supposita — usque ad hodiernum diem tanquam verum corpus Dominicum a Christifidelibus hujusmodi fraudem ignorantibus veneratur, — casus similis ob invidiam et odium Judæorum in oppido Werchartstof cœperat exoriri, etc. A similar case is related also by *Jo. Vitoduramus*, in the *Thesaurus hist. Helvet.* p. 41 seq., adding that the priest who had practised the deception suo Diocesano erat præsentatus, qui eum captum et vincetum detinuit per plures dies, sed quod arctæ custodiæ carceris traditus fuerit, vel alias secundum exigentiam malitiæ suæ punitus sit, non audivi: quod ex intimis meis doleo præcordiis. — Quod autem Episcopus suus remissus et negligens fuit, — in eo, ut quidam ajunt, ratio hæc est, quia per pecuniam — plebani — corruptus fuit.

<sup>2</sup> Jost, l. c. Th. 7, S. 53 ff.

<sup>1</sup> See the letters of Pope John XXII. to the Greek emperors, the patriarch of Constantinople, etc. in *Raynald*, ann. 1333, no. 17 seq. — Of the negotiations in Constantinople with two bishops sent thither by the Pope (1334), see *Niceph. Gregoræ Byzantina hist.* lib. X. c. 8 (ed. Bonn. 1829. vol. I. p. 501), who himself had an agency therein.

<sup>2</sup> See the Protocol (in *Raynald*, ann. 1339, no. 19 seq., and from a Ms. in *Allatius*, l. c. p. 788 seq.) and Benedicti XII. ep. ad Philippum regem Franciæ, *Raynald*, ann. 1339, no. 33. The Greek ambassadors made application, quod in generali concilio — articulus de processione Spiritus Sancti per disputationes et concertationes ibidem concordaretur inter Latinos et Græcos: quodque ante omnia super recuperatione trium vel quatuor civitatum magnarum, quæ per Turcos — detineri dicuntur, — præstaretur auxilium. Barlaam, who spoke in the name of the embas-

sy, promised: quæcumque a generali concilio determinata fuerint, omnes orientales libenter hæc recipient. — Si autem aliquis dicet, quia jam factum est de istis generale concilium in Lugduno, in quo fuerunt et Græci (see above, § 92, note 12): sciat, quod nemo poterit humiliare populum Græcum, ut recipiant illud concilium sine alio concilio. Quare? quia illi Græci, qui interfuerunt isti concilio, non fuerunt missi neque a quatuor patriarchis, qui gubernant orientalem ecclesiam, neque a populo, sed a solo Imperatore, qui conatus fuit facere unionem vobiscum ex vi, et non voluntarie. He petitioned, however, that the help might precede the council, in the first place, quod naturaliter omnes homines magis volunt subjugari beneficientibus eis, quam contra facientibus, in the second place because till the war with the Turks should be ended, the emperor could not assemble a council, neque enim dum guerra sit, poterit quatuor patriarchas et alios pontifices in unum conjugare, nec concilio poterit interesse. The Pope refused to hold a general council, on the ground that non esset decens, — sic clarum, determinatum et definitum articulum fidei — nunc per novas disputationes — in dubium revocare. Barlaam then made the remarkable proposition, quod saltem, si ad profitendum dictum articulum Græci forsan induci non possent, reunione facta permitterentur ipsi Græci quod super eodem articulo tenent credere, Latiniq; erederunt catholicæ Spiritum Sanctum a Patre et filio procedere: but responsum extitit, hoc esse nullatenus tolerandum, quia in ecclesia catholica, in qua una fides esse noscitur, quoad hoc duplicem fidem minus veraciter esset dare. The Pope, on the other hand, proposed that the Greek church should choose plenipotentiaries to send to the West, qui cum aliis viris sapientibus, — per sedem Apostolicam super hoc deputandis, non per modum disputationis vel concertationis, sed instructionis, quoad Græcos ipsos, salutifere haberent maturos et diligentes tractatus. Barlaam kept to his proposition; that the Pope should send ambassadors to the four Greek patriarchs and the emperor, with the following declaration: Viri fratres, quoniam vos et nos confitemur in divinis unam substantiam et tres personas, etiam unum principium, et neque vos neque nos adducimus in divinis aut identitatem personarum, aut divisionem substantiæ; sufficient ista nobis, ut habeamus unionem. De processione autem Spiritus Sancti non dividamur ab invicem; sed sapientes quidem vestri cum nostris disputent de ista questione si volunt: communiter vero non haberemus propter hoc divisionem, sed tenete vos quod vultis de isto, et nos similiter; et non damnemus propter hoc alterutrum, sed factum sit tantum. Vos quidem date ecclesiæ Romanæ illum honorem, quem dabant et antiqui patriarchæ in tempore unionis, quem determinaverunt etiam leges Imperatorum et canones sanctorum patrum, et plus non petimus a vobis: Nos autem parati sumus dare et firmare ecclesiæ orientali, et specialiter ecclesiæ Constantinopolitanæ et imperio Constantinopolitano omnia jura, quæ sunt vel ab antiqua consuetudine, vel determinata aut a legibus Imperatorum aut a canonibus sanctorum patrum. To such a proposition he thought that most of the Greeks would accede. The final answer of the Pope was, quod ex eo justa petitio non videtur, quia si [Græci] fortificati, ditati, exaltati et confirmati per sedem Apostolicam, Reges, Principes et populos catholicos ante reunionem prædictam postea terga et non faciem verterent Romanæ ecclesiæ memoratæ, sicut alias, dum credebantur reuniti, — fecisse noscuntur; proculdubio idem dominus summus Pontifex, ecclesia, et fideles remaneret delusi, et dici posset opprobrium non modicum, quod suos et fide jurerant et fortificaverant inimicos et hostes, et participassent scandalose cum eis. Sed si per illum, qui omnem hominem venientem in hunc mundum illuminat, eorundem Græcorum cordibus infusione gratiæ spiritualis illustratis per viam tactam per eundem dominum nostrum vel aliam accommodam et honestam ad obedientiam — Romanæ ecclesiæ redire curaverint cum effectu; ipsos tunc effusis gaudiis, ac gratiis et favoribus largiflue dispensatis — ipse dominus noster et Apostolica sedes recipient, — non solum super his quæ petunt, sed super aliis eorum opportunitatibus exhibitur tunc — auxilia, consilia et favores. Barlaam, on his part, showed that the expedient recommended by the Pope de mittendis pro parte Græcorum sapientibus, was next to impossible: quia Imperator non audet manifestare se, quod velit uniri vobiscum, quoniam si manifestasset se, multi ex principibus suis, etiam ex populo, timentes ne forte ipse vellet facere, sicut fecit ipsis Michael Palæologus, quærerent opportunitatem interficiendi illum. Præterea ecclesia Constan-

laam,<sup>3</sup> influenced probably by the result of his controversy with Gregory Palamas (A. D. 1341), went over to the Latin church, and called on his former friends to do the same.<sup>4</sup> But so far were they from listening to him, that not even the example of the emperor John V., Palæologus (reigned from 1341 — 1391), who in his need repeatedly swore allegiance to the Pope (A. D. 1355 seq.),<sup>5</sup> could induce the

tinopolitana non mitteret ad hoc negotium legatos suos sine consilio et consensu patriarcharum Alexandrii, Antiocheni et Jerosolymitani: quare oportet eos in simul congregare, quod est difficile propter guerras: et præter hoc incertum est, si vocati ad hoc voluissent venire: et dato, quod jam venissent, et omnes unanimiter concordassent ad mittendum legatos super prædictis, ipsi non darent unquam plenum posse super hoc talibus legatis, nec promitterent illud quod factum fuisset per ipsos legatos ratum habere, nisi sub certis articulorum pactis, quæ pacta vos nullatenus admitteretis. He went away, however, promising nevertheless to do all he could to bring about such an arrangement; but nothing was done.

<sup>3</sup> Before his conversion to the Latin church, he had written several works against it. See *Allatius*, l. c. p. 825 seq. *Cave* hist. literaria, vol. II. App. p. 37, especially *λόγος περί τῆς τοῦ Παύλου ἀρχῆς*, best ed. in *Cl. Salmasii* libr. de primatu Papæ App. p. 101.

<sup>4</sup> In five letters, see *Allatius*, l. c. p. 839 seq. Four of these are in *Canisii* leect. ant. ed. *Basnage*, T. IV. p. 369 seq.

<sup>5</sup> He took an oath to a Nuntius of the Pope, 1355 (*Raynald*, ad h. a. no. 34): In primis quod ero fidelis, obediens, reverens, et devotus beatissimo patri et domino, domino Innocentio sacrosanctæ Romanæ ac universalis ecclesiæ — summo Pontifici, et ejus successoribus. — Item quod faciam toto posse meo, — quod omnes populi sub nostro imperio constituti — erunt fideles, obediens, reverentes et devoti eidem domino nostro et summo Pontifici, et ejus successoribus. Et quia diuturnitas temporis induravit et aggravavit animos populorum, et vix possent a consuetis retrahi, et per viam novam incedere, nisi cum modo sapientiæ et moderatione prudentiæ; istum modum, qui sequitur, — ordinavi: He promised to send the Pope his son Manuel Palæologus, the Pope on his part was to furnish him with fifteen transports (usceria), five gallees (galeas), five hundred horsemen, and one thousand infantry for six months, to carry on the war against the Turks, in quo tempore legatus domini nostri Papæ dabit beneficia et dignitates ecclesiasticas personis sufficientibus Græcis, qui ad unionem et obedientiam ecclesiæ sponte redibunt, secundum quod sibi et nobis melius videbitur. Ubi vero infra sex menses — Græci sponte ad obedientiam ecclesiæ noluerint redire, quod non credimus, promittimus ex nunc pro tunc, quod faciemus cum consilio et deliberatione legati domini nostri Papæ, quod omnino erunt obediens. He promises the papal legate palatium magnum and pulchram et venerabilem ecclesiam. Item dabo filio meo primogenito unum magistrum Latinum, qui docebit eum literas et linguam latinam de consilio et voluntate dicti legati. Item dabo hospitia tria magna, in quibus tenebuntur scholæ literarum Latinarum, et ego dabo operam efficacem et favorem cum corde sincero, quod filii magnatum et potentum Græcorum ibunt addiscere literas Latinas. In casu ubi prædicta omnia et singula non observarem, — ex nunc pro tunc judicio auctoritate imperiali me indignum imperio, et privo memet ipsum jure imperii, et transfero, do, cedo jus et potestatem imperii et imperandi in prædictum filium meum; — transfero jus patriæ potestatis in — summum Pontificem super dictum filium meum: — do, concedo et trado potestatem — summo Pontifici, quod possit acquirere — imperium nostrum pro dicto filio nostro tanquam pro vero et legitimo Imperatore, et dare eidem filio meo uxorem, bajulos (governor), tutores et curatores usque ad præfinitum tempus a jure; et possit de prædicto imperio ordinare et disponere tanquam de imperio sibi de jure debito, vice et nomine prædicti filii nostri, etc. In case, however, that all the terms of the compact were fulfilled, the Pope was to furnish him with various auxiliaries, and in part pay them; the emperor to be always principalis capitaneus et signifer et vexillarius s. matris Ecclesiæ cum mero et mixto imperio et plenaria potestate over the whole army. If the emperor should not fulfil all conditions pro eo quod potentia et non voluntas deficeret, and should appear in person before the Pope,



Greek nation to such a step. The son and successor of this prince, Manuel II. (A. D. 1391–1425), was himself the author of works against the Latins.<sup>6</sup> The peculiar doctrines of the church of Rome were attacked by several other Greek writers in this century.<sup>7</sup> Still there were not wanting instances of those who, like Barlaam, went over to the Latins, and wrote against their own church.<sup>8</sup>

## § 127.

## CONTROVERSY WITH BARLAAM.

Dionys. Petavii de theologic. dogmatibus. T. I. lib. I. c. 12, 13.

The censure passed by Barlaam on the gross manner in which the monks on Mount Athos (οἱ ἱσυχασταί), supposed themselves to attain to the visual perception of the divine light,<sup>1</sup> involved him in a con-

this last was to furnish him with the means of reconquering his empire. When it came to the trial, however, the summons of the Pope to the knights of St. John to go to the help of the emperor (*Raynald*, l. c. no. 38 seq.), proved as ineffectual as those to the emperor to come over with his people to the Latin church (*Raynald*, ann. 1365, no. 22; ann. 1366, no. 1). The emperor swore fealty to the Pope before Lewis of Hungary, to whom he came for help (*Raynald*, ann. 1366, no. 4), and finally, A. D. 1369, entered the Latin church by assenting to a Roman confession of faith presented to him in Rome (*Raynald*, 1369, no. 2, Greek in *Allatius*, p. 843 seq.): still he received neither the promised aid, nor did the desired union of the churches take place.

<sup>6</sup> Though he had long resided in the West, see note 5. cf. *Leo Allatius* de perp. consens. p. 854.

<sup>7</sup> For instance, Barlaam (see note 3); the monk Maximus Planudes, about 1340 (*De processione spirit. sancti contra Latinos*, ed. in *Petri Arcudii opusculis aureis theologiceis*, Romæ. 1630 and 1671. 4to. p. 614); the archbishop of Thessalonica, Nilus Cabasilas, about 1340 (*De causis divisionum in Ecclesia* and *De primatu Papæ* in *Salmasii* de primatu Papæ App. p. 10. *De processione Spir. S. adv. Latinos*, Ms. in Vienna, Basel, and Venice. cf. *Allatius* diatr. de Nilis et eorum scriptis, p. 49 seq. *Care* hist. lit. vol. II. App. p. 39); the monk Gregorius Palamas, about 1350 (*libb. II. ἀποδευκτικά* quod non ex filio, sed ex solo patre procedat Spiritus Sanctus, ed. with several other similar works. Lond. 1624. 4to.); the monk Nilus Dampla, about 1400 (several works de processione Spir. s. also *De Damaso Papa et fide antiquæ Romæ*, and *De Synodis duabus Photianis*, of which only fragments have been published in *Leo Allatius* lib. de Synodo Photiana, p. 179, and *De Eccl. Occid. et Orient.* perp. cons. p. 622, 857, 859, 916, 1375, 1376). — cf. *J. G. Walchii* hist. controv. Græcorum Latinorumque de process. Spir. s. p. 97 seq.

<sup>8</sup> For instance, Demetrius Cydonius, about 1357, who in Milan became a convert to the church of Rome (cf. *Care* hist. lit. vol. II. App. p. 57, 59); the Dominican, Manuel Caleca, about 1360 (cf. *Jac. Quetif* et *Jac. Echard* Scriptt. Ord. Prædicatorum, T. I. p. 719), the Dominican, Simon Constantinopolitanus (l. c. p. 558). — cf. *Walch*. l. c. p. 109 seq.

<sup>1</sup> It is related by the emperor Joh. Cantacuzenus, who took an active part against Barlaam in this controversy (*Hist.* lib. II. c. 39, ed. *Bonn.* vol. I. p. 543), that this last, who had always been secretly attached to the Latins, πρόφασιν τινα ζητῶν, ἐξ ἧς ταῖς ἡμέτερας διακωμωδήσει καὶ πρὸς πόλεμον χωρήσει φανερός, ὡς δὴ μαθητῶν τινι προσῆλθε τῶν ἡσυχασζόντων, λόγου τε ἀπιστησθέντων παντελῶς καὶ ὀλίγον διαφέροντι ἀλόγων καὶ οὐδὲ φρονήσεως γαῶν μετισταχικότι πριπούσης ιδιώτη· καὶ ὑπεκρίντο βούλεισθαι μαθητεύσαι

trovcrsy with Gregory Palamas, which at length turned upon the point whether this divine light (that, namely, which appeared at the transfiguration) was created or uncreated.<sup>2</sup> A synod assembled in Constantinople, A. D. 1341, having decided against Barlaam, he went to Italy, and there passed over to the Roman church.<sup>3</sup> The questions concerning the light on Mount Tabor, and the nature of God were still, however, zealously discussed. Several synods were called at Constantinople (A. D. 1341, 1347, 1350), and all decided against the apostate Barlaam.<sup>4</sup>

παρ' αὐτῶν, καὶ τὴν ὁδὸν τῆς ἡσυχίας ἐκδιδάσκεισθαι καὶ τοὺς νόμους τῆς ὑποταγῆς. — ὁ δὲ τὸν τε ὅλον μὴ συνιδᾶν, ὑπὸ τε τῆς ἀγαν κουφότητος ἐπαρθεῖς, ἀλλὰ τε ἰδίδασκε τὸν ποιηρότατον ὁ ἀνόητος, καὶ ὡς προκόπτοντες κατὰ μικρὸν οἱ ἡσυχάζοντες καὶ προσευχόμενοι ἀθροῦσθαι, ἀγαλλιάσιν τί τινα καὶ ἀρρητον ἠδοῖν καὶ θεῖαν ἐπιδίχονται ἐν τῇ ψυχῇ, καὶ φῶς ὁρᾶσι τοῖς σωματικαῖς ὀφθαλμοῖς ἀστράπτον περὶ αὐτοῦς. Ἐπὶ μὲν οὖν τοῖς ἄλλοις πολλὴν κατηγίνωσκεν ἐ Βυρολάμᾳ ἀνιαν τοῦ ἀνόητος καὶ ἀμαθίαν· φῶς δὲ ἀκούσας ὁρᾶμενον ὀφθαλμοῖς σωματικοῖς, οὐκέτι οὐδὲ ἡρμεῖν ἠέσχετο, ἀλλὰ κοινὴν ἐπειπετο τῶν ἡσυχάζοντων καταδρομῆν, ἀπατιώνας καλῶν καὶ ψευδομένων καὶ Μασσαλιανῶς καὶ Ὁραφαλοψύχους, κ. τ. λ. Barlaam had found there a sort of contemplation practis'd similar to that for which the following directions had been given by the abbot Simeon (see *Allatius de Eccl. Occid. et Orient. perp. cons.* p. 829): καθίσας ἐν μιᾷ γωνίᾳ κατὰ μόνας πρότεξαι ποιήσας ὁ λέγων σοι· κλείσον τὴν θύραν, καὶ ἔπαρον τὸν νοῦν σου ἀπὸ παντὸς ματαίου ἤγουν προσκαίρου· εἰτα ἱερίσας τῷ στήθει σὸν πάγωννα, κινῶν τὸν αἰσθητὸν ὀφθαλμὸν σὺν ὄλῳ νοῦ ἐν μέσῳ τῆς κοιλίας ἤγουν κατὰ τὸν ὀμφαλὸν, ἀγῶν καὶ τὴν τῆς ῥινὸς τοῦ πνεύματος ὄχηθιν, τοῦ μὴ ἀδῶσαι πνεῦν· ἱερεύησον ἐνδον ἐν τοῖς ἐγκάτοις ἐσθῆν τὸν τόπον τῆς καρδίας, ἔνθα ἐμφιλοχωρεῖν πεφύκασιν πᾶσαι αἱ ψυχικαὶ δυνάμεις. Καὶ πρῶτον μὲν σκῆος εὐρήσεις καὶ τάχος ἀνύδοτον· ἐπιμένοντας δὲ σου, καὶ τούτου τοῦ ἔργου νυκτὸς καὶ ἡμέρας ποιούμενον, εὐρήσεις, ὡ τοῦ θαύματος, ἀληκτον εὐφροσύνην· ἅμα γὰρ εὐχὴ ὁ νοῦς τὸν τόπον τῆς καρδίας, βλέπει παρευθὺς ἃ οὐδέποτε κτίστατο· βλέπει γὰρ τὸν μεταξὺ τῆς καρδίας αἶρα, καὶ ἐαυτὸν φωτεινὸν ὄλον καὶ διακρίσας ἔμπλεον. (A similar practice was found amongst the Ascetics in Siam, see *Kämpfers Gesch. v. Japan*, Th. I, S. 30, and in India, see *Franc. Bernier voyages*, T. II. p. 127).

<sup>2</sup> *Jo. Cantacuzenus*, l. c. Amongst the ἡσυχάζοντες in Thessalonica, Palamas and his brothers were the most distinguished; they represented to Barlaam, ἰδόντου παύσθαι τοῦ τιαυῦτα καὶ φρονεῖν καὶ λέγειν κατὰ τῶν ἡσυχάζοντων, καὶ μὴ διὰ τὴν ἀπειρίαν ἐνὸς τὰ ἴσα πάντων καταψηφίζεσθαι, καὶ, τότε εἰς αὐτὸν ἦγον, τοῦ ἀκροτάτου βίου καὶ τῆς τελειωτάτης πολιτείας τοὺς ἀνθρώπους (or, as they afterwards term it, τῆς ἱερᾶς ἡσυχίας) ἀποστρεφῖν. That the holy are sometimes surrounded by light (δυνατὸν εἶναι τοῖς σωματικοῖς ὀφθαλμοῖς θεῖον καὶ ἄκτιστον φῶς θεάσασθαι), they sought to prove especially by the example of Jesus on Mount Tabor: εἰ οὖν κἀκείνοι (the disciple-) ἄνθρωποι τε ὄντες, καὶ ἐτι ἀτελείστερον διακειμῖνοι, τὸ περιεστράψαν αὐτοῦς θεῖον καὶ ἄκτιστον φῶς ἠδυνήθησαν ἰδεῖν, τί θαυμαστόν, εἰ καὶ νῦν τοὺς ἁγίους φαίμεν φῶς ὁρᾶν ἄνωθεν ἑλλαμπόμενους ἐκ θεοῦ. This, however, furnished Barlaam with new cause of rebuke. He exclaims: τῆς ἀτοπίας! καπνὸν γὰρ φεύγοντες ἔμπεπτώκαμεν εἰς πῦρ· ἀκουε οὐρανὸν καὶ ἐνωπίζου ἡ γῆ τὸ ἐν Θαβὼρ φῶς ἄκτιστον καὶ τι ἄλλο ἢ θεὸς καθ' ἑμᾶς οὐδὲν γὰρ ἄκτιστον ὅτι μὴ θεὸς εἰ οὖν μήτε κτίσμα τὸ φῶς ἐκεῖνο, μήτε θεοῦ οὐσία (θεὸν γὰρ οὐδέτις ἴσασκε πάποτε), τί λοιπὸν ἢ δυοὶ λατρεύειν θεοῖς, ἐνὶ μὲν τῷ πάντων δημιουργῷ, ὃν καὶ ἀόρατον πᾶς τις ἀνέμολογήσειε, δυετέρῳ δὲ τῷ καθ' ἑμᾶς ὁραμῆν ἄκτιστον τούτῳ φωτι.

<sup>3</sup> *Cantacuzenus*, lib. II. c. 40. *Nicephoras Gregoras*, lib. XI. c. 10 (ed. *Bonn.* vol. I. p. 557).

<sup>4</sup> See the detailed accounts of Cantacuzenus and Nicephorus Gregoras, who both took an active part in the contest, the former in favor of, the other against, Palamas. — The decision of the synod, A. D. 1350, in *Mansi* XXVI. p. 127 seq. answers the question proposed to it by the emperor only by passages from the church fathers, p. 150: πᾶτων εἰ ἔστιν ἐπὶ θεοῦ θεοπροπῆς διάκρισις οὐσίας καὶ ἐνεργίας (namely, p. 174. τῆς θείας φυσικῆς ἐνεργίας, p. 187, ἥτις φύσις καὶ ὑπερφύως πρόσεστιν

## APPENDIX II.

## HISTORY OF THE OTHER ORIENTAL CHURCHES.

## § 128.

The kings of Armenia, always in need of the aid of the Western nations, were always anxious to maintain the connexion of the Armenian church with that of Rome.<sup>1</sup> Still, like the efforts of the Greek emperors, this was a mere political measure, and the disposition to such union was confined to the court. All the efforts of the popes could not move the common people to give up their peculiar opinions.<sup>2</sup> The aid received from the West being very inconsiderable,

ἐκάστη τῶν Θεαρχικῶν ὑποστάσεων); in the affirmative: ἔπειτα διακρίσως ἀναφανίσθη, πότερον ἡ ἐνέργεια αὐτῆ κτιστὴ ἐστίν, ἢ ἄκτιστος; Answer, ἄκτιστος. Then: εἴγε ἄκτιστος ἀποδιευχθεὶς ἡ Θεοπρεπὴς αὐτῆ ἐνέργεια, πῶς ἂν τις ἐκφύγοι τὸ μὴ παρὰ τοῦτο σύνθετον τὸν Θεὸν εἶναι νομίζειν; in reply only passages from the fathers: τέταρτον δὲ εἴγε ἡ φωνὴ τῆς Θεότητος οὐκ ἐπὶ τῆς οὐσίας μόνον, ἀλλὰ καὶ τῆς Θείας ἐνεργείας παρὰ τῶν Θεολόγων ἔμνηται; affirmative. πέμπτον δὲ, εἴπερ οἱ Θεολόγοι κατὰ τι τὴν οὐσίαν τῆς ἐνεργείας ὑπερκρίσθαι φασίν; affirmative. Finally, τίνος μετέχουσι τὰ πάντα, τῆς Θείας οὐσίας ἢ τῆς τοῦ Θεοῦ Θείας ἐνεργείας; affirm. τῶν δημιουργημάτων τῆς ἐνεργείας τοῦ δημιουργήσαντος, ἀλλ' οὐχὶ τῆς οὐσίας μεταλαγχάνει. — καὶ οἱ ἅγιοι, τῇ πρὸς Θεὸν ἐνώσει Θεοποιούμενοι, οὐ τῆς Θείας οὐσίας, ἀλλὰ τῆς αὐτοῦ Θείας ἐνεργείας μετέχουσι. And so it followed, ὅτι τι ἄκτιστόν ἐστι τὸ φῶς τῆς τοῦ κυρίου μεταμορφώσεως, καὶ ὅτι οὐκ ἔστι τοῦτο ἡ οὐσία τοῦ Θεοῦ. The views of Barlaam and his followers are given by his contemporary Nili Metrop. Rhodii Synopsis (Mansi XXV. p. 1148), as follows: ἔδογματίσαν, νῦν μὲν οὐδεμίαν διάκρισιν εἶναι ἐπὶ τῆς Θείας φύσεως οὐσίας, καὶ ἐνεργείας, ἀλλὰ ταυτὸν εἶναι καὶ ἀδιάφορον· νῦν δὲ διάκρισιν μὲν εἶναι ἔλεγον· πλὴν τὴν μὲν οὐσίαν ἄκτιστον, τὰς δὲ αὐτῆς οὐσιώδεις ἐνεργείας καὶ φυσικὰς συγχωροῦντες ἑτέρας εἶναι, πλὴν οὐκ ἄκτιστους, ἀλλὰ κτιστὰς, καὶ ἔτι τὸ ἐν τῷ Θεωβωρίῳ ἐκλάμψαν Θεῖον ἐκείνο φῶς, φάσμα ἀπλῶς καὶ κτίσμα, γινόμενον καὶ ἀπογινόμενον, ἀλλὰ οὔτε Θείας φύσεως φυσικὴν ἀγγλῆν, καὶ Θεότητα, καὶ φῶς ἀπρόσσιτον καὶ ὄν καὶ λεγόμενον.

<sup>1</sup> The embassies of the Armenian kings to the Pope and the princes of Europe, sent in the hope of inducing a crusade in their support (see *Raynald.* ann. 1317, no. 35; 1331, no. 30), promised willingly that all deviations from the creed of the church of Rome should be forbidden (*Rayn.* 1318, no. 8 seq.): and Armenia inferior also joined in submission to the Pope (*Rayn.* 1323, no. 7). But the summons to a crusade (*Rayn.* 1322, no. 30) were rendered ineffectual by internal wars, and only afforded the French kings a pretext to tax the revenues of the church (see § 96, note 33). The Armenians received only some pecuniary aid from the Popes, *Rayn.* 1323, no. 4; 1336, no. 41.

<sup>2</sup> In 1341, Benedict XII. complains to the king, and the catholicos of Armenia (*Raynald.* ad h. a. no. 45), that he had learned from unquestioned authority, quod tam in majori quam in minori Armenia nonnulli execrandi errores tenentur a multis et dogmatizantur, and demands that such errors should be condemned at an Armenian synod. The enumeration in 117 articles, l. c. no. 49 seq. E. g. I. and II: the old Armenian teachers had taught truly quod Spir. S. procedit a filio sicut et a Patre (*hoc fuerat determinatum in conciliis Constantiopolitano et Ephesino*), but 612 years before a general Armenian council had decreed (according to Art. 85 concilium Manesquerdense, quod congregatum fuit ibi de mandato cujusdam Sarraceni, nepotis Machometi) that the procession from the Father alone should be maintained, which for the most part had been obeyed: III. Item quod

in dicto concilio reprobaverunt concilium Chalcedonense. — et determinaverunt, quod sicut in Domino Jesu Christo erat unica persona, ita erat una natura scilicet divina, et una voluntas et una operatio. — In dicto etiam concilio Dioscorum condemnatum per dictum concilium Chalcedonense canonizaverunt. — et adhuc ter in anno faciunt festum de eo sicut de sancto. — et maledicunt b. Leonem et concilium Chalcedonense. IV. Item quod Armeni dicunt et tenent, quod peccatum primorum parentum personale ipsorum tam grave fuit, quod omnes eorum filii ex semine eorum propagati usque ad Christi passionem merito dicti peccati personalis ipsorum damnati fuerunt. — non propter hoc quod ipsi ex Adam aliquod peccatum originale contraxerint, cum dicant, pueros nullum omnino habere originale peccatum nec ante Christi passionem nec post: — sed post Domini passionem, in qua peccatum primorum parentum deletum fuit, pueri qui nascuntur ex filiis Adam non sunt damnationi addicti. VIII. The Armenians taught that the blessed non videbunt Dei essentiam, quia nulla creatura eam videre potest: sed videbunt claritatem Dei, quæ ab ejuſſentia manat. XVII. Item quod Armeni commuiter tenent, quod in alio sæculo non est purgatorium animarum, quia, ut dicunt, si Christianus confiteatur peccata sua, omnia peccata ejus et pœnæ peccatorum ei dimittuntur. Nec etiam ipsi orant pro defunctis, ut eis in alio sæculo peccata dimittantur; sed generaliter orant pro omnibus mortuis sicut pro b. Maria, Apostolis, Martyribus, et aliis sanctis, ut in die judicii intrent in regnum caeleste (sec. Vol. I. § 97. note 16). XXXII. The Armenians said: sunt jam trecenti anni, quod omnes demones sunt diligati, et seduxerunt homines a fide Christi per totum mundum exceptis Armenis: sed a triginta annis citra illos homines de minori Armenia, et a viginti quinque annis citra Armenos de majori Armenia seduxerunt a fide Christi, quia, ut dicunt, ex tunc Armeni posuerunt in sacrificio aquam in vino, et fecerunt festum natiuitatis Domini vigesima quinta die Decembris, et sic a demonibus seducti fidem Christi dimiserunt. XXXIV. Dicunt etiam quod *Rex et nobiles minoris Armeniæ, quia tenent supradictos articulos cum Ecclesia Romana et Græca, non sunt de ecclesia catholica et apostolica.* XXXVIII. Item quod Armeni credunt et tenent, quod in aliis eccl. sibi — non datur peccatorum remissio, quia aliæ ecclesie negaverunt veram fidem, recipiendo concilium Chalcedonense, nec etiam habent verum baptismum. XLVI. Item quod dicti Armeni observant discretionem ciborum natorum et immundorum animalium secundum quod lex Moysi dicit: et licet aliqui ex Armenis comedant porcum, tamen secundum eos, si sacerdos comederet de porcis, postea non posset expellere demones de obsessis corporibus, quia, ut dicunt, Dominus expellens demones de duobus hominibus misit eos in porcos. LVI. Those who had been baptized in the Armenian church, where they had been converted to Mahomedanism or Judaism, and afterwards returned to their faith, were not again baptized: si tamen aliquis fuisset baptizatus in ecclesia alicujus catholicon Armenorum, et postea converteretur ad fidem Romanæ Ecclesiæ vel Græcæ, si postea vellet venire ad ecclesiam primam. — illa ecclesia sic baptizaret eum, ac si nunquam fuisset baptizatus. In like manner ecclesia Armena baptizat baptizatos in ecclesia latina vel græca, quando veniunt ad eam. LVIII. Item quod Armeni dicunt et tenent, quod ad hoc, quod sit baptismus verus, ista tria requiruntur, scilicet aqua, chrisma et Eucharistia. LIX. That amongst the Armenians some baptized with wine, others with milk, the most with water; but all with arbitrary forms. LXV. Item Armeni dicunt et tenent, quod illa inunctio cum chrismate facta in novem locis (at the baptism) valet Christianis, dum vivunt, pro omnibus inunctionibus, quæ fiunt per ecclesiam latinam: unde apud eos non est sacramentum confirmationis, nec extremæ unctionis: nec quando consecrantur presbyteri vel episcopi, inunguntur eorum manus vel capita. LXXIV. Item quod apud Armenos majoris Armeniæ non sit imago Crucifixi, nec aliæ imagines tenentur Sanctorum. LXXVII. That the Catholicos of Armenia-minor had maltreated some who had been baptized in forma Ecclesiæ Latinæ, and LXXVIII. forbidden his bishops, quod non celebrarent missam latinam, sed Armenorum missam antiquam, quod non servarent jejunia ecclesiæ Romanæ, sed antiqua jejunia Armenorum, etc. Et ad testimonium et confirmationem horum dictorum est hoc, quod — supradictus catholicos consecravit sex episcopos Armenos, et accepit ab eis literam publicam, quod ipsi non darent pueros de partibus suis ad addiscendum litteram Latinam, nec admitterent aliquem prædicatorem Latinum, qui prædicaret veritatem s. Romanæ Ecclesiæ, etc. LXXXII. Item quod quando aliqui commu-

nicare debent, per sacerdotem fit confessio generalis. — et postea populus reiterat dictam confessionem: in secreto tamen raro vel nunquam aliqui Armenus confitetur sacerdoti sua peccata: — dicunt et tenent, quod dicta generalis confessio sufficit ad remissionem peccatorum. LXXIV. Item Armeni dicunt et tenent, quod catholici, episcopi et presbyteri Armenorum eandem et æqualem potestatem habent ligandi et solvendi, quantum et qualem habuit Petrus Apostolus, cui a Domino dictum est: *Quodcumque ligaveris*, etc. nec quoad hoc minorem potestatem habent presbyteri Armenorum quam eorum catholici et episcopi. LXXV. Item Armeni dicunt et tenent, quod usque ad concilium Nicænum Romanus Pontifex non habuit potestatem majorem, quam alii patriarchæ: sed nunc de voluntate dicti concilii fuit ordinatum, quod dictus Romanus Pontifex haberet potestatem super alios patriarchas. Quam potestatem habuerunt Romani Pontifices usque ad concilium Chalcedonense: sed quia in dicto concilio, ad instantiam b. Leonis Papæ congregato, fuit determinatum, quod in Christo erant duæ naturæ et una persona, Romani Pontifices perdidit dictam potestatem, et omnes illi, qui dicto concilio consenserunt. XC. Item Armeni dicunt et tenent, quod potestas illa, quam Christus dedit b. Petro, dicendo ei: *Quodcumque ligaveris*, etc. sit solum data personæ Petri et pro ipso solo, ita quod hæc potestas non transiit ad aliquem ejus successorem. CX. Item quod apud Armenos sunt multi errores a prædictis, qui errores continentur in infrascriptis libris Armenorum, quorum primus intitulatur *Tenophaer*, i. e. contra festivitates, quas celebrant Ecclesiæ Romana et Græca. Secundus liber vocatur *Anadoarmat*, i. e. radix fidei. — Decimus liber vocatur, *liber canonum Apostolorum*, in quo continentur omnes errores Armenorum, etc. The Armenians did indeed go so far as to hold a synod to satisfy the Pope (*Raynald*, 1341, no. 118): still Clement VI. found it necessary to send two legates, Antonius Episc. Gajetanus and Joannes electus Coronensis, to the Armenian bishops (*Raynald*, 1346, no. 67 seq.), ut per eos de ipsa fide ejusque salutari doctrina informemini plenius et imbuamini viva voce, quam possetis scriptura instrui vel literis informari, and they brought back information (*Raynald*, 1350, no. 37), quod dicti Rex, catholici et populus adhuc in multis a veritate catholica fidei aberrabant, so that when they again applied to the Pope for aid, he contented himself with directing the archbishop of Nicosia (l. c.), quatenus eidem Regi populoque, cum ipse ac dicti catholici et populus aliquas recognitiones super aliquibus, quibus ad ejusdem fidei discrepant veritate, fecerint juxta formam, quam tibi — transmittemus. — sex millia florenorum auri de pecuniis camera nostræ tradi et assignari facere non omittas. The Pope had also sent the Armenian Catholics by those ambassadors quadam capitula pro pleniori eruditione, and received responses: but complains in another letter (*Raynald*, 1351, no. 2 seq.): non potuimus nec possumus ex responsionibus hujusmodi quoad plura elicere, quid tu et eadem ecclesia minoris Armeniæ sincere et pure credatis: — ex quarum (responsionum) aliquibus conditionata, ex quibusdam vero diminuta vel imperfecta, et ex nonnullis, forsitan scriptoris vel interpretis vitio, minus vera confessio manifeste colligitur. He therefore gives there these Responses, accompanying each by new questions, calculated to call forth explanation. Then: Post prædicta omnia mirari cogimur vehementer, quod — subtrahis de LIII primis capitulis capitula XVI. Primum, quod Spiritus sanctus procedit a Patre et Filio. Tertium, quod parvuli ex primis parentibus contrahunt originale peccatum. Sextum, quod animæ ex toto purgatæ separatæ a suis corporibus manifeste Deum vident. Nonum, quod animæ decedentium in mortali peccato in infernum descendunt. Duodecimum, quod baptismus deleat originale et actuale peccatum. XIII. quod Christus non destruxit, descendendo ad inferos, inferiorem infernum. XV. quod angeli a Deo fuerunt creati boni. XXX. quod effusio sanguinis animalium nullam operatur remissionem peccatorum. XXXII. quod non judicent conestores piscium et olei in diebus jejuniorum. XXXIX. quod in ecclesia catholica baptizati, si efficiantur infideles, et postmodum convertantur, non sunt iterum baptizandi. XL. quod parvuli ante octavam diem possunt baptizari, et quod baptismus non potest esse in liquore alio, quam in vera aqua. XLII. quod corpus Christi post verba consecrationis sit idem numero, quod corpus natum de virgine et immolatum in cruce. XLV. quod nullus, etiam sanctus, corpus Christi potest conficere, nisi sit sacerdos. XLVI. quod est de necessitate salutis, confiteri proprio sacerdoti, vel de licentia ejus [alii] omnia peccata mortalia perfecte et distincte. — Ideo volumus clare et

Armenia was at length overrun by the Mamelukes, A. D. 1367, and the Christians cruelly persecuted.<sup>3</sup>

The Christians in Egypt also suffered severe persecution under the dominion of the Mamelukes, and many of them went over to Islamism.<sup>4</sup>

The attempts of John XXII. to induce the Ethiopians,<sup>5</sup> and the Jacobites<sup>6</sup> to submit to the papal authority, were entirely ineffectual.

sine velamine a te scire, si prædicta XVI capitula diminuisti de LIII pro eo, quod non credis esse vera neque catholica, vel ex qua causa ipsa capitula diminuisti. Item in scriptis rogasti archiepiscopum et episcopum antefatos (the papal legates), ut esset inter eos et te verborum finis: — scias, quod non possemus nos — finem imponere, — nisi prius pure, clare, perfecte et integre tu et Armeni — fidem illam receperitis, quam ipsa Romana tenet et docet Ecclesia. — Caterum quia fidedignorum plurimum, et quorundam etiam Armenorum relatio frequenter nostris auribus instillavit, quod tu et antecessores tui — ea, quæ circa ipsius fidei nostræ cultum — Romanis Pontificibus — descripsistis et promisistis, — in nullo penitus observatis, — ac fidem ipsius ecclesiæ Romanæ, extra quam nulli est gratia, nulli salus, habuistis damnabiliter in derisum: ideo fraternitatem tuam monemus, — quatenus responsiones per te ad interrogationes nostras faciendas, et omnia, quæ tu et iidem obediens tibi Armeni circa ipsius fidei nostræ negotium promittetis et dicetis, vos credere ac tenere, — tactis sacrosanctis evangelis, juramenti solemnibus roboretis: et nihilominus sub juramentis similibus promittatis, quod nobis et successoribus nostris Romanis Pontificibus — parebitis cum effectu, ut ora de te et Armenis eisdem sic graviter — obloquentium obstruas: — sciturus pro certo, quod præter salutis æternæ præmia, et famæ titulos, quæ provide consequeris, dabit tibi Deus, ille omnium opulentissimus retributor, unde in præsentī quoque sæculo gratiis et beneficiis affluas.

<sup>3</sup> cf. *Clementis VII.* Epist. ad Archiep. Taraconensem b. *Raynald.* ann. 1382, no. 49.

<sup>4</sup> *Taki-eddini Makrizii* (in Cairo † 1441) historia Coptorum Christianorum in Ægypto, arab. edita et in ling. lat. translata ab *H. J. Wetzer.* Solisbaci, 1828. 8vo. p. 135 seq. cf. *Renaudot* hist. Patriarcharum Alexandrinorum Jacobitarum. Paris. 1713. 4to. p. 602 seq.

<sup>5</sup> *Raynald.* ann. 1329, no. 98.

<sup>6</sup> *Raynald.* ann. 1330, no. 57.

## FIFTH DIVISION.

FROM THE COUNCIL OF PISA TO THE REFORMATION.

A. D. 1409 — 1517.

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The most important authorities are: *Antoninus*, a Dominican, Archbishop of Florence from A. D. 1446, † 1459, canonized 1523 (*Summa historialis* in III Partt. to 1459. ed. Venet. 1481. Norimb. 1484, etc. last in *Opp. omn. Florent. 1741. T. I. fol.*). — *Joannes Trithemius*, or of Tritthenheim, from 1483 Abbot of Spanheim, from 1506 Abbot of St. James in the suburbs of Würzburg, † 1516 (*Chronicon Monast. S. Martini Spanheimiense* in *Opp. Trithemii historicis* ed Marq. Freherus. T. II. Francof. 1601. *Chron. Monast. S. Jacobi Majoris* in J. P. Ludewig *Scriptt. rerum Herbipolitanarum*, Halæ. 1713. By far the most important are the *Annales Hirsaugienses*, ed. in *Monast. St. Galli*, 1690. Tomi II. fol.). — Albrecht Kranz, teacher of Theology and the canon law in Rostock, then Canonicus, finally Decanus of the Cathedral in Hamburg, † 1517. (*Metropolis*, a church history of the North of Germany to 1504, cum præf. Dav. Chytrai, Vitebergæ 1576. Francof. ad M. 1576, 1590. — His *Saxonia, Vandalia*, and *Chronicon Regnorum Aquilonarium* belong rather to general history).

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## CHAPTER FIRST.

### HISTORY OF PAPACY.

*Bartholomæi Platina* (or Barth de' Sacchi of Piadina in the territory of Cremona, under Pius II. papal Abbreviator, under Paul II. persecuted, under Sixtus IV. at the head of the Vatican Library, † 1481), *vitæ Pontificum Romanorum*, ed. Venet. 1479. fol. afterwards often ed. but sometimes with changes. The editions which appeared in Holland A. D. 1640, 1645, and 1664, without mention of any place of publication, are accurately printed after the *Edit. princeps.*, and therefore much valued. *Comp. Dan. Guil. Moller disp. de B. Platina. Altorf. 1694. 4to.*

### § 129.

COUNCIL OF PISA (25 March to 7 August, 1409), ALEXANDER V. (26 June, 1409, to 3 May, 1410), JOHN XXIII. (17 May, 1410 — Deposed 29 May, 1415).

*Theodoricus a Niem* (see authorities prefixed to § 101) *de Schismate lib. III. c. 38 seq. Ejusdem Vita Johannis XXIII. in Meibomii Rerum Germ. T. I. p. 5 seq. and in v. d. Hardt Conc. Constant. T. II. p. 336 seq.*

*Leonardi Aretini* (Private Secretary to Innocent VII., Gregory XII., Alexander V., and John XXIII., then Chancellor in Florence, † 1444) *rerum suo tempore in Italia gestarum commentarius ab anno 1378 usque ad ann. 1440* (in *Muratorii Rerum Italicarum Scriptores* T. XIX. p. 909 seq.).

Acta of the Council in *Mansi* XXVII. p. 1 seq. in *d'Achery Spicileg.* I. p. 828, and in *v. d. Hardt Conc. Constantiense*, Tom. II. P. II. p. 62 seq.

Histoire du Concile de Pise, et de ce qui s'est passé de plus memorable depuis ce Concile jusqu'au Concile de Constance, par *Jacques Lenfant*. T. II. à Amsterdam. 1724. 4to.

THE Synod of Pisa, at which the two most distinguished leaders of the Reform party were Petrus de Alliaco, bishop of Cambray,<sup>1</sup> and John Gerson, Chancellor of the University of Paris,<sup>2</sup> was opened on the 25th of March, 1409. Notwithstanding the efforts of the emperor Ruprecht in favor of the Roman Pope Gregory XII.,<sup>3</sup> the council proceeded immediately (on the 5th of June) to depose both popes,<sup>4</sup> and after having secured the reformation, as it was thought, by exacting a solemn oath from all the assembled cardinals,<sup>5</sup> caused Alexander V.

<sup>1</sup> See § 103, note 1; § 116, note 8. He was the teacher of Gerson and Nicolaus de Clamengis, 1389 chancellor of the Univ. of Paris, 1396 bishop of Cambray, 1411 Cardinal (Cardinalis Cameracensis) † 1425. Of his life, see *v. d. Hardt Conc. Const.* T. I. P. VIII. p. 450 seq.

<sup>2</sup> See § 104, notes 3 and 7. Chancellor of the Univ. of Paris from 1395, † 1429. Opp. ed. *L. E. Du Pin*. Antwerp. 1706. Tomi IV. fol. Tomus II. contains such writings of Gerson as relate to the existing state of the church, as well as some works of his contemporaries on the same subject. Of his life and writings see *v. d. Hardt*, l. c. T. I. P. IV. p. 26 seq., and *Gersoniana* prefixed to Dupins Ausgabe.

<sup>3</sup> *Theod. a Niem* III., c. 39. The speech of the imperial ambassador, Ulrichus Ep. Verdensis, is in *Raynaldus* ad ann. 1409, no. 13 seq. The answer of Petrus de Ancharano in name of the Council, in *Mansi* XXVII. p. 367 seq.

<sup>4</sup> Sess. X. on the 2d of May, the Articuli contra Petrum de Luna, Benedictum XIII., et Angelum Corario Gregorium XII. nuncupatos, de papatu perperam contententes (see *Raynald.* ann. 1409, no. 47 seq. *d'Achery Spicileg.* T. I. p. 833 seq.), being a detailed account of all that had thus far passed between the two Popes and the Cardinals, were laid before the council. Sess. XV. on the 5th of June followed the Sententia definitiva et privativa contra prædictos contententes (*Theodor. a Niem* III., c. 44. *Raynald.* a. l. no. 71. *d'Achery* l. p. 847 seq.): Christi nomine invocato sancta et universalis Synodus universalem Ecclesiam representans, et ad quam cognitio et decisio hujus causæ noscitur pertinere, — pronunciat, decernit, definit et declarat, — Angelum Corario et Petrum de Luna de papatu contententes, et eorum utrumque fuisse et esse notorios schismaticos, et antiqui schismatis nutritores, defensores, fautores, approbatores, et manutentores pertinaces, neenon notorios hæreticos, et a fide devios, notoriisque criminibus enormibus perjuri et violationis voti irretitos, universalem Ecclesiam sanctam Dei notorie scandalizantes cum incorrigibilitate, contumacia, et pertinacia notoriis, evidentiibus et manifestis; et ex his et aliis se reddidisse omni honore et dignitate, etiam papali, indignos; ipsosque et eorum utrumque propter præmissas iniquitates, crimina et excessus ne regnent, vel imperent, aut præsent, a Deo et sacris canonibus fore ipso facto abjectos et privatos, ac etiam ab Ecclesia præcisos; et nihilominus ipsos Petrum et Angelum, et eorum utrumque, per hanc sententiam definitivam in his scriptis privat, abjeicit et præcidit, inhibendo eisdem, ne eorum aliquis pro summo Pontifice gerere se præsumat, etc.

<sup>5</sup> Sess. XVI. on the 10th of June, the cardinals were made to take oath (*Raynald.* l. l. *d'Achery*, l. p. 848.), quod, si quis nostrum in summum Romanum



to be elected in their place, on the 26th of June. But they were grievously disappointed in their hopes, and soon learned that it was in vain to look for any assistance from popes in bringing about a reformation in the church.<sup>6</sup> And, indeed, it was to be expected only of a pope of more than ordinary sagacity, as well as moral feeling and power, that he should turn a deaf ear to the advice of those who seemed most attached to his interests, and himself assist in demolishing the splendid fabric his predecessors had been centuries building up for him, without even being sure that his work would be durable, or his name handed down with honor to posterity. But Alexander's first act was after the old papal fashion.<sup>7</sup> He strove only to appease,

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Pontificem eligetur, præsens concilium continuabit nec dissolvit, neque dissolvi permittet, quantum in eo erit, usquequo per ipsum cum consilio ejusdem concilii sit facta debita, rationalis, et sufficiens reformatio universalis Ecclesiæ, et status ejus tam in capite quam in membris. If the choice should fall on any one not present, the person so chosen was to take the same oath before the election should be made public.

<sup>6</sup> The necessity of which, and the points in which it was needed had been eloquently urged on the new Pope before his coronation, by *Gerson*, in the *Sermo factus coram Alex. P.* (Opp. ed. *du Pin*, II. p. 131).

<sup>7</sup> *Gerson* de modo reformandi Ecclesiam in Conc. Univ. written 1410, cap. 10 (in *v. d. Hardt* Conc. Const. T. I. P. V. p. 90): Et ut sic fieret (namely, ut limitaretur potestas usurpata papalis) fuit omnino inclinatus dictus Dominus Alexander V. ante ejus Papatum, dum ageretur, ut dictum concilium celebraretur in Pisis. Qui etiam hoc dicebat, et etiam super limitatione subsequenda multis argumentis theologis, philosophis, juridicis insudabat. Qui creatus in Papam in lucem educere non curabat. *Petrus de Alliaco* de difficultate reformationis in Conc. universali ad Jo. Gersonem, written 1410, cap. 3 (in *v. d. Hardt* Conc. Const. T. I. P. VI. p. 262): Alexander prorsus inexpertus erat eorum, quæ officii pastoralis honor et sublimitas exigebat, quamvis esset magnus Theologus. Et quicquid dicti Cardinales ab eo petierunt, ipsis absque contradictione concessit, nec audebat ipsis aliquid denegare. Unde ipsi continuo eum importune crebris petitionibus vexarunt, ita ut aliquando propterea in se ipso nimium turbaretur. Nec poterant satiare. *Theodoricus a Niem* III. c. 51: Fuit autem dictus dominus Petrus (Alexander prius nominatus Petrus de Candia), cum eligebatur in Papam, septuagenarius, vel circa. — Hic quicquid ordinavit et fieri voluit per ipsum dictus dominus Joannes Papa, tunc Diaconus Cardinalis (Balthasar Cossa), in omnibus et per omnia fecit, ab ejus precibus, consiliis aut mandatis — nullatenus recedendo, et in ejus Papatu nihil penitus reformavit, et omnibus studuit complacere, et vix alicui ab eo quicquam petenti a majori usque ad minimum sine personarum discretionem scivit denegare. Unde subito postquam in Papam assumptus fuit, adeo deformavit notabiliora officia suæ Curie ad importunam instantiam multorum petentium, excedendo illorum numerum antiquum nulla necessitate aut utilitate urgente, quod in longo tempore in statum debitum vix potuerunt reformari, et tam prodigus fuit in concedendis gratis beneficalibus, quod nullam novit differentiam inter personas, quibus illa fecit, et quales facere deberet, nec modum nec ordinem debitum et consuetos in talibus observando: fuit enim in illis practicalibus et agibilibus penitus inexpertus. — Aliquos etiam fratres Minores (the brethren of his own Order) sibi caros et sociales publicis officiis et lucrativis, quæ prius consueverunt regi per sæculares personas habiles et expertas, in eadem sua Curia præfert, et miro modo conabatur plerosque fratres Minores cathedralibus Ecclesiis vacantibus præficere in pastores: in his præcipue, et etiam in multis aliis Papale officium, cujus gravitatem non novit, in brevi tempore denigrando. — Cap. 52: — statim postquam creatus fuit, et ante ipsius coronationem multos creavit Archiepiscopos, Episcopos et Abbates, et omnibus illis familiaribus dominorum Cardinalium, qui eum elegerunt in Papam, qui dictis Dominis Cardinalibus in conclavi ministrarunt, adeo abusivas et exorbitantes beneficales gratias, etiam cum dispensationibus ad plura incompatibilia

not to satisfy. Thus he made some trifling concessions, promised to hold a new synod for the purpose of beginning the reformation, and as soon as possible (7th of August) dismissed the troublesome assembly that had appointed him.<sup>8</sup>

Thus the Synod of Pisa, which had been opened with such high-wrought hopes (see § 104), disappointed even such expectations as it might have been reasonable to entertain.<sup>9</sup> Instead of two popes,

beneficia, qui eas petierunt, absque personarum delectu fecit, sicuti a sæculo nunquam prius audita fuerunt, ita quod cæteri saltem intelligentes Curiales de indiscreta provisione stupefacti murmurabant. Videbatur enim predictus Alexander pro nihilo habere titulos ecclesiasticos, quos tam improvide videbat, etc.

<sup>8</sup> Sess. XX. on the 27th of July the Pope issued a decree (*d. Achery* I. p. 852): Sacro approbante Concilio decernimus, — iterum generale Concilium Ecclesie fore convocandum, hinc ad triennium, videlicet anno quo dicitur Dom. MCCCCXII in mense Aprilis, in civitate seu loco habili et decenti. Sess. XXIII. on the 7th of Aug. (l. c.): Sanctissimus Dominus noster sacro approbante Concilio ordinavit, quod bona immobilia Ecclesie Romanæ seu aliarum Ecclesiarum nullatenus — alienentur seu hypothecentur usque ad proxime inductum Concilium, in quo super hoc articulo maturius poterit deliberari. Item Dominus noster eodem approbante Concilio ordinat et mandat celebrari Concilia provincialia per Metropolitanos, et Synodos per eorum suffraganeos, secundum formam juris et Concilii generalis; quia ex eorum omissione multa sequuntur inconvenientia. Item — celebrari capitula Monachorum nigrorum et Canonicorum regularium. — Item Dominus noster, misericordia motus, liberaliter remittit, prout alias fecit, omnia arreragia (fr. *arrérages*) majora, et minuta servitia suæ Cameræ Apostolicæ de toto tempore antiquo debita, sibi dumtaxat competentia: etiam si qui propter defectum solutionis hujusmodi arreariorum sententiam excommunicationis incurrerint, eos auctoritate Apostolica absolvit. — Item — disponit, non facere translationes de invitis. — Item — concedit omnibus, qui in hoc sacro Concilio interfuerunt, et ejus determinationi adhærent, absolutionem plenariam a culpa et poena semel tantum. — Item Dominus noster sanctissimus cum consilio Concilii intendit reformare Ecclesiam in capite et in membris. Et quia jam multa per Dei gratiam sunt expedita, quæ ipsum Dominum nostrum, et favorem Prælatorum, aliorumque inferiorum concernunt, restantque alia, quæ propter recessum Prælatorum et Ambassiatorum de præsentibus expediti non possunt: propterea Dominus noster sacro requirente et approbante Concilio dictam reformationem suspendit, et continuat (i. e. *differt*) usque ad proxime indictum Concilium, etc.

<sup>9</sup> *Gerson* says, 1410, de modo reformandi Eccles. in Conc. univ. c. 19 (in *r. d. Hardt* Conc. Const. T. I. P. V. p. 113): In Concilio Pisano, secundum opinionem multorum, omnia fuerunt quasi primis motibus facta et agitata, spiritu vehementi, et non matura deliberatione, ut etiam Concilium decebat, ordinata nec completa. *Nicolai de Clamensis* disp. super materia Concilii generalis cum quodam Scholastico Parisiensi (written 1416, see p. 75) in his *Opp. ed. Jo. M. Lydius*. Lugd. Bat. 1613. 4to. p. 70: Quæ alia res in Pisana congregatione Ecclesiam Dei populumque decepit, et clamare fecit: *Pax, pax*, cum nulla esset pax; nisi quia carnales et cupidi homines, qui ubique ex refrigerio charitatis superabundant, beneficiorum ardore succensi, prorsusque exacerati ecclesiasticam reformationem, quam boni et fideles plerique ante omnia fieri volebant, impederunt, ad novamque mox electionem processerunt, quæ facta, et promotionibus quas concupierunt adeptis, pacem esse clamant, solutoque conventu cum illa quam quæsierant pace, hoc est promotione, reversi sunt? Whether this was an œcumenical council long remained doubtful, after the deposition of John XXIII. had obliterated the only trace of its influence. *S. Antonini* Summa histor. Tit. XXII. cap. 5. § 2: per Pisanum Concilium vel Conciliabulum (cum non esset auctoritate alicujus eorum, qui se gerebant pro Pontifice, congregatum) non erat ablatum ipsum schisma, sed augmentatum, ex duobus vel tribus jam se pro Papa gerentibus. *Cajetanus* de auct. Papæ et Concilii Tract. II. c. 2, says, quod nec illud Concilium constat fuisse certum et indubitatum: *Bellarminus* de Conciliis et Ecclesia, Lib. 1. c. 8, calls it nec approbatum, nec reprobatum, but considers Alexander V. and John XXIII. to have been

there were now three; for although Alexander's election was generally recognised, Gregory XII. was still supported by Naples, several of the smaller Italian States, and the German bishops of Triers, Speyer, and Worms, whilst Benedict XIII. had Spain and Scotland on his side. No reformation of the church had taken place, and after the death of Alexander V. in Bologna, 3d of May, 1410,<sup>10</sup> and the succession of the infamous Balthasar Cossa, under the name of John XXIII,<sup>11</sup> none was to be expected from the Pope.<sup>12</sup> John XXIII.

the true Popes of that time: certe ex tribus, qui tum se pro Pontificibus gerebant, isti maxime ut veri Pontifices colebantur. In later times the papal party reject this council as not oecumenical (*Ballerinius* de potestate ecclesiastica summorum Pontificum et Concill. Generali. cap. 6.), and consequently the Popes it appointed, Alexander V. and John XXIII., acknowledging Gregory XII. as lawful Pope till the time of his resignation in Constance (*Raynald.* ann. 1409, no. 79 and 80). The French writers, on the other hand, have always defended the council and its Popes, see *Edm. Richerii* hist. conciliorum generalium, Lib. II. c. 2. § 6. *Bossuet* Defensio declarat. Cleri Gall. P. II. lib. 9. c. 11. especially *Natalis Alex.* hist. eccl. sæc. XV. et XVI. diss. 11.

<sup>10</sup> Probably poisoned by his successor. See the Articuli contra Joh. P. XXIII. presented to the Council of Constance (in *v. d. Hardt* Conc. Const. T. IV. p. 197): Dictus tunc Dominus Balthasar appellatus, Legatus Bononiæ existens, ad papatum illicitis mediis aubelans, in mortem bonæ memoriæ Domini Alexandri Papæ V. extitit machinatus, et ut tam ipse, quam medicus suus Magister Daniel de sancta Sophia, artium et medicinæ Doctor, veneno extinguerentur, prout extincti sunt, operam dedit. Sicque, ut prædicatur, fuit dictum, tentum, creditum et reputatum, diciturque, tenetur, creditur et reputatur. Atque fuit et est de præmissis in civitate Bononiensi et extra per totum mundum publica vox et fama, et est graviter et notorie diffamatus. Conrad Justingers († 1426) Berner Chronik, ed. by Stierlin and Wyss, Bern. 1819. 8vo. S. 275: "And it was the common report that his death was furthered by him who proved his successor." *Antoninus* P. III. Tit. XXII. Cap. 5, § 3, says only: migravit a sæculo, ut dicitur, toxicatus in elisterio.

<sup>11</sup> See Conrad Justinger, S. 276. Also *Theod. a Niem* Invectiva in diffugiens-tem a Constant. Conc. Joh. XXIII. in *v. d. Hardt* Conc. Const. T. II. p. 296 seq. *Ejusd.* Vita Jo. XXIII. *ibid.* p. 336, and the Articuli cited in preceding note.

<sup>12</sup> See the Regula Cellensium Joh. P. XXIII. published July 19, 1410, in *v. d. Hardt* I. XXI. p. 954. *Petrus de Alliaco* de difficultate reformationis in Conc. universali ad *Jo. Gersonem*, 1410, cap. 2 (in *v. d. Hardt* Conc. Const. T. I. P. VI. p. 256 seq.): Quippe notorium est, quod dictus Johannes in primordio sui Pontificatus reservavit suæ dispositioni omnes Patriarchales, Metropolitanas ac Cathedralis Ecclesias, necnon omnia Monasteria virorum, prout etiam nonnulli ejus prædecessores summi Pontifices facere consueverunt. — Item ultra prædictas et omnes generales alias reservationes quarumlibet inferiorum dignitatum et beneficiorum ecclesiasticorum per eum etiam factas, extra solitam consuetudinem eorundem suorum prædecessorum, reservavit suæ dispositioni omnes Prioratus, Conventuales et majores post Pontificales in cathedralibus, necnon principales dignitates in collegiatis Ecclesiis ubicunque vacantes et vacaturas. — Item dictus Johannes aliam fecit constitutionem, continentem in effectu, quod quicumque ab eo impetraret qualecunque beneficium ecclesiasticum, — antequam illi super eadem impetratione literæ apostolicæ in Romana curia confectæ traderentur, solveret cameræ Apostolicæ realiter medietatem fructuum dicti beneficii impetrati *unius anni*. To this were added duæ novellæ constitutiones. Namely, olim quicumque præfecti fuerant cathedralibus Ecclesiis, aut Monasteriis virorum vacantibus in Prælatos, non arcebantur per sedem Apostolicam, ut in promptu plus solverent Cameræ Apostolicæ aut collegio Cardinalium pro *communi servitio*, quam medietatem taxæ, ad quam Ecclesiæ vel Monasteria ipsa in eadem Camera reperiebantur esse taxata. Et pro alia medietate solvenda promotis — dilatio dabatur. — Quas quidem taxas oportet promotos per ipsum Dom. Johannem integraliter sol-

bent all his powers to the struggle with Ladislaus, king of Naples, who maintained the cause of Gregory XII. After all his efforts had proved ineffectual, even a crusade against him which he had caused to be preached from A. D. 1411,<sup>13</sup> the king was at length won over by negotiation, A. D. 1412, and Gregory XII., betrayed and forsaken, had to seek refuge in Rimini with his friend Charles of Malatesta.<sup>14</sup> Not long after, however, Ladislaus quarrelled with his new friend, and advancing upon Rome, compelled John to fly into the North of Italy, and there throw himself into the arms of the emperor Sigismund. Under these circumstances, the emperor prevailed on him to summon the long desired General Council, which was at length to put an end to the confusion and dissensions of the church, at Constance, on the 1st of Nov. 1414.<sup>15</sup>

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vere, — antequam literæ Apostolicæ — tradantur ipsis promotis. — Ex quo contingit, quod plures Ecclesiarum et dignitatum seu monasteriorum, ad quæ promoti sunt, possessionem nequeant apprehendere. Further, olim ante schisma — ratione inferiorum dignitatum et beneficiorum Ecclesiasticorum vacantium — non consequerentur impetrant *medios fructus* dignitatum et beneficiorum præfatorum eidem cameræ solvere, priusquam illa essent pacifice assecuti. Et tunc concordabant super illis cum collectoribus fructuum diætæ cameræ in diversis partibus debitorum. — Nunc autem extorquentur dicti medi fructus ab impetrantibus ipsis in eadem curia, antequam eis literæ Apostolicæ confectæ super talibus gratiis tradantur per officiales diætæ cameræ. — Et quod deterius est, si forte centum concurrerent pro uno beneficio vacante et reservato impetrando, daretur omnibus per Papam. Tamen si literas Apostolicas super ipsis impetrationibus suis vellent habere, quemlibet eorum incunctanter medietatem fructuum dicti beneficii præfate cameræ ante omnia solvere oporteret, licet nisi unus eorum illud assequi posset (comp. *Anonymus* in *Bulæi* hist. Univ. Paris, IV. p. 914). — Cap. 3, p. 260: Cum igitur juxta præhabita pateat, quod apud Papam et ejus collegium Cardinalium nulla vigeat charitas quoad alios Prælatos et Christianos, sed perpetua et insatiabilis rapacitas potius ardeat in eisdem, ut qualitercunque dicebatur: dato, quod generale Concilium convocaretur et fieret, sicut dicis et consulis fieri debere, qualis ex hoc utilitas universalis Ecclesiæ resultaret? Esto, etiam, quod omnes isti tres de papatu contententes sponte cederent, aut ad cedendum compellerentur invitati, eisque novus Papa, sicut factum fuit in Pisis novissime, surrogaretur: dicti Cardinales in statu eorum nihilominus remanentes dicerent, quod ad eos duntaxat spectaret electio summi Pontificis. Quod si obtinerent, non est dubitandum, quin unum ex se ipsis eligerent, sicut fecerunt in Pisis. Sicque nulla reformatio efficax et fructuosa ex cessione hujusmodi sequeretur, nisi vocalis, et unius personæ mutatio tantum. Et hi quidem electus et electores juxta mores veteres eorum similiter perpetuum errorem in ipsa Ecclesia continuarent, quousque unus eorum in eodem statu in ipsa Ecclesia remaneret. Certum est enim, quod mysticæ sacerdotes Bel cum eorum uxoris et filiis omnes unanimiter in lacum leonum missi fuerint, ut per ipsos leones devorarentur. Quod si aliqui eorum supervixissent, extunc etiam cibos regios, eidem Bel singulis diebus appositos devorassent, prout ante deceptorum facere consueverant. Et ne hoc deinceps fieret taliter, una sententia super omnes justo Dei judicio lata subito perierunt.

<sup>13</sup> *Raynaldus*, ann. 1411, no. 5; ann. 1412, no. 2.

<sup>14</sup> *Theodor. a Niem* de vita Jo. XXIII. c. 22 and 24. H. Leo *Gesch der italienischen Staaten*. Th. 4to. (Hamburg, 1830.) S. 271 ff.

<sup>15</sup> *Leonardus Arctinus* in *Muratori* XIX. p. 928: Unicum remedium et Imperatori et Pontifici videbatur generale Concilium advocari. Sed erant circa hoc ipsum constituenda permulta, seu locus, tempus, modus. Missi sunt igitur his de causis ad Sigismundum Legati. Horum missio Legatorum ruinæ Pontificis initium fuit. Qua in re non videtur prætereundum mirabile quiddam, quod tunc accidit, ut omnia cælitus gubernari cognoscamus. Communicaverat mecum Pontifex areane mentem et cogitationem suam. *In loco*, inquit, *Conciliî rei summa est*,

§ 130.

COUNCIL OF CONSTANCE (5 Nov. 1414 to 22 April, 1418), MARTIN V. (11 Nov. 1417, † 20 Feb. 1431).

*Magnum œcumenicum Constantiense Concilium ex ingenti antiquissimorum Mæstorum mole diligentissime erutum op. H. v. d. Hardt. VI. Tomi. Francof. et Lips. 1700. Tom. VII. sistens indicem generalem. congressit G. Ch. Bohmstedt. Berolini. 1742. fol.*

*Theodorici Vrie* (written also *Vrige, Frig, Frie*, and erroneously *Urie* or *Urias*, an Augustine monk in Osnabruck, see *v. d. Hardt Prolegg. ad T. I. Conc. Const.* p. 22 seq.) *de consolutione Ecclesiæ libb. IV.* written 1417, ed. by *v. d. Hardt*, with the title *Historia Conc. Constantiensis (Conc. Const. T. I. p. 1 seq.)*

*Histoire du Concile de Constance par Jaques Lenfant. Tomes II. à Amsterdam 1714. nouv. édit. 1727. 4to. Nouvelle Histoire du Concile de Constance, où l'on fait voir, combien la France a contribué à l'extinction du Schisme, par Bourgeois du Chastenet à Paris. 1718. 4to. (a continuation of v. d. Hardt and Lenfant). — G a s p. R o y k o ' s Geschichte der Kirchenversammlung zu Gostnitz. Prag. Th. 1. 2. 2te Aufl. 1796. Th. 3. 4to. 1784, 1785. Register 1796. gr. Svo.*

The longing for peace in the church and a thorough reform had been only increased by the disappointment in the case of Alexander V. and the scornful disregard of John XXIII., whilst the principles and propositions so powerfully supported in the writings of John Gerson<sup>1</sup> were adopted by so many of those who assembled to the

*nec ego alicubi esse volo, ubi Imperator plus possit. Legatis igitur istis, qui a me mittuntur, mandata amplissima, potestatemque maximam ad honestatis speciem dabo, quæ palam ostentare possint, atque proferre; secreto autem mandatum restringam ad loca certa.* Afterwards, however, he concluded to give them only general instructions, ostendens quanti ponderis illa res esset, ejus rei gratia mitterentur, and dismissed them with the injunction: *restræ prudentiæ cuncta permitto. Vos, quid mihi tutum, et quid formidandum, cogitatis.* After the peace had been agreed upon between the ambassadors and the emperor, Joannes incredibile quantum indoluit, se ipsum ac fortunam suam detestatus, quod tam leviter a cogitatione, propositoque, illo pristino restringendorum locorum descivisset. The bull, appointing the council, d. Laudæ V. Id. Dec. 1413, see in *Raynald*, ann. 1413, no. 22. *v. d. Hardt*, T. VI. p. 9.

<sup>1</sup> Especially in the work written 1410 (cf. cap. 21, cum ad præsens de facto vacet Imperium, et Imperii Electores diversis obediant), Opus de modis uniendi ac reformandi Ecclesiam in Concilio universali (in *v. d. Hardt Conc. Const. T. I. P. V. p. 68* seq. and in *Opp. Gersonii* ed. *du Pin*, T. II. P. II. p. 161 seq.), in which he attempts to meet the difficulties raised by *Petrus de Alliaco* de difficultate reform. in *Conc. Univ.* (see § 129, note 12). Worthy of remark is the distinction which he makes between the una, sancta catholica and the Apostolica Ecclesia, see *v. d. Hardt*, cap. 2, p. 70: Catholica, universalis Ecclesia ex variis membris unum corpus constituentibus — est conjuncta et nominata. Cujus corporis, universalis Ecclesiæ, caput Christus solus est. Cæteri vero, ut Papa, Cardinales, et Prælati, Clerici, Reges, et Principes, ac plebeji sunt membra inæqualiter disposita. Nec istius Ecclesiæ Papa potest dici nec debet caput, sed solum vicarius Christi, ejus vicem gerens in terris, dum tamen clavis non erret. Et in hac Ecclesia, et in ejus fide omnis homo potest salvari, etiamsi in toto mundo aliquis Papa non posset reperiri. — Hæc Ecclesia de lege currenti nunquam errare potuit, nunquam defi-

cere, nunquam schisma passa est, nunquam hæresi maculata est, nunquam falli aut fallere potuit, nunquam peccavit (according to Gratian's decree, Caus. XXIV. Qu. 1, per totum). In ista etiam omnes fideles, in quantum fideles sunt, unum sunt in Christo, in cujus fide non est distantia Judæi, Græci, domini et servi. Alia vero vocatur *Ecclesia Apostolica* particularis et privata, in catholica Ecclesia inclusa, ex Papa, Cardinalibus, Episcopis, Prælati et viris ecclesiasticis compaginata. Et solet dici Ecclesia Romana, ejus caput Papa creditur: cæteri vero Ecclesiastici, tanquam membra inferiora et superiora, in ea includuntur. Et hæc errare potest, et potuit falli et fallere, schisma et hæresis habere, etiam potest deficere. Et hæc longe minoris auctoritatis videtur esse universalis Ecclesia: — et est quasi instrumentalis et operativa clavium universalis Ecclesiæ, et executiva potestatis ligandi et solvendi ejusdem. Nec de recta conscientia majorem habet vel habere potest auctoritatem, et executionem potestatis, quam sibi ab universalis Ecclesia conceditur. Cap. 5, p. 75: Si propter salvationem unius regni, unius provinciæ, deponitur unus Rex, unus Princeps secularis, qui per successionem perpetuam descendit: multo magis unus Papa, unus Prælatus est deponendus, qui per electionem Cardinalium fuit institutus, ejus pater et avus forsan ventres implere non sufficiebant fabis. Durum enim est dicere, quod filius unius Veneti piscatoris papatum debeat tenere cum detrimento totius reipublicæ ecclesiasticæ. — Sed forte me voluisti capere in sermone per varia scripta, allegando, quod tam sancta, tam alta sit potestas Papæ, ut a nullo mortalium judicari valeat nec deponi, nisi propter hæresin incorrigibilem: ad hæc allegas Dist. XL. can. 6. Sed perpende, mi frater, quanta fraude, quanta astutia temporibus antiquis fuerint facta et scripta quam plurima ad tenendam hanc dignitatem Papatus. — Dico, quod tantam fraudem in administratione hujus Papatus fecerint aliqui antiqui, qui — multa jura sibi usurparunt, et pro se fecerunt, et de republica non curarunt. Et quis fecit illos libros, *Sectum* et *Clementinas*, arrogantiam, superbiam, juris Ordinariorum locorum usurpationem, Imperatorum Romanorum injuriosam detractionem, et eorum aliorumque potestatis periculo-issimam suppressionem, et alia multa in spiritualis et sæcularis reipublicæ læsionem malitiose et pertinaci ambitione fabricata, in omnibus et per omnia concludentes. Et male: quia non minus terrore Principi in his, quæ ad jura pertinent imperii, quam spirituali in his, quæ ad Deum spectant, debetur obedientia. — Igitur omnes inobedientes Romano Imperatori, et ejusdem imperio, quia ejus jura usurpant, in statu damnationis existunt. Nihilominus et Papæ voluerunt observari illos sicut sancta Dei Evangelia — Papa, ut Papa, est homo, et ut homo, sic est Papa, et ut Papa potest peccare, et ut homo potest errare. — Subjicitur ergo, ut alter Christianus, in omnibus præcepto et mandato Christi. — Cum ergo Christi præceptum dicat: *Si peccaverit in te frater tuus, corripie eum inter te et ipsum solum: si te non audierit, adhibe duos testes. sin autem, dic Ecclesiæ* (Matth. xviii. 15): cum ergo Papa sit meus frater et proximus in natura et in Christi fide; — corripendus est juxta processum præcepti Christi. Non ergo illud decretum est tenendum, quod Papa a nemine sit judicandus. — p. 80: Papatus non est sanctitas, nec facit hominem sanctum, licet volentem disponat ad sanctitatem, sicut faciunt cæteræ dignitates ecclesiasticæ. — Et si dicatur: *illa sedes aut sanctum facit, aut sanctum invenit*; intelligitur ita: *deberet sanctum invenire*. Ridiculum est enim dicere, quod unus homo mortalis dicat se potestatem habere in cælo et in terra ligandi et solvendi a peccatis, et quod ille sit filius perditionis, simoniacus, avarus, mendax, exactor, fornicator, superbus, pomposus, et pejor quam diabolus. — Cap. 9, p. 87: Sed nunquid tale Concilium, ubi Papa non præsidet, est supra Papam? Certe sic. Superius in auctoritate, superius in dignitate, superius in officio. Tali enim Concilio ipse Papa in omnibus tenetur obedire, tale Concilium potest potestatem Papæ limitare, quia tali Concilio, cum repræsentet Ecclesiam universalem, claves ligandi et solvendi sunt concessæ. Tale Concilium jura papalia potest tollere, a tali Concilio nullus potest appellare, tale Concilium potest Papam eligere, privare et deponere, tale Concilium potest jura nova condere, et facta ac antiqua destruere, talis etiam Concilii constitutiones, statuta et regulæ sunt immutabiles et indispensabiles per quancunque personam inferiorem Concilio. Nec potest, nec potuit aliquando Papa dispensare contra canones sanctos in Conciliis generalibus, nisi Concilium specialiter hoc illi commiserit ex magna causa. Nec facta Concilii potest Papa immutare, imo nec interpretari, aut contra ea dispensare, cum sint sicut Evangelia Christi, quæ nullam recipiunt dispensationem, et super quæ Papa

nullam habet jurisdictionem. — Cap. 10, p. 90: Concilium ergo generale, representans universalem Ecclesiam, si affectat unionem integram videre, si affectat schismata reprimere, si vult Ecclesiam exaltare; primo ante omnia ad instar sanctorum Patrum, qui nos præcesserunt, limitet ac terminet potestatem coactivam et usurpatam papalem. (Here follows the passage cited above, § 106, note 3). p. 91: Ideo sacrum universale Concilium reducat et reformet Ecclesiam universalem in jure antiquo. Et abusivam papalem in Decreto et Decretalibus, Sexto et Clementinis, necnon Extravagantibus papalibus prætensam limitet potestatem. Christus enim nullam aliam potestatem Petro tribuit, quam ligandi et solvendi, ligandi per penitencias, et solvendi culpas. Non enim illi contulit, ut beneficia tribueret, ut regna, castra et civitates haberet, ut Imperatores et Reges privaret. Quod si taliter potestatem Christus Petro contulisset, utique ipse Petrus aut Paulus, quod nefas est dicere, valde peccassent, aut errassent in eo, quod Neronem Imperatorem, quem sciverunt esse pessimum, et Christianorum inhumanissimum persecutorem, imperio non privarint. — Et quis unquam legit, vel in veritate audivit, quod antiquis temporibus Romanorum Reges vel Imperatores consueverint ante Papam juramentum præstare, potissime autem quam primus Otto Magni Augusti semper alter, juramentum reperitur in Decretis præstitisse? quod indultum a quoquam Papæ fuerit, ut reservationes cathedralium et aliarum Ecclesiarum ac Monasteriorum faceret? ut propter pecunias homines, Episcopos et Prælatos excommunicaret, atque ab eorum dignitatibus destitueret, seu privaret, ac omni die festivo in valvis Curiae? ut primos fructus in Camera soleret aggregare, et excommunicatos emaciaret ac eos scandalizaret? (cf. cap. 17, p. 110: ita ut jam non videatur Romana Curia esse, nisi quoddam forum publicum, ad quod quo quis plura portaverit, plura mercimonia habeat.) — Reformetur etiam Ecclesia quoad Cardinales, qui tot commendas habent sine causa, destruentes tot Ecclesias et Monasteria. — Reformetur etiam Ecclesia in Prælatiis, in Monachis et Presbyteris. In Prælatiis, ut electi ad Ecclesias vitæ honestate, literarum sufficientia, et perfecta ætate excellentes per Ordinarios et Archiepiscopos confirmentur; in Monachis, ut vivant in observantia regulari: in Presbyteris, ut non præficiantur Ecclesiis, nisi virtutibus clari et literarum sufficientia fuerint imbuti, docti et instructi. — Rescindantur etiam abusivæ libertates et exemptiones, concessæ illis quatuor Ordinibus fratrum medicantium, quibus nimium abutuntur. — Et liberentur ab ipsis omnino omnia monasteria Monialium, quia ipsi fratres, seu multi ex eis in plerisque provinciis valde deturpant ipsas moniales eis subjectas. — Nimis etiam multiplicantur hi fratres. Et quid opus est, ut in aliqua domo eorum fratrum, scilicet Colonia, — continue resideant LXX. eorum, aut plures, inter quos forsitan non sunt quinque vel sex sufficientes ad proponendum verbum Dei populo. Et tot pro una tota provincia sufficere possent. Cap. 12, p. 96: Sed timeo, dato etiam, quod ista reformatio fiat in scriptis, etiam certis juramentis et firmamentis ac pactis adjectis, quod post per Papam et Cardinales, ac cæteros ipsius Curie Officiales et Prælatos non observarentur, dicente Francisco Petrarcha in libro sine nomine: Crescentibus flagitiis hominum crevit veri odium, et regnum blanditiis atque mendacio datum est. Et quia difficile est, consueta relinquere. — Cap. 16, p. 105: Aut ergo congregetur Ecclesia ad hoc, ut sancita et acitata in concilio Pisano demandentur ulteriori et reali executioni, et illi duo (Greg. XII. et Bened. XII.) privati de jure etiam priventur de facto. Aut ubi hoc remedium reperiri non poterit, quod est verisimile reperiri non posse propter adstrictas obedientias eis subditas, seu potentes obedientes ipsis, qui ab eis deviare nolunt: tunc, si illi duo privati et abjecti petant generale concilium, et promittant, se ibidem personaliter velle comparere, et suo juri de facto, quod habent, libere et pure renunciare in casu, quo Dominus noster Papa Johannes etiam suo juri renunciare velit: tunc in isto casu quid fiet, dicam sine præjudicio, quod ipse Dominus noster, Papa, si alias non potest consuli Ecclesiae, — non dico unum Papatum, sed plures, si essent possibiles, teneatur in casu isto libenter et voluntarie renunciare, et Papatui suo cedere, ne respublica et tota Ecclesia propter unum hominem peccatorem sine virtutibus et exemplis bonis debeat perire. — Cap. 17, p. 107: Tunc — universalis Ecclesia — reformabitur. Sed tunc caveat universalis Ecclesia super omnia, ut nunquam sub quovis colore concedat Papæ potestatem dispensandi contra statuta generalis Concilii, aut ea interpretandi, seu immutandi propter varietates temporum, et novos supervenientes casus; sed quod solum illa debeant immutari per aliud Concilium generale, fiendum de tempore in tempus propter reformationem

Council of Constance,<sup>2</sup> that John could not but see the danger that threatened him. He opened the council with the usual papal pomp (Nov. 5, 1414), but soon found himself deprived of the advantage of the majority secured by the number of Italian votes, which the popes had enjoyed at all former synods, by the decision to vote by nations.<sup>3</sup> The strong wish, shared by all, to put an end to the

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Ecclesie. Luce enim clarius constat, quod pro majori parte facta et ordinata in quatuor generalibus Conciliis principalibus, et aliis Conciliis per temporum successiones statuta, crescente avaritia Pontificum, Cardinalium, et Prælatorum, tam per Papæ reservationes, quam per iniquas Camera Apostolicæ constitutiones et Cancellaria regulas, et formulas audientiæ causarum Rotæ, et ambitiosas dispensationes, absolutiones, indulgentias, confessionalia, officium pœnitentiariæ sint fere immutata, annihilata, et quasi in derisum et oblivionem posita. — Cap. 24: Subsequenter autem venio ad illas novellas constitutiones Alexandri et Johannis prædictorum, quibus cavetur, quod promotus ad aliquam Ecclesiam cathedralem, vel aliquod Monasterium, etc. et quod impetrans beneficium reservatum a Papa, etc. (see § 129, note 12.) Huic quæstioni, Pater reverende, cum non sint de jure, sed de facto hæc pestifera constitutiones, satisfacere nequeo ad præsens, cum sint super violentia manifesta, Simonia publica, rapacitate lupina, et ovium Christi dispersione fabricatæ, quæque ad aliud non sunt, nisi ut eorum conditores furentur, maectent et perdant, ipsi videlicet Papæ et Cardinales. Quocirca ut futurus Rex vel Imperator Romanus, Domino concedente, adhæreat dietis Angelo (Gregorio XII.), et Petro (Benedicto XIII.), et tali lupo rapaci, et tali raptori tyranno (Joanni XXIII.), qui non regnat in Ecclesia, nec principatur propter bonum commune, sed solum propter bonum privatum, et ejus principatus est manifesta tyrannis, quod sana conscientia compellat, seu compelli faciat, aut audeat compellere, non video. — Sic ergo concludo, quod superioribus sit obediendum in licitis et honestis: non autem compelli debemus ad eorum obedientias, ubi opera eorum sunt notorie prava, et totam Ecclesiam scandalizantia; ubi est patrimonii Christi manifesta dissipatio et injuriosa dispensatio; ubi pastores sunt tonsores; ubi non sunt agni, sed lupi; ubi non sunt dispensatores mysteriorum Christi, sed dissipatores; ubi non sunt sobrii, sed ebrii; ubi non sunt Prælati, ponentes animas suas pro ovibus suis, sed Pilati, satisfaciennes aliorum cupiditatibus et desideriis, et ubi non mittunt retia sua in capturam animarum, sed pecuniarum. Omnis enim eorum cura circa acquisitionem pecuniarum est. Et breviter, ubi non Christi, sed mores gerunt Antichristi. Et ideo Christus dixit, talibus non obediendum. *In novissimis enim temporibus multi venient in nomine meo, dicentes: ecce hic Christus, ecce illic Christus* (Matth. xxiv. 23): sicut modo dicitur: ecce hic est verus Papa, ecce iste alius est verus Papa. *Nolite credere eis*, ait Christus. Imo, si nos debemus subtrahere ab omni fratre ambulante inordinate, quanto magis a superiori perverso et iniquo, ex cujus exemplo tota corrumpitur respublica, et sancta mater Ecclesia deturpatur.

<sup>2</sup> See the catalogue of Gebhard Dacher, taken by the order of the Elector of Saxony, who presided, in *v. d. Hardt*, T. V. P. II. p. 10 seq., and another in Justingers Berner Chronik, S. 320 ff. Comp. *Lenfant*, T. II. p. 365 seq. Dacher's catalogue closes: Mulieres communes, quas reperi in domibus, et ultra et non minus, exceptis aliis, DCC.

<sup>3</sup> See *v. d. Hardt*, T. II. p. 224 seq. The papal party wished quod in Concilio — soli Prælati majores, Episcopi et Abbates habeant vocem in definitiva sententia agendorum. This was opposed by the Card. Cameraensis (Petrus de Alliaco) in a *Schedula*, in which he reminds the council, quod a tempore nascentis Ecclesiæ — vari fuerunt modi observati — in modo congregationis et deliberationis Conciliorum generalium. Nam, sicut patet in Actibus Apostolorum, quandoque in Conciliis congregabatur tota communitas Christianorum, quandoque Episcopi, Presbyteri, Diaconi, quandoque soli Episcopi sine Abbatibus, quandoque cum Episcopis Abbates, quandoque Imperator convocabat et congregabat Concilium. — Item sciendum est, quod quando in Conciliis generalibus soli Episcopi habebant vocem definitivam, hoc fuit, quia habebant administrationem populi, et erant viri sancti et docti et electi præ cæteris in Ecclesia christiana. Postea fuerunt additi Abbates



schism, soon led to the resolution to annul the decrees of the Council of Pisa, on which the claims of John XXIII. were founded, and to induce all three popes to resign.<sup>4</sup> Fearing the result of an investiga-

eadem de causa, et quia habebant administrationem subjectorum. Et eadem ratione addi deberent Priores aut majores quarumcunque congregationum plus quam Episcopi, vel Abbates inutiles, solum titulares. — Item eadem ratione, qua supra, non sunt excludendi a voce definitiva Sacrae Theologiae Doctores, ac juris canonici et civilis. Quibus, et maxime Theologis, datur auctoritas praedicandi aut docendi ubique terrarum, quae non est parva auctoritas in populo Christiano, sed multo major quam unius Episcopi vel Abbatis ignorantis, et solum titularis. Et quia antiquitus haec Doctorum auctoritas non erat introducta per modum Studiorum generalium, quae hodie auctoritate Ecclesiae observatur, de eis non fit mentio in antiquis juribus communibus, sed in Concilio Pisano et Romano (of 1412) eorum auctoritas allegatur, et in definitiva sententia se subscribunt. Quare eos in simili excludere praesens Concilium, quod est dicti Pisani continuativum, non solum esset absurdum, sed dicti Pisani Concilii quodammodo reprobativum. — Item quantum ad materiam terminandi praesens schisma et dandi pacem Ecclesiae, velle excludere Reges, Principes aut Ambasiatores eorum — a voce seu determinatione etiam conclusiva, non videtur justum, aequum, aut rationi consonum; cum hujusmodi pacis conclusio ad eos et populos eis subjectos valde pertineat, et sine eorum consilio, auxilio et favore non possint ea, quae in hoc Concilio concludentur, executioni mandari. To the same effect the *Schedula* of Cardinalis S. Marci (Guil. Philasterius, *Fillastre*), p. 226: Tu, quisquis es, qui praetendis primo, solos majores Praelatos, ut his verbis utar, Episcopos et Abbates, habere vocem in generali Concilio: et ita excludis Doctores, Archidiaconos, Rectores parochialium Ecclesiarum, caeterosque dignitates habentes, quibus cura imminet animarum, Ordines praeterea ecclesiasticos, Sacerdotes et Diaconos, dic, ubi illos non admittendos legisti? Et si legeris Conciliorum antiquorum actiones, reperisti Sacerdotes et Diaconos admissos. — Si Canonista es, vide textum Canonis dicentem, quod Doctorum Ordo quasi praecipuus est in Ecclesia Dei. Illum ergo Ordinem, et quasi praecipuum Ordinem repellis, et admittis indistincte Episcopos et Abbates, quorum pars major indocta. Et attende, quod Rex, vel Praelatus indoctus est asinus coronatus. Cum illis ergo Doctores admittite, ut illorum scientiae defectum, qui tamen auctoritatem habent, istorum scientia et doctrina suppleant. Further: inter Episcopos et Presbyteros, quantum ad ordinationem et meritum, Apostolus nullam differentiam facit. Then arose the question, p. 230: Quomodo deciderentur agenda in Concilio, et fieret scrutinium votorum? utrum per nationes in genere, quarum quatuor erant, nimirum Italiae, Galliae, Germaniae et Angliae, vel per capita singula? Et licet clarum de jure videatur, quod perscrutanda sint vota per capita singula: quia tamen plures sunt Praelati Italiae pauperes, quam fere de omnibus nationibus, praeterea Dominus noster fecit in numero excessivo Praelatos Cubicularios ultra quinquaginta; dicitur praeterea, quod multos voluit sibi obligare juramentis et muneribus, alios miuis terruisse, ut ita scrutando per capita nihil fieret, nisi quod vellet Dominus noster; in istis quaestionibus Concilium diu perpendit. — Interim Nationes ulterioris Galliae, Germaniae et Angliae, et ita postea Italiae, per se ipsas se congregaverunt et deciderunt *de facto* quaestionem. *Cerretanus* says in *Actis Conc. Const.* (v. d. *Hardt* IV. II. p. 40): Die Jovis, septima Februarii, post nonnullas disceptationes decretum est, ut in Concilio per Nationes, et non per vota procederetur.

<sup>4</sup> In the Congregation of December 7, 1414, it was proposed to the Italians who were devoted to the cause of John XXIII. (see *Schedula* in v. d. *Hardt* IV. I. p. 24), quod declararetur, Concilium Pisanum, omniaque et singula acta et gesta in eo, indeque secuta, fuisse et esse rationabilia et canonica, et ab omnibus et per omnia admittendum fore, et sub paenis canonicis admitti debere, et executioni subjacere condemnata in eo. Et pro eorum executione quod Papa teneatur et debeat expellere Petrum de Luna, et persequi Errorium (Gregorium XII.) dejectos, eorumque fautores et defensores. On the other hand, *Petrus de Alliaco*, Card. Cameracensis, sought to prevent the confirmation of the council of Pisa (*Schedula* in v. d. *Hardt* II. p. 194): In praesenti Concilio non est revocandum in dubium, sed pro fundamento supponendum, quod Concilium Pisanum fuit legitimum, et

canonice celebratum, et ideo stabile et firmum. — Confirmatio Pisani Concilii, simpliciter et sine nova causa facta, non habet proprie auctoritatem mentes solidandi, sed magis irritandi, nec omnem scrupulositatem in causa dicti Pisani Concilii amovendi, seu errores circa ipsum extirpandi, sed magis novos errores inducendi, et schismatis obstinationem confirmandi, nisi prius convenientia remedia adhibeantur. In a second *Schedula* he proposed (l. c. p. 196): Quia ejectione duorum contententium de Papatu non est facilis vel verosimilis obtineri via belli, tentandum erit, et diligenter tractandum, quod fiat pax per ipsorum reductionem vel voluntariam cessionem. Still more distinctly in certain *Conclusiones* (l. c. p. 200): Licet Concilium Pisanum probabiliter credatur representasse universalem Ecclesiam, et vices eius gessisse, quæ Spiritu Sancto regitur, et errare non poterit: tamen propter hoc non est necessario concludendum, quod a quocunque fidei sit firmiter credendum, quod illud Concilium errare non potuit, cum plura priora Concilia fuerint generalia reputata, quæ errasse leguntur. Nam secundum quosdam magnos Doctores generale Concilium potest errare non solum in facto, sed etiam in iure, et quod magis est, in fide. Quia sola universalis Ecclesia hoc habet privilegium, quod in fide errare non potest. In January, 1415, ambassadors arrived from Gregory XII. and Benedict XIII. (r. d. *Hardt* IV. II. p. 33 seq.), and the former gave notice in the name of their master (r. d. *Hardt* II. p. 204): Viam cessionis Papatus — ex nunc pura et sincera intentione offerimus — iuxta determinationem Concilii per Regiam Majestatem de omnibus obedientibus et nationibus in hoc schismate in civitate Constantiensi congregati, dicto Balthasare, qui a nonnullis Johannes XXIII. nuncupatur, non presidente, nec interessente, cum effectu perficiendam, præfatis Petro de Luna et Balthasare Cossa idem facientibus. Then in February the Cardinalis S. Marci (Gulielmus Philasterius, formerly Decan in Rheims) came forward with the proposal (r. d. *Hardt* II. p. 210) cessionis fiendæ ab omnibus, and in answer to the question, utrum ad illam teneatur Dominus Johannes? replied: in casu, in quo est manifeste Summus Pontifex, quanto verior pastor Ecclesiæ, tanto libentius, ferventius et citius debet pro pace et unione Ecclesiæ aggredi viam cessionis et offerre. Patet conclusio ex dictis summi pastoris dicentis: *bonus pastor animam suam ponit pro ovibus suis* (Jo. x. 12). — Si autem animam tenetur ponere, multo magis accidentia vitæ, honorem, potestatem, dominatum. — Quia ex præmissis tenetur ad hoc, igitur compelli potest, si recusat. — Nec dubitandum, quin generale Concilium sit iudex competens in hac parte. On the other hand, various *Schedulæ* were handed in by the papal party (l. c. p. 214 seq.), in which it was shown, p. 216: Via cessionis, quæ Domino nostro proponitur, — quoad Concilium Pisanum, est irrationabilis et injusta, quia est reprobativa et annullativa ipsius Concilii Pisani. To this it was answered by the Card. Cameracensis (p. 220): Licet Concilium (Pisanum) fuerit legitime et canonice convocatum, rite et canonice celebratum, et duo olim contententes de Papatu juste et canonice condemnati, et electio Domini Alexandri V. fuerit canonice et rite facta. — prout hæc omnia tenet Obedientia Domini nostri Papæ Johannis XXIII.: tamen duæ Obedientiæ duorum contententium probabiliter tenent contrarium. In qua opinionum diversa et adversa varietate non sunt minores difficultates juris et facti, quam aut Concilium Pisanum erant de justitia duorum contententium. Ex quo sequitur secunda conclusio, quod, sicut ante Concilium Pisanum ad evitandum difficultates juris et facti, et prolixitatem, et dilationem pacis Ecclesiæ, tunc acceptata fuit ab omnibus Christifidelibus et laudata via cessionis amborum contententium, sic et nunc trium contententium de Papatu, similiter etiam majori ratione acceptanda est et laudanda. — Sexta conclusio: Licet regulariter Papa verus et canonicus, de hæresi aut nullo notorio crimine Ecclesiam scandalizante non infamatus, nec suspectus, nequeat ab aliquo particulari collegio, seu persona singulari contra ea quæ sunt sui juris compelli vel arctari: tamen ab universali Ecclesia, seu Concilio generali ipsam representante, attentata prolixitate casus præsentis, pro pace Ecclesiæ celerius procuranda, juste posset ad cessionem compelli. Septima conclusio: Si in casu prædicto Papa dietam viam pertinaciter recusaret, legitime posset tanquam schismaticus et de fautoria schismaticæ pravitatis suspectus rationaliter condemnari. The result of these negotiations was, p. 230: Et finaliter omnes declinarunt ad viam cessionis secundum formam primæ schedulæ super hoc datæ per Cardinalem S. Marci. — Namely (r. d. *Hardt* IV. II. p. 41): Die 15 mensis Februarii Germanica, Gallica et Anglica nationes viam cessionis tanquam salubriorem ad unionem Ecclesiæ conficiendam elegerunt, utque natio Italica eandem approbaret, impetrarunt.

tion of his conduct which he saw impending, John XXIII. was glad to give such a promise on the 2d March, 1415.<sup>5</sup> Shortly after this (on the 21st of March) he fled to Schaffhausen;<sup>6</sup> but the council, strengthened by the firmness of the emperor, who was present, and

<sup>5</sup> *Theodoricus de Niem* de vita Jo. XXIII. lib. II. cap. 3 (v. d. *Hardt* II. p. 391): Quibus sic stantibus (towards the middle of February, 1415) quidam, ut præsumitur, Italicus, multos articulos valde famosos, et omnia peccata mortalia, necnon infinita quodammodo abominabilia continentes contra eundem Balthasarem in eodem Concilio exhibuit in scriptis, tamen secreta, quod super illis contra eundem Balthasarem fieret inquisitio, et provideretur instanter per Concilium memoratum. Quibus quidem articulis per aliquot majores nationum Germaniæ, Angliæ et Poloniæ perlectis, ipsi nullatenus consentire volebant, quod dicti articuli publicarentur, aut contra ipsum Balthasarem inquisitione fieret hujusmodi super illos. Et hoc propter honestatem. Et si contrarium fieret, ut asserabant, per hoc macularetur sedes Apostolica, et confunderentur enormiter etiam omnes de obedientia dicti Balthasaris, et ponerentur in dubio promotiones et provisiones per ipsum factæ, et multa scandala exinde subsequi possent. Plerisque etiam aliis nobilibus viris assentientibus et consententibus, quod illa via inquisitionis fieret, quæ compendiosa foret, et ipsi articuli, et contenta in eis, saltem pro majori parte essent notoria seu manifesta, et propterea modica vel nulla probatione indigerent. Quibus etiam interim clanculo et proditorie ad notitiam dicti Balthasaris deductis illico mente consternatus est, et cœpit valde tremere et timere, ac etiam quosdam sibi secretos Cardinales — consulere, — asserens, quod quædam in ipsis articulis descripta tanquam homo peccando commisisset, et aliqua non. Et proposuit tunc in mente sua, prout et ore proproalavit, quod ipsemet dictum Concilium vellet personaliter accedere, et quæ de contentis in eisdem articulis perpetrasset, coram ipso Concilio in publico fateri, fundans se in hoc, quod Papa propter quodcumque delictum, ut dicebat, nisi propter hæresin, deponi non posset. — Cap. 4: Concilium autem, seu majores deputati in eodem, ignorantes, quod ipse Balthasar prædictos articulos sciret, — accesserunt ad eum, rogantes unanimiter, ut viam cessionis sui Papatui eligeret, ad hoc, quod alii contententes de Papatui illam similiter acceptarent, quia alios non viderent modum aptum, quod præfata unio fieret in universali Ecclesia pro hac vice. Ad hoc ipse læto animo, observata tamen, ex industria, quadam gravitate, respondit, se facturum quod peterent, dum tamen ipsi alii duo contententes idem facere vellent. Maluit enim illam viam per se, ut existimo, amplecti, quam prædicti articuli ad ejus dejectionem a Papatui admissi et probati fuissent. The first form of the promise given by John (v. d. *Hardt* II. p. 232), displeased the council, because he would not promise to others cessionibus, and propter verba irritativa, quia alii vocantur condemnati de hæresi. At length, on the 1st of March, he adopted the following, and took the oath on the 2d of March, in the Sessio generalis II. (l. c. p. 240): Ego Johannes Papa XXIII. propter quietum populi Christiani profiteor, spondeo et promitto, juro et voveo Deo et Ecclesiæ, ac huic sacro Concilio, sponte et libere dare pacem Christi Ecclesiæ per viam meæ simplicis cessionis, et eam facere et adimplere cum effectu juxta deliberationem præsentis Concilii, si et quando Petrus de Luna, Benedictus XIII., Angelus Corario, Gregorius XII. in suis obedientiis nuncupati, Papatui, quem prætendunt, per se vel procuratores suos, legitime cedant: et etiam in quocumque casu cessionis vel excessus, aut alio, in quo per meam cessionem poterit dari unio Ecclesiæ Dei per extirpationem præsentis schismatis. When called upon to confirm this by the literas testimoniales, he at first refused (*Theod. de Niem*, l. c.); on the 7th of March, however, he issued a Bull, in which the promise was word for word repeated (see in v. d. *Hardt* IV. II. p. 53).

<sup>6</sup> *Theod. de Niem* II. 7. The letters to the king of France, the duke of Orleans, and the university of Paris, in which the Pope attempts to excuse his flight on the ground that he was not safe in Constance, nor free to act, the council being under the control of the emperor, &c. see in v. d. *Hardt* II. p. 253 seq. Similar letters were sent to the king of Poland, the dukes of Berry and Burgundy, see *Bourgeois du Chastenet, Preuves*, p. 318; to the duke of Orleans in J. G. Schelhorn's *Ergösslichkeiten aus der Kirchenhistorie u. Literatur*, Bd. I, S. 27 f. Letters of the council in their own justification in v. d. *Hardt* IV. p. 108,

the bold and energetic words of Gerson,<sup>7</sup> were not deterred by this from declaring its purposes and asserting its rights as regarded the papal power in a number of formal decrees.<sup>8</sup> The process was then

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to the king of France, *ibid.* p. 129; fuller in Schellhorn, l. c. S. 225. In the first, p. 111: Nos igitur, cum omnia diligenter pensamus, et maturo iudicio deliberamus, nil, aliud eundem (Papam) attentasse conspicimus, quam huiusmodi Concilii dissolutionem, utpote ad unionem Ecclesie intendenti. And thus, too, according to *Theod. de Niem* II. 8, the Pope's cardinals in Constance strove to spread the notion, quod Concilium dissolutum esset propter absentiam et recessum dicti Balthasaris.

<sup>7</sup> See Oratio publica de Concilii auctoritate on the 23d of March in *v. d. Hardt* II. p. 265 seq. *Gersonis* Opp. ed. *du Pin*, T. II. P. II. p. 201 seq.

<sup>8</sup> Sess. generalis III. d. 26 Mart. Decreta pro Concilii integritate et auctoritate post fugam Papae, per Cardinalem Zabarellam praelecta (in *v. d. Hardt* IV. p. 72): Ad honorem, laudem et gloriam sanctissimae Trinitatis, Patris et Filii et Spiritus Sancti, pacemque in terris hominibus bonae voluntatis divinitus promissam in Dei Ecclesia consequendum, haec sancta Synodus, sacrum generale Concilium Constantiense nuncupata, pro unione et reformatione dictae Ecclesiae in capite et in membris fienda, in Spiritu Sancto hic debite congregata, decernit, declarat, diffinit, et ordinat, ut sequitur: Et primo, quod ipsa Synodus fuit et est recte et rite convocata ad hunc locum civitatis Constantiensis, et similiter recte et rite initiata et celebrata. Item quod per recessum Domini nostri Papae de hoc loco Constantiensi, vel etiam per recessum aliorum Praelatorum, seu aliorum quorumcumque, non est dissolutum hoc sacrum Concilium, sed remanet in sua integritate et auctoritate, etiamsi quae ordinationes factae essent in contrarium, vel fierent in futurum. Item quod istud sacrum concilium non debet dissolvi, nec dissolvatur usque ad perfectam exstirpationem praesentis schismatis, et quousque Ecclesia sit reformata in fide et in moribus, in capite et in membris. Item quod ipsum sacrum Concilium non transferatur ad alium locum, nisi ex causa rationabili, et de consilio huius sacri Concilii deliberanda et concludenda. Item quod Praelati et alii, qui debent interesse huic Concilio, non recedant ab hoc loco ante finitum Concilium, nisi ex causa rationabili, examinandi per deputatos seu deputandos ab hoc sacro Concilio. Qua causa examinata et approbata possint recedere cum licentia ejus vel illorum, qui habebit vel habebunt auctoritatem. Et tunc recedens teneatur dimittere potestatem suam aliis remanentibus sub paenis juris et aliis per hoc sacrum Concilium indicendis et contra eos exsequendis. Still more important resolutions were passed immediately after. The cardinals demanded that various omissions should be made, and though the council did not yield (*v. d. Hardt* IV. p. 81 seq.), the proposed omissions were formally announced by the Cardinalis Florentinus (Zabarella) in the Sess. gen. IV. on the 30th of March, see l. c. p. 89. This excited a general feeling of displeasure (l. c. p. 92) against the cardinals; see the furious invectives of Benedictus Gentianus, the ambassador of the university of Paris, in *v. d. Hardt* II. p. 279. By a unanimous resolution, the former decrees were confirmed without any change, Sess. gen. V. on the 6th of April, see *v. d. Hardt* II. p. 98 (what Zabarella wished to leave out is marked by *Italics*): In nomine sanctae et individuae Trinitatis, Patris et Filii et Spiritus Sancti. Amen. Haec sancta Synodus Constantiensis, generale Concilium faciens, pro exstirpatione praesentis schismatis, et unione ac reformatione Ecclesiae Dei in capite et in membris fienda, ad laudem omnipotentis Dei in Spiritu Sancto legitime congregata, ad consequendum facilius, securius, uberius, et liberius unionem ac reformationem Ecclesiae Dei, ordinat, diffinit, statuit, decernit et declarat, ut sequitur. Et primo declarat, quod ipsa in Spiritu Sancto legitime congregata, generale Concilium faciens, et Ecclesiam Catholicam militantem representans, potestatem a Christo immediate habet, cui quilibet, cujuscunque status, vel dignitatis, etiamsi papalis, existat, obedire tenetur in his, quae pertinent ad fidem et exstirpationem dicti schismatis, ac *generalem reformationem Ecclesiae Dei in capite et in membris. Item declarat, quod quicumque, cujuscunque conditionis, status, vel dignitatis, etiamsi papalis, existat, qui mandatis, statutis seu ordinationibus, aut praecipis huius sanctae Synodi et cujuscunque alterius Concilii generalis legitime congregati, super praemissis seu ad ea pertinentibus, factis vel faciendis obedire contumaciter contem-*

introduced against John XXIII., which ended in a sentence of deposition on the 29th of May, 1415.<sup>9</sup> Gregory XII. resigned volunta-

*serit, nisi resipuerit, condigna penitentia subjiciatur, et debite puniatur, etiam ad alia juris subsidia, si opus fuerit, recurrendo.* Item diffinit et ordinat sancta Synodus, quod Dominus Johannes XXIII. Romanam Curiam et Officia publica, illius seu illorum Officiarios de hac civitate Constantiensi ad alium locum non mutet aut transferat, seu personas dictorum officiariorum ad sequendum eum directe vel indirecte cogat, sine deliberatione et consensu ipsius ad. Synodi. — Item ordinat et diffinit, quod omnes et singula translationes Prælatorum, necnon privationes eorum aut aliorum beneficiatorum, officialium, administratorum, quarumcumque commendarum ac donationum revocationes, monitiones, censuræ ecclesiasticæ, processus, sententiæ, et quæcunque acta gesta, gerenda, agenda aut fienda per præfatum Dominum Johannem Papam, aut suos officarios vel commissarios in læsionem dicti Concilii seu adhærentium eidem, a tempore inchoationis ejusdem Concilii — facta seu facienda, — auctoritate hujus sacri Concilii ipso facto sint nulla, cassa, irrita et inania. — *Item declarat, quod idem Johannes Papa XXIII. et omnes Prælati, ac alii ad hoc sacrum Concilium vocati, et alii in eodem Concilio existentes, in plenaria libertate fuerunt et existunt, ut visum est dicto sacro Concilio, nec ad notitium dictorum vocatorum seu dicti Concilii contrarium deductum est. Et hoc testificatur dictum sacrum Concilium coram Deo et hominibus.* Of these resolutions the first Sess. V. has always been particularly displeasing to the Italians, who have thus been led to dispute its authority, e. g. *Card. Cujetanus* de auctoritate Papæ et Concilii, *Bellarminus* de Conciliis et Ecclesia, lib. II. c. 19, *Andreas Vallius* de suprema potest. Papæ P. IV. Qu. 7. The French, on the other hand, have defended it, see *Richerii* hist. Conciliorum, lib. II. c. 3, § 7. The French clergy having declared in the celebrated propositions of A. D. 1682, nec probari a gallicana Ecclesia, qui eorum decretorum, quasi dubiæ sint auctoritatis ac minus approbata, robur infringant aut ad solum schismatis tempus Concilii dicta detorqueant; there appeared the work *Emanuel a Schelstraten Actum Constantiensis Concilii ad expositionem decretorum ejus sessionum quartæ et quintæ facientia*, nunc primum ex Codd. Mss. in lucem eruta ac dissertatione illustrata. Antwerp. 1683. 4to., in which not only the former evasions are repeated, but it is further maintained that the first resolution of the 4th Session was interpolated by the Council of Basil, by order of which the Acts of the Council of Constance were first collected; and that it should be only: in his quæ pertinent ad extirpationem dicti schismatis: whilst the decrees of the 5th Session were passed without due consideration, and had not the consent of all. In answer to this *Louis Maimbourg traité hist. de l'établissement et des prérogatives de l'église de Rome et de ses évêques*. Paris, 1685. 12mo. c. 23–25. *Du Pin* de antiqua eccl. disciplina. cap. VI. § 6. *Natalis Alexander* hist. eccl. Sæc. XV. et XVI. Diss. 4. Since the more accurate accounts of the consultations of the council by *v. d. Hardt*, the assertions of Schelstraten are contradicted by the Acts themselves.

<sup>9</sup> Sess. VI. on the 17th of April, 1415, the synod ordered a draft to be made of a Procuratorii super renunciatione Papatu pro Johanne XXIII. (v. d. *Hardt* IV. p. 114), according to which the Procurators whom he should appoint under certain conditions to which he was to swear, should be empowered to renounce in his name with the stipulation; Et si quovismodo contingeret, hujusmodi procuratorum seu procuratores nos revocare, — impugnare, etc. ex nunc prout ex tunc ipsi Papatui cedimus et renunciamus ipso facto, et deinceps pro non Papa haberi — volumus. The Pope refusing to assent to this, he was cited before the council Sess. gen. VII. on the 2d of May (l. c. p. 143), at the Sess. gen. X. 14th of May, suspended (l. c. p. 183), and after 70 Articles had been proved against him (l. c. p. 196), several of which were not read for fear of offence (p. 237, 247, 253), deposed in the Sess. gen. XII. 29 May (l. c. p. 280), the synod declaring in its sentence, recessum per — Johannem Papam XXIII. ab hac civitate Constantiensi — clandestine — factum fuisse et esse illicitum, Ecclesiæ Dei et dicto Concilio notorie scandalosum, pacis et unionis ipsius Ecclesiæ turbativum et impeditivum, schismatis inveterati nutritivum, a voto, promissione et juramento per ipsum Dominum Johannem Papam Deo, et Ecclesiæ, ac huic sacro Concilio præstitis deviativum; ipsumque Dominum Johannem Papam Simoniacum notorium, bonorumque et

rily on the 4th of July.<sup>10</sup> Benedict XIII. alone remained unmoved. Notwithstanding the desertion of Spain on the 6th of Jan. 1416, all attempts to induce him to abdicate peaceably proved unavailing; nor did he regard the sentence of deposition passed on the 26th of July, 1417;<sup>11</sup> but as his jurisdiction was limited to the small city of Peniscola in Valencia, this seemed of little importance.<sup>12</sup>

Warned by the experience of the Council of Pisa, the emperor Sigismund with the Germans, at first supported by the English, demanded next that the intended reformation<sup>13</sup> should be carried into

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jurium, nedum Romanæ sed aliarum Ecclesiarum — dilapidatorem notorium, malumque spirituum et temporalium Ecclesiæ administratorem et dispensatorem fuisse et esse, suis detestabilibus inhonestisque vita et moribus Ecclesiam Dei et populum Christianum notorie scandalizantem; — postque monitiones debitas et charitativas, iteratis et crebris vicibus eidem factas, in præmissis malis pertinaciter perseverasse, sequæ ex hoc notorie incorrigibilem reddidisse: ipsumque — tanquam indignum, inutilem, et damnosum a Papatu — amovendum, privandum et deponendum fore. Et eum dicta sancta Synodus amovit, privat et deponit, universos et singulos Christianos, cujuscunque status, dignitatis, vel conditionis existant, ab ejus obedientia, fidelitate et jramento absolutos declarando. — Eumque ad standum et morandum in aliquo loco bono et honesto sub custodia tuta Serenissimi Principis Domini Sigismundi, Romanorum et Hungariæ Regis, nomine dieti sacri Concilii generalis, quoad dicto sacro generali Concilio pro bono unionis Ecclesiæ Dei videbitur, condemnandum fore, et eadem sententia condemnat. Alias vero pœnas, quæ pro delictis criminibus et excessibus inferri deberent juxta canonicas sanctiones, dictum Concilium arbitrio suo reservat declarandas et infligendas secundum quod rigor justitiæ vel misericordiæ ratio suadebit.

<sup>10</sup> Sess. gen. XIV. *v. d. Hardt* IV. p. 346 seq. The council appointed him cardinal legate of the mark of Ancona (l. c. p. 474). cf. *Theodorici de Niem* liber III. de factis Constantiensibus reliquorum duorum Pontificum Gregorii XII. et Petri de Luna, aliisque negotiis in Concilio, remoto Balthasare, incidentibus in *v. d. Hardt* II. p. 409 seq.

<sup>11</sup> *Theod. de Niem*, l. c. The negotiations of emperor Sigismund with Benedict, in a visit to Spain, which he undertook for the purpose in Sept. 1415, see in *v. d. Hardt* II. p. 484 seq. The acts of the council on the subject are scattered in *v. d. Hardt* IV. The sentence of deposition, Sess. XXXVII. the 26 Jul. in *v. d. Hardt* IV. p. 1373. calls him perjurer, universalis Ecclesiæ scandalizatorem, fautorem et nutritorem inveterati schismatis. — et hæreticum a fide devium, et articuli fidei *Unam sanctam catholicam Ecclesiam* violatorem pertinacem, cum scandalo Ecclesiæ Dei incorrigibilem, notorium et manifestum. According to *Jo. Viderus* (a Dominican in Basel and Wien † 1438) de visionibus ac revelationibus (or *formicarius*) ed. *v. d. Hardt* Helmstadii, 1692. Svo. lib. III. c. 1, it had been prophesied to Benedict by a certain abbot, quod plura passurus esset ab adversariis, quod obsideri deberet, — sed tandem Romam iturus esset, et in unione Ecclesiæ ibidem, adepta pacifica possessione et sedato schismate, quieturus. — In prædictam prophetiam fatue confidens remotus a Papatu obedire renuit, in munitunculam fugit, et tandem in exilio, pertinax in sua opinione, vitam nec Romæ, nec in pace, sed in miseria finivit.

<sup>12</sup> Benedict XIII. † 1424. He left behind four cardinals, three of whom chose a Clement VIII. as his successor, and the fourth a Benedict XIV. The former was obliged to abdicate at the Council of Tortosa.

<sup>13</sup> Of the necessity of which, see *Petri de Alliaco* canones reformandi Ecclesiam in Conc. Constantiensi, presented to the council 1 Nov. 1416 (in *v. d. Hardt* I. VIII. p. 409), in Præfat. Quæ Ecclesiæ reformatio quam necessaria olim fuerit, et amplius modo sit, evidenter ostendit deflenda ipsius deformatio. De qua lamentabiliter conquirebatur b. *Bernhardus* serm. XXXIII. super Cant. (compare § 65, note 10). — Si hæc a. b. *Bernhardo* dicta sunt, nunc multo magis dici possunt. Quia ex eo Ecclesia de malis ad pejora processit, et in omni tam spirituali quam

effect before the choice of a Pope. This, however, was so earnestly opposed by the cardinals and the other nations,<sup>14</sup> that nothing more was done than to pass certain resolutions of reform,<sup>15</sup> and recommend

sæculari statu abjecto decore virtutum in variam cecidit turpitudinem vitiorum. — Hoc autem Deus misericordissimus, qui solus ex malis bona novit elicere, ideo permittere credendus est, ut eorum occasione Ecclesia sua in melius reformetur. *Quod nisi celeriter fiat, audeo dicere, quod, licet magna sint quæ videmus, tamen brevi incomparabiliter majora videbimus, et post ista tonitrua tam horrenda, alia horribiliora in proximo audiemus.* Eapropter summopere vigilandum est circa reformationem Ecclesiæ. In order to provide for such a reformation, Sess. XIII. on the 15th of June, 1415 (*v. d. Hardt IV. p. 335*), a *Reformatorium* consisting of 4 cardinals and deputies from each nation was appointed, the protocols of which have been published in *v. d. Hardt I. X. p. 583 seq.*

<sup>14</sup> *v. d. Hardt IV. p. 1394 seq.*

<sup>15</sup> At the Sessio gen. XXXIX. on the 9th of Oct. 1417, in *v. d. Hardt IV. p. 1435: I. De Conciliis generalibus*: Frequens generalium con iliorum celebratio agri Domini præcipua cultura est. quæ vepres, spinas et tribulos hæresium, errorum et schismatum extirpat, excessus corrigit, deformata reformat, et viam Domini ad frugem uberrimæ fertilitatis adducit: illorum vero neglectus præmissa disseminat atque fovit. — Propter hoc edicto perpetuo sancimus, — ut amodo concilia generalia celebrentur, ita quod primum a fine hujus Concilii in quinquennium immediate sequens, secundum vero a fine illius immediate sequentis Concilii in septennium, et deinceps de decennio in decennium perpetuo celebrentur in locis, quæ summus Pontifex per mensem ante finem ejuslibet Concilii, approbante et consentiente Concilio, vel in ejus defectu ipsum Concilium deputare et assignare teneatur; ut sic per quandam continuationem semper aut Concilium vigeat, aut per termini pendentiam expectetur. — II. *Provisio adversus futura schismata præcaenda*: Si vero, quod absit, in futurum schisma oriri contingeret, — ipso jure terminus Concilii tunc forte ultra annum pendens ad annum proximum breviatus. — Et quilibet ipsorum se pro Romano Pontifice gerentium infra mensem, a die qua scientiam habere potuit, alium vel alios assumisise Papatus insignia, — teneatur sub intimatione maledictionis æternæ et amissione juris, si quod forte sibi questum esset in Papatu, — Concilium ipsum ad terminum anni prædictum in loco prius deputato celebrandum indicare et publicare, et per suas literas competitoribus — et cæteris Prælati ac Principibus — intimare, necnon termino præfixo — ad locum Concilii personaliter se transferre, nec inde discedere, donec per Concilium causa schismatis plenarie sit finita. Hoc adjuncto quod nullus ipsorum contententium de Papatu in ipso Concilio ut Papa præsideat: quinimo — sint ipsi omnes de Papatu contententes, postquam dictum Concilium inceptum fuerit, auctoritate hujus sacræ synodi ipso jure ab omni administratione suspensi. — Quod si forte electionem Romani Pontificis per metum, qui caderet in constantem, seu impressionem de cetero fieri contingat, ipsam nullius decernimus efficaciam vel momenti, nec posse per sequentem consensum, etiam metu prædicto cessante, ratificari vel approbari. Non tamen liceat Cardinalibus ad aliam electionem procedere, nisi ille, qui fuit electus, forte renunciaret, vel decedat, donec per generale Concilium de electione illa fuerit judicatum. Et si procedant, nulla sit electio. — Sed — teneantur electores omnes — quam cito sine periculo personarum poterunt — se transferre ad locum tutum, et metum prædictum allegare coram Notariis publicis, et notabilibus personis ac multitudine populi in loco insigni. — Teneantur insuper — provocare sic electum ad Concilium. — III. *De professione faciendâ per Papam*. IV. *Nè prælati transferantur inviti*. V. *De spoliis et procuracionibus*. Cum per Papam facta reservatio et exactio et perceptio procuracionum Ordinariis et aliis inferioribus Prælati debitarum ratione visitationis, necnon et spoliolum decedentium Prælatorum, aliorumque clericorum, gravia Ecclesiis, Monasteriis, et aliis beneficiis ecclesiasticisque personis afferant detrimenta: præsentî declaramus edicto, rationi fore consentaneum, ac reipublicæ accommodum, tales per Papam reservationes ac — exactiones seu perceptiones de cetero nullo modo fieri seu attentari. Quinimo procuraciones hujusmodi, et quorumcumque Prælatorum — in Curia Romana vel extra — decedentium spolia, seu bona eorum mortis tempore reperta, plane et libere pertineant illis,

the subject generally to the future Pope;<sup>16</sup> after which Otta de Colonna was chosen on the 11th of Nov. 1417, under the name of Martin V. The result justified the fears of the Germans. The glory of the council paled before that of the new Pope, the first for a long time, who had been universally acknowledged, and the papal power overstepped at once the barriers which the aristocracy of the church supposed itself to have erected. The *Regulæ Cancellariæ*, which Martin V. issued shortly after his coronation, differed but little from those of former popes, against which there had been such murmurs.<sup>17</sup> The propositions of reform which they contained were altogether unsatisfactory.<sup>18</sup> But the power of the council was already so far broken that the Pope was enabled to evade the most important

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— quibus alias, prefatis reservationibus, mandatis et exactionibus cessantibus competenter ac pertinere deberent. Prælati etiam inferioribus et aliis hujusmodi spoliolorum exactiones præter et contra juris formam fieri interdiciunt.

<sup>16</sup> Sessio gen. XL. on the 30th of Oct. 1417 (*v. d. Hardt IV. p. 1452*): Sacrosancta synodus Constantiensis statuit et decrevit, quod futurus summus Pontifex per Dei gratiam de proximo assumendus, cum hoc sacro Concilio vel deputandis per singulas nationes debeat reformare Ecclesiam in capite et Curia Romana secundum aequitatem et bonum regimen Ecclesiæ, antequam hoc sacrum Concilium dissolvatur, super materiis articuloꝝ, alias per nationes in Reformatoꝝ oblatorum, qui sequuntur. 1. Primo de numero, qualitate et natione Dominorum Cardinalium. 2. Item de reservationibus sedis Apostolicæ. 3. Item de annatis, communibus servitiis, et minutis. 4. Item de collationibus beneficiorum, et gratiis expectativis. 5. Item de causis in Romana Curia tractandis, vel non. 6. Item de appellacionibus ad Romanam Curiam. 7. Item de officiis Cancellariæ et Pœnitentiariæ. 8. Item de exemptionibus et incorporationibus tempore schismatis factis. 9. Item de commendis. 10. Item de confirmationibus electionum. 11. Item de fructibus mediæ temporis. 12. Item de non alienandis bonis Romanæ Ecclesiæ et aliarum Ecclesiarum. 13. Item propter quæ, et quomodo Papa possit corrigi vel deponi. 14. Item de extirpatione Simoniacæ. 15. Item de dispensationibus. 16. Item de provisione Papæ et Cardinalium. 17. Item de indulgentiis. 18. Item de decimis. Hoc adjecto, quod facta per nationes deputatione prædicta liceat aliis de Papæ licentia libere ad propria remeare.

<sup>17</sup> *Martini P. V.* Regulæ Cancellariæ, die 12 Nov. 1417, a Johanne Ostiensi Cardinale conscriptæ et d. 26 Febr. 1418, publicatæ in *v. d. Hardt I. XXI. p. 965 seq.*

<sup>18</sup> In the beginning of A. D. 1418, the German nation presented certain *Avisamenta Nationis Germanicæ* super articulis juxta decretum Concilii reformandis, exhibenda Domino nostro sanctissimo (*v. d. Hardt I. XXII. p. 999 seq.*): which were followed towards the end of January by the *Responsio Dom. P. Martini* super reformatione capitulorum, in Concilio per decretum statutorum, per modum *Avisamenti* data Nationibus (l. c. p. 1021 seq.), the provisions of which fell far short of the demands. With reference to Art. XIII. the proposal of the Germans was (l. c. 1008): Super decimo tertio articulo videtur, quod summus Pontifex non solum de hæresi, sed etiam de simonia notoria tam circa sacramenta, quam circa beneficia ecclesiastica, et quolibet alio notorio crimine gravi, Ecclesiam universalem notorie scandalizante, de quo canonice monitus incorrigibilis exiterit, per generale Concilium puniri valeat, ac deponi etiam de Papatu. Item videtur, quod sanctissimus Dominus noster sacro approbante Concilio specialem constitutionem super hoc, quod præmittitur, declaratoriam debeat promulgare, et in super declarare, quod nedum circa sacramenta, sed etiam circa beneficia ecclesiastica conventionem seu pactionem pecuniariam per se vel alium faciendo crimen pravitatis Simoniacæ non evadat (cf. § 100, note 29). The papal *Responsio* (l. c. p. 1032): Artic. XIII. Propter quæ et quomodo Papa possit corrigi et deponi. Non videtur, prout nec visum fuit in pluribus nationibus, circa hoc aliquid novum statui vel decerni.



points by means of Concordats with the separate nations;<sup>19</sup> and

<sup>19</sup> Germanica Nationis et Martini V. Papæ concordata published the 2 May, 1418 (v. d. Hardt l. p. 1055. E. Münch's vollständige Sammlung aller ältern und neuern Konkordate, Th. 1. S. 29 ff.) Cap. 1. *De numero et qualitate Cardinalium, et eorum creatione.* Statuimus, ut deinceps numerus Cardinalium S. Romanæ Ecclesiæ adeo sit moderatus, quod non sit gravis Ecclesiæ. Qui de omnibus partibus Christianitatis proportionaliter, quantum fieri poterit, assumantur, ut notitia causarum et negotiorum in Ecclesiâ emergentium facilius haberi possit, et æqualitas regionum in honoribus ecclesiasticis observetur; sic tamen, quod numerum XXIV. non excedant, nisi pro honore nationum, quæ Cardinalem non habent, unus vel duo pro semel de consilio et assensu Cardinalium assumendi viderentur. Sint autem viri in scientia, moribus et rerum experientia excellentes, Doctores in theologia, aut in jure canonico vel civili, præter admodum paucos, qui de stirpe regia vel ducali, aut magni Principis oriundi existant, in quibus competens literatura sufficiat: non fratres, aut nepotes ex fratre vel sorore, alicujus Cardinalis viventis: nec de uno Ordine Mendicantium ultra unum: non corpore vitiiati, nec alicujus criminis vel infamiae nota respersi. Nec fiat eorum electio per aricularia vota solummodo, sed etiam cum consilio Cardinalium collegialiter, sicut in promotione Episcoporum fieri consuevit. Qui modus etiam observetur, quando aliquis ex Cardinalibus in Episcopum assumetur. Cap. 2. *De provisione Ecclesiarum, Monasteriorum,* etc. Sanctissimus Dominus noster Papa, Martinus V., super provisionibus Ecclesiarum, Monasteriorum et beneficiorum quorumcumque utetur reservationibus juris scripti, et constitutionis Execrabilis et Ad regimen (see § 100, notes 10 and 16) modificata. According to this (the Pope reserves to himself the appointment to all benefices vacant *in curia*, and so to all such as were filled by those belonging to the papal court, the occupants of which had been deposed or transferred by the Pope, and to which appointments had been made but negatived by him. So too, the Pope claimed the right of providing, when an election should be too long delayed. The majores dignitates in the chapters were to be filled by the chapters themselves, the other places alternately by the Pope and those to whom the appointment otherwise belonged. The sixth part of the canons shall be graduates, and all pastors of churches of more than 2000 communicants. Cap. 3. *De Annatis.* De Ecclesiis et Monasteriis virorum duntaxat vacantibus et vacaturis solventur pro fructibus primi anni a die vacationis summæ pecuniarum in libris Cameræ Apostolicæ taxatæ, quæ communia servitia nuncupantur. Si quæ vero excessive taxatæ sunt, juste retaxentur. — Taxæ autem prædictæ pro media parte infra annum a die habitæ possessionis pacificæ totius vel majoris partis solventur, et pro media parte alia infra sequentem annum. Et si infra annum bis vel pluries vacaverit, semel tantum solvetur. — De ceteris autem dignitatibus — quibuscumque, quæ auctoritate sedis Apostolicæ conferuntur, — solvatur annata seu medii fructus juxta taxam solitam tempore immisionis infra annum. Et debitum hujusmodi in successorem in beneficio non transeat. De beneficiis vero, quæ valorem XXIV. florenorum de camera non excedunt, nihil solvatur. Cap. 4. *De causis tractandis in Romana Curia necne.* — Nullæ causæ in Romana Curia committantur, nisi quæ de jure et natura causæ in Romana Curia tractari debebunt. — Cæteræ committantur in partibus. Nisi forte pro causæ et personarum qualitate, in commisione exprimenda, illas tractare in Curia expediret pro justitia consequenda, vel de partium consensu in curia tractentur. Cap. 5. *De commendis.* Ordinât Dominus noster Papa, quod in posterum Monasteria aut magni Prioratus conventuales habentes ultra decem religiosos, et officia claustralia, dignitates majores post pontificales in cathedralibus, sive Ecclesiæ parochiales, nulli Prælato, etiam Cardinali, dentur in commendam. — Una etiam Ecclesia metropolitana uni Cardinali vel Patriarchæ concedi poterit, provisionem aliam sufficientiorem non habenti. Cap. 6. *De Simonia in foro conscientie providetur.* Every ecclesiastic must choose a suitable confessor, by whom he must be absolved within three months of simonia active vel passive commissa, and so relieved from the consequences which otherwise would come. Cap. 7. *De non vitandis excommunicatis, antequam per judicem fuerint declarati et denunciati.* Cap. 8. *De dispensationibus.* Ordinât etiam Dominus noster, ad Ecclesias cathedrales, Monasteria, Prioratus conventuales, et parochiales Ecclesias super defectum ætatis ultra triennium nullatenus dispensare: nisi forte in Ecclesiis cathedralibus ex ardua et evidenti

a few very insignificant general measures<sup>20</sup> sufficed to secure from it an acknowledgment of the fulfilment of his promise.<sup>21</sup> During these negotiations, however, the Pope had not only granted

causa, de consilio Cardinalium — videretur aliter dispensandum. Item Dominus noster in arduis et gravibus casibus sine consilio Cardinalium non intendit dispensare. Cap. 9. *De provisione Papæ et Cardinalium.* Romano Pontifici et s. Romanæ Ecclesiæ Cardinalibus pro illorum sustentatione, rebus Romanæ Ecclesiæ stantibus ut sunt, non videtur aliter posse provideri, quam hucusque factum est, scilicet per beneficia et communia servitia, quæ vacantia nuncupantur. The provisions of cap. 5. are then repeated. Cardinalis de proventibus ecclesiasticis non habeat ultra valorem sex millium florenorum. Cap. 10. *De indulgentiis.* Cavebit Dominus noster Papa in futurum nimiam indulgentiarum effusionem, ne vilescant. Et in præteritum concessas ab obitu Gregorii XI. ad instar alterius indulgentiæ revocat et annullat. Cap. 11. *De horum Concordatorum valore.* Item sanctissimus Dominus noster Papa et inelyta natio Germanorum consenserunt et protestati sunt, quod omnia et singula supradicta durare et tolerari debeant usque ad quinquennium duntaxat a data præsentium numerandum — quodque per observantiam illorum nullum jus novum Romano Pontifici, aut alicui alteri Ecclesiæ vel personæ acquiratur seu præjudicium generetur, sed lapso dicto quinquennio quælibet Ecclesia et persona prædicta liberam facultatem habeat utendi quolibet jure suo. The Concordat with the French (see *v. d. Hardt* IV. p. 1566 seq.), (subject, however, to the approval of the king), was likewise published on the 2d of May, 1418, and for the most part corresponds exactly with that of the Germans; only that the Pope remitted in this case one half the Annates for the next five years: On the other hand: Circa articulum indulgentiarum habita deliberatione matura nihil intendimus circa eas immutare seu ordinare. The Concordat with the English, concluded on the 12th of July, see in *v. d. Hardt* I. p. 1079 seq.

<sup>20</sup> Sess. gen. XLIII. on the 21st of March, 1418, the following decrees were published (*v. d. Hardt* IV. p. 1535): 1. *De Exemptionibus* (beginning *Attendentes*). 2. *De unionibus et incorporationibus*, by which all the exemptions, unions, and incorporations made since the death of Gregory XI. were, with a few exceptions, recalled. 3. *De fructibus medii temporis.* Item fructus et proventus Ecclesiarum, Monasteriorum et Beneficiorum, vacationis tempore obvientes, juris et consuetudinis vel privilegii dispositioni relinquimus, illoque nobis vel Apostolicæ Cameræ prohibemus applicari. 4. *De Simoniacis*: — Ordinati simoniace ab executione suorum Ordinum sint eo ipso suspensi: — quævis provisiones simoniacæ — nulla: sint ipso jure: — dantes et recipientes eo ipso facto sententiam excommunicationis incurrant. 5. *De dispensationibus.* Repeal of the dispensations which had been granted to those appointed to ecclesiastical offices quibus certus Ordo debitus est. 6. *De decimis et aliis oneribus.* Præcipimus et mandamus, jura, quæ prohibent inferioribus a Papa decimas et alia onera Ecclesiis et personis ecclesiasticis imponi, districtius observari. Per nos autem nullatenus imponentur generaliter super totum Clerum, nisi ex magna et ardua causa et utilitate universalem Ecclesiam concernente, et de consilio, et consensu et subscriptione fratrum nostrorum S. R. E. Cardinalium, et Prælatorum, quorum consilium commode haberi poterit: nec specialiter in aliquo regno vel provincia inconsultis Prælati illius regni vel provinciæ et ipsis non consentientibus, vel eorum majori parte, et eo casu per personas ecclesiasticas et auctoritate apostolica duntaxat leventur. 7. *De vita et honestate Clericorum*, against the transgressions of the clergy in costume.

<sup>21</sup> The last papal decree in this same 43d session, was (l. c. p. 1540): *Decernimus et declaramus* sacro approbante Concilio, per decreta, statuta et ordinata, tam lecta in præsentì sessione, quam concordata cum singulis nationibus ejusdem Concilii, — huic sacro Concilio super articulis contentis in decreto super fienda reformatione, die sabbati XXX. mensis Oct. proxime præteriti promulgato (see note 16) fuisse et esse jam satisfactum. To this the cardinal, bishop of Ostia, replied: *De mandato nationum respondeo, quod placent nationibus decreta recitata, et cuilibet nationi placet Concordia cum ipsa per Dominum nostrum facta. Et per præmissa fatentur decreto etiam jam esse satisfactum, non intendentes propterea, quod concordata cum una natione in aliquo alteri nationi afferant præjudicium.*

to the emperor Sigismund a power of exacting tenths,<sup>22</sup> notwithstanding the great complaint that had been made of this very kind of oppression, but had even ventured, in the face of an express resolution of the council, to forbid any appeal from the Pope to a general council; such an appeal having been brought in by the Poles in the case of John de Falckenberg.<sup>23</sup> The character of the council being thus changed, its breaking up, which took place on the 22d of April, 1418,<sup>24</sup>

<sup>22</sup> The *Literæ gratosæ* of the Pope to the emperor, dd. 7. Cal. Febr. 1418, in *v. d. Hardt* II. p. 589 seq. Dum præclara devotionis et fidei Tuæ Serenitatis merita, quibus erga Deum et universalem Ecclesiam sanctam suam gloriosissime, præsertim circa unionem ejusdem Ecclesiæ — per multa jam tempora curis vigilibus et continuis — mirifice claruisti, — pensamus; — inducimur non indigne, ut in revelationem onerum et expensarum, quæ pro consecutione unionis hujusmodi, nonnulla regna partesque terrarum orbis varias peragrando, Tua Serenitas sedi hactenus, nec subire desinit incessanter, Tua Celsitudo nostram et apostolicæ sedis gratiam sibi mirificam sentiat ac super alicujus subventorio auxilio liberalem. Hinc est, quod Nos — una cum ven. fratribus nostris S. R. E. Cardinalibus super his deliberatione præhabita, ac de ipsorum consilio, nec non ven. fratrum nostrorum Archiepiscoporum, Episcoporum, et dilectorum filiorum Electorum, Administratorum, necnon Abbatum et aliorum de natione Germanica percepto beneplacito voluntatis, ac etiam prædecessorum nostrorum, Romanorum Pontificum, — circa hoc vestigiis inhærentes, Decimam integram unius anni omnium reddituum et proventuum ecclesiasticorum in provinciis — nationis Germanicæ, totius provinciæ Treverensis, necnon Basileensis et Leodiensis civitatum et diocesium sub Romano Imperio consistentium, — Serenitati Tuæ — assignamus. At the same time he appointed three bishops to collect these tenths (l. c. p. 592 seq.). This was complained of by seven German churches, through the Florentine jurist, Dominicus de Germiniano, who begins with proving it in the *Repudium decimarum* (l. c. p. 608), quia hæc impositio decimæ concessa est non consentientibus Prælatibus nationis Almaniæ, vel saltem majori parte ipsorum, imo inconsultis procuratoribus Cleri dictarum septem Ecclesiarum in Concilio Constantiensi existentibus. Quod tamen fieri non potuit juxta constitutionem Domini nostri Papæ (see note 20. 6). — Item ad ejus levationem invocatur auxilium brachii sæculariis. Et sic contra dictam constitutionem, etc. He proposed nothing more, however, than a milder mode of collection.

<sup>23</sup> Compare § 115, note 11. *Jo. Gersonii* tract. quomodo et an liceat in causis fidei a summo Pontifice appellare (Opp. H. II. p. 393 seq.): Quæritur utrum hæc assertio sit catholica: — *Nulli fas est a supremo judice, videlicet Apostolica Sede, seu Romano Pontifice, Jesu Christi Vicario in terris, appellare, aut illius judicium in causis fidei, quæ tanquam majores ad ipsum et Sedem Apostolicam deferendæ sunt, declinare?* Arguitur, quod sic, auctoritate sanctissimi Domini Martini Papæ V. in sua Constitutione ad perpetuam rei memoriam facta, et promulgata in Consistorio generali celebrato Constantiæ 6. Idus Martii Pontificatus sui anno primo (10 March, 1418), ubi reperitur hæc assertio, sicut dicitur. In the *Dialogus Apologeticus* pro condemnatione propositionum Jo. Parvi (l. c. p. 390) Gerson designates this bull as destruens fundamentale penitus robur, necnon Pisani, sed Constantiensis Concilii, et eorum omnium, quæ in eis, præsertim super electione Summi Pontificis, et intrusorum ejectione, attentata factave sunt.

<sup>24</sup> Sess. XLIV. the 19th of April, 1418, the Pope issued the decree (*v. d. Hardt* IV. p. 1546): Cupientes et etiam volentes decreto hujus sacri generalis Concilii satisfacere, inter alia disponenti, quod omnimode generalia Concilia celebrentur in loco, quem summus Pontifex per mensem ante finem hujus Concilii, approbante et consentiente Concilio, deputare et assignare teneatur (see note 15); pro loco dicti proxime futuri Concilii, celebrandi a fine præsentis Concilii supradicti [in quinquennium], eodem consentiente et approbante Concilio civitatem *Papiensem* tenore præsentium deputamus. The bull of dismissal, which followed Sess. XLV. and omnibus et singulis, qui in hoc sacro Concilio et causa ipsius interfuerunt, absolutionem plenariam omnium peccatorum, semel in vita et in mortis articulo, see l. c. p. 1559. The Pope had already approved of the decrees of the council

could not be much regretted; little as it had answered the expectations formed concerning it.<sup>25</sup>

The only opposition to the power of the new Pope seemed now to be on the part of France, which nation had refused the Concordat offered to it at the Council of Constance; <sup>26</sup> but it was not long (A. D.

in the bull condemning Wicliffe and Huss, Inter cunctas dd. 22 Febr. 1418, in the questions which he directed to be proposed to those accused of heresy (l. c. p. 1527): Item utrum credat, teneat et asserat, quod quodlibet Concilium generale, et etiam Constantiense, universalem Ecclesiam representet. Item utrum credet, quod illud, quod sacrum Concilium Constantiense, universalem Ecclesiam representans, approbavit et approbat in favorem fidei et salutem animarum, quod hoc est ab universis Christianifidelibus approbandum et tenendum: et quod condemnavit et condemnat esse fidei vel bonis moribus contrarium, hoc ab eisdem esse tenendum pro condemnato. And at the last sitting he says in his answer to the Polish ambassadors: quod omnia et singula determinata et conclusa et decreta in materiis fidei per præsens sacrum Concilium Constantiense conciliariter, tenere et inviolabiliter observare volebat et nunquam contravenire quoquomodo.

<sup>25</sup> See the remarkable passage concerning the Council of Constance with which Gobelinus Persona, decanus in Bielefeld (see before Div. IV), closes his Cosmodromium, in *Meibomii Rerum Germ. T. I. p. 345*: Postquam dominus Martinus Papa prædictus fuit coronatus, per nationes Concilii petebatur fieri reformatio Ecclesie tam in capite quam in membris, prout in Reformatorio per ad hoc electos conceptum fuerat. Sed quia non omnes aque ardentem instabant, Cardinalibus etiam in hoc torpentibus, parum profecerunt. Unde natio Gallicana Regem (Sigismundum) adiit, petens ab eo, ut Papam ad Ecclesiam dignaretur informare. Qui respondit eis: *dum nos, ut reformatio fieret, priusquam ad electionem summi Pontificis procederetur, instabamus, vos nolentes acquiescere, Papam, priusquam fieret reformatio Ecclesie, habere voluistis. Et ecce Papam habetis, quem et nos habemus: illum pro expeditione huiusmodi reformationis adite, quoniam pro nunc nostri non interest, prout intererat sede Romana vacante.* Sunt tamen quædam reformatæ, quamvis respectu conceptorum pauca, verbis quidem et scriptis, quæ propter humanam mentis mutabilitatem, divinitatis excusantem se sub umbra, hic inserere non præsumo. Ego quidem jam annis multis statum pertractans Ecclesie, per quem modum ad universalis Ecclesie reformationem scandalis sublatis omnibus perveniri posset, curiosa mente revolve. Quem quidem modum Dominus fortasse ostendet, cum in spiritu vehementi conteret naves Tharsis.

<sup>26</sup> The French had protested against the Annates in 1417, at the council, see Apostoli et responsio dati per ven. Nationem Gallicanam, etc., in the *Preuves des Libertez de L'Église Gallicane* Chap. XXII. no. 13 (with a different title in *v. d. Hardt* l. XIII. p. 761). Although half the Annates were remitted (see note 19), the king published an order in April, 1418 (*Bulæi* hist. Univ. Paris. V. p. 328. *Preuves des l'Égl. Gall.* Chap. XXII. no. 16), quod Ecclesiis nostrorum Regni ac Delphinatus — secundum antiqua jura Conciliaque generalia de personis idoneis providebitur. — Et insuper quoad exactiones pecuniarum, quas ab aliquibus retroactis temporibus Curia Romana seu Camera Apostolica sub prætextu vacantium beneficiorum Regni et Delphinatus prædictorum, aut alias quovis modo seu colore præmissorum sibi applicari voluit, penitus cessabunt. Intendimus tamen tanquam Christianifideles summo Pontifici et Ecclesie Romane aque plusve ceteris in necessitatibus, sive et cum tempus exegerit, succurrere et rationabiliter subvenire; and in May the prohibition (ll. cc.), ne aliquis deinceps absque nostra licentia ausu temerario aurum vel argentum, jocalia (*joyaux*, jewels), aut alia quavis pretiosa per literas, bulletas (certificates), obligationes aut alias quovis modo, occasione procurationum, annatarum, vacantium, dispositionis antedictorum beneficiorum — extra Regnum transferat. The duke of Burgundy prevailed on the king in 1419, to recall this order, but the recall was not accepted by the States General (*Bulæus* V. p. 335), and in Febr. 1422 (1423) those orders were confirmed (*Preuves*, Chap. XXII. no. 17).

1425) before this nation too, under the young king Charles VII. began to yield to the papal yoke,<sup>27</sup> and the Councils of Pavia and Siena, which were held in 1423 and 1424, according to a resolution passed at the Council of Constance, having proved wholly insignificant, the Pope returned again to the old courses, with little or no regard to the occasional opposition made to his measures.<sup>28</sup> Martin found it necessary, however, to restrain the cardinals, in order to maintain his own freedom,<sup>29</sup> and this called forth again the old com-

<sup>27</sup> See the royal edict of dd. 10 Febr. 1424 (1425) (*Preuves*, l. c. no. 19), ut omnia quaecunque mandata in debita forma, et rescripta Apostolica a die exhibitionis presentium fuerint eidem summo Pontifici concessa, bullaque et processus inde secuti locum executionis habeant in Regno ac Delphinatu nostris, ac eidem debite per eos ad quos spectat pareatur, — tam in beneficiorum collatione, quam jurisdictionis Apostolicae potestatis exercitio, modo et forma, quibus felicitis recordationis Clementis VII. et Benedicti XIII. temporibus in Regno nostro eidem summis Pontificibus, eorumque bullis, processibus, et literis parebatur atque obediabatur, non obstantibus ordinationibus regis, arrestis Parlamenti nostri — et aliis quibuscunque mandatis et usibus in contrarium praedictorum. — Rogantes tamen sancti Patris nostri clementiam, quod — electiones, — et quavis aliae dispositiones factae in vim ordinationum et arrestorum praedictorum usque in diem exhibitionis presentium locum habeant, et — confirmentur, defectus si qui sunt privata largitate supplendo. As the king, when dauphin, had sworn to observe the former laws (see preceding note), the Pope absolved him from that oath: see the Breve dd. Kal. Maji 1425, in *Raynaldus* ad h. a. no. 8.

<sup>28</sup> Thus Martin reproaches Henricus Episc. Wintoniensis (*Raynald*, 1426, no. 19) bitterly, on account of an execrable statutum, per quod ita Rex Angliae de Ecclesiarum provisione et administratione disponit, quasi vicarium summi Christum cum instituisset; legem condit super Ecclesias, Beneficia, Clericos et ecclesiasticum statum; ad se suamque laicalem curiam causas spirituales et ecclesiasticas jubet introduci. — Quosdam contra clericos adiecit penas, quae ne quidem contra Judaeos vel Saracenos per ullum de suis statutis promulgatae inveniuntur. Possunt ad Angliae regnum cujuslibet generis homines libere proficisci: soli acceptantes beneficia auctoritate summi Pontificis, vicarii Jesu Christi, jubentur exulare, capi, carcerari; omnibusque bonis exui; executoresque literarum Apostolicarum, procuratores, notarii, et quicumque alii censuram seu processum ab apostolica sede in regnum mittentes aut deferentes ultimo supplicio deputantur, projectique extra protectionem Regis ab omnibus captivandi. The bishop is reminded of the example illius gloriosissimi martyris b. Thomae, qui adversus similia decertans statuta holocaustum se Deo offerens pro libertate ecclesiastica occubuit, and called upon to exert himself to the utmost to effect the repeal of that law. Comp. the Pope's letter of admonition to the parliament (*Raynald*, 1427, no. 15), and to Henry, archbishop of Canterbury (l. c. no. 16), which last is called to account, quod audivimus te dixisse irreverenter et improbe, propter pecunias exhauriendas abolitionem illius statuti apostolicam sedem ipsam quaerere. Similar royal orders were issued in Poland, see *Martini* ep. ad Wladislaum Regem Poloniae dd. Kal. Apr. ann. VIII. i. e. 1425, or XIII. (1429) (according to *Raynald*, ann. 1427, no. 17): Refertur nobis quasi omnia in aliam dispositionem mutata esse; in eodem regno conculcari jura Ecclesiae, et ecclesiasticam opprimi libertatem; non multum timeri censuras nostras, et hujus sedis auctoritatem; electiones Ecclesiarum et Monasteriorum, quorum tamen omnimoda dispositio ad nos spectat non esse liberas, sed fieri ad praescriptum tuum; beneficiorum per nos collatorum provisiones contemni, tum in beneficiis generaliter reservatis, atque in ea re non pareri mandatis nostris. In another letter to the same dd. 7 Kal. Sept. ann. XIII. (*Raynald*, ann. 1429, no. 13) the Pope complains of certain royal letters per quas tua Serenitas Praelatis et Canoniceis Ecclesiae Gneznensis mandat sub gravi poena, ne aliquem extraneum in dicta Ecclesia recipiant ad possessionem alicujus beneficii, cum inter Praelatos Regni ita statutum sit et conclusum.

<sup>29</sup> Though we find amongst the directions to the cardinals (*Raynaldus*, ann. 1424, no. 4): Pro Ordinum religionum quorumcunque aut personarum particula-

plaints of extortion and oppression, as well as of corruption;<sup>30</sup> till only the Romans, who, after a long interval, now shared once more the plunder of the papal court, were with the new order of things contented.<sup>31</sup> From councils it seemed vain to look for farther help,<sup>32</sup> and the Pope had therefore no hesitation in summoning a new œcumenical council, which, according to the decrees of the Council of Siena,<sup>33</sup> was to be held in 1431 at Basil.<sup>34</sup>

## § 131.

COUNCIL OF BASIL (1431 to 1443), EUGENE IV. (3 March, 1431, † 23 Feb. 1447).

The Acts of the Council are most complete in *Mansi Sacrorum Conciliorum nova et amplissima collectio* T. XXIX. p. 1. — T. XXXI. p. 290.<sup>1</sup>

*Augustini Patricii*, Canonicus at Siena, *Summa Conciliorum Basileensis, Florentini, Lateranensis, Lausanensis, etc.* A. D. 1480, taken from two Mss. of John of Segovia in the library at Basil (in *Harduin.* IX. p. 1081 seq., and in *Hartzheim Concil. Germ.* V. p. 774 seq.).

Whilst the long suppressed dissatisfaction of the cardinals at the

rium protectione nihil pecuniæ percipiunt, etiam a sponte offerentibus. Nullas supplicationes ipsi Sanctissimo præsentent, nisi pro pauperibus, vel pro persona sua, seu servitorum, consanguineorum, vel affinium, aut familiarum suorum. — The ambassador of the Teutonic order writes to his Grand-master A. D. 1429 (see Raumer's hist. Taschenbuch for 1833, S. 73): "They (the cardinals) do not venture to say any thing to the Pope which they know will displease him; and are so oppressed by him that they grow pale and red in his presence." Hence their enmity, *ibid.* p. 173.

<sup>30</sup> *Antonini* Summa hist. Tit. XXII. Cap. 7, § 3: Hic igitur Pontifex Martinus, antea nequaquam vir sagax æstimatus sed benignus, in pontificatu tamen ita opinionem de se prius habitam redarguit, ut sagacitas quidem in eo summa, benignitas vero non superflua nec nimia reperiretur (copied from *Leonardus Aretinus* in *Muratorius* XIX. p. 930). — Hoc in eo communis fama redarguit, nimis cupide insistere cumulationi pecuniæ, ut nequaquam dicere valeret id primi Apostolici: *argentum et aurum non est mihi* (Act. iii. 6). Comp. Eberhard Windeck, a counsellor of Sigismund, in his life of the emperor, c. 55 (in *Meucken* Scriptt. Rer. Germ. I. p. 1117).

<sup>31</sup> The favorable opinion of Platina (ed. 1645, p. 648 seq.) is Roman. According to p. 669, Martin V. was buried comitante populo Romano, comitante Clero non aliter flente, quam si Ecclesia Dei, si urbs Roma unico atque optimo parente orbata fuisset.

<sup>32</sup> See *Gobelinus Persona*, note 25.

<sup>33</sup> *Mansi* XXIX. p. 6.

<sup>34</sup> See the power which he granted to Cardinal Julian, to preside at the council as papal legate, dd. Kal. Febr. 1431, in *Mansi* XXIX. p. 11.

<sup>1</sup> See a catalogue of the Acts, which are extant in Paris, in 7 vols. Mss. of Navarri, and an enumeration of the Codices appertaining to this council, which are preserved in the library at Basil, in *J. D. Schapflini* Commentationes hist. et criticæ. Basil. 1741. 4to. p. 541 seq. A more exact account of the Basil Codices in *Ochs* Geschichte der Stadt u. Landschaft Basel, Bd. 3 (Basel. 1819. 8vo.), S. 573 ff. Though even *Bellarminus* de Eccl. militante, c. 16, concedes that the Council of Basil was legitimate and œcumenical till the twentieth session or till its

arbitrary measures of Martin V.<sup>2</sup> was venting itself in the resolutions passed in the conclave held for the appointment of his successor,<sup>3</sup> as well as in the course pursued by Eugenius IV. against the family

removal to Ferrara, the Romans persist in objecting to many of its decrees, and in the Roman catalogue of the councils, published A. D. 1609, this council is entirely left out (according to *Richerii* hist. Concill. generall. lib. III. in fine by advice of Bellarmin). Since that, *Lucas Holstenius* in a treatise included in Phil. Labbei Concil. T. XIII. Append. has denied its legitimacy; and this view is so prevalent in Rome that Clement XIV. counted it amongst the errors of Ulrich Mayer, that he allowed the Council of Basil to have been legitimate till the twenty-sixth session, see *Walch's* neueste Religionsgesch. Th. 5, S. 245. The moderate party in the French church allow the Council of Basil to the twenty-sixth session, e. g. *Natalis Alex.* hist. eccl. sæc. XV. et XVI. diss. VIII.; the more strict defend the whole council to its dispersion, e. g. *Richerius* hist. concill. lib. III. cap. 7.

<sup>2</sup> See § 130, note 29, above.

<sup>3</sup> Comp. the bull dd. 12 Mart. 1431 (in *Raynald*, ad h. a. no. 5 seq.), by which Eugenius confirmed the Capitula which all the cardinals had sworn to observe in case of their elevation to the papal chair. In the introduction is plainly contained an indirect censure of the preceding administration. The Capitula are: quod (Papa) curiam Romanam in capite et membris reformabit, et incipiet quodcumque et quotiescunque requiretur per dominos Cardinales (Martin V. had been willing to reform only in membris, see § 130, note 29): — nec dictam curiam educet de urbe Romana, neque transferet de loco ad locum, de provincia ad provinciam, — sine consilio et consensu consimili (Cardinalium, as Martin V. had done, see *Raumer's* hist. Taschenbuch for 1833, S. 74, 159). Item quod Concilium generale celebrabit — in loco et tempore, de quibus fuerit sibi consultum per majorem partem Domm. Card., et in eo reformabit — universalem Ecclesiam circa fidem, vitam et mores. — Item quod non creabit Cardinales nisi juxta formam et ordinationem factam in Concilio Constantiensi, quam servare tenebitur, nisi de consensu et consilio majoris partis Domm. Cardd. aliud fiendum videretur. Item ut Romano Pontifici a dominis Cardinalibus libera perveniant consilia: non apponet (pledge) — bona alicujus ex eis, nec aliquid in suo statu et provisione immutabit, — nisi de expresso consilio et consensu majoris partis Domm. Cardd. nec damnabit eum nisi convictum numero testium expresso in constitutione Sylvestri Papæ facta in Synodo generali, quæ incipit: *Præsul non damnetur*. Item quod bona Domm. Cardd., Prælatorumque, nec aliorum Cortesanorum in Curia decedentium nullo modo occupabit, — sed permittet — fieri executiones juxta voluntatem decedentium. — Item quod feudatarios regnorum, et alios vicarios, capitaneos, — omnesque officarios urbis Romanæ, et aliarum terrarum Ecclesiæ Romanæ obligabit sibi, et successoribus, ac cætui Domm. Card., — quod sede vacante ad mandatum Domm. Card. civitates, terras — tradant et expediant libere et sine contradictione quacunque. Item quod Dominis Cardinalibus permittet libere recipere, et assignari faciet medietatem omnium et singulorum censuum, jurium, — et emolumentorum quorumlibet Romanæ Ecclesiæ juxta concessionem Nicolai IV. — Nec dabit aliquam ex terris Ecclesiæ Romanæ in vicarium, feudum, vel emphyteosim sine consensu et consilio majoris partis Domm. Cardd.; nec movebit guerram, nec confederationes cum quocunque Rege, vel Principe temporali, aut Communitate faciet sine consilio et consensu consimili; nec imponet gabellas novas sive exactiones alias in urbe Romana, nec in aliis terris Ecclesiæ Romanæ; nec etiam concedet alicui Regi, Domino temporali, seu Communitati præter vel contra libertatem ecclesiasticam exactionem super Clero vel Ecclesiis — sine causa rationabili, et tunc de simili eorundem Domm. Cardd. consensu. Item nihil de juribus — Ecclesiæ Romanæ alienabit, nec alienata de juribus quibuscunque Ecclesiarum aliarum — vel Ordinum — confirmabit — sine eorundem Domm. Cardd., consilio et consensu consimili. Item quod super omnibus, — in quibus consilium Domm. Cardd. requiritur, promotionibus ad Prælaturas dumtaxat exceptis, in literis suis — scribi faciet nomina Cardinalium consilium et consensum præbentium, — sicut fieri solebat ante Bonifacium VIII., ut excludatur abusus, qui longo tempore servatus est. — In arduis vero requiritur subscriptio Papæ et Cardinalium.

and the memory of his predecessor,<sup>4</sup> the Council of Basil assembled so slowly, that at first it seemed likely to be as insignificant as the last one, at Siena. But the Hussite disturbances, by which Germany also was threatened, led the council to take a more independent position, which was first seen in the opening of negotiations with the Hussites. Alarmed at this, the Pope wished to dismiss the council at once;<sup>5</sup> but this was resisted even by the president, the cardinal-legate Julianus Cesarini,<sup>6</sup> and the zeal for reformation, which had

<sup>4</sup> Of the war against the two Colonna, undertaken by Eugenius to compel them to give up the possessions and treasures of the church which they had received from Martin V., in which object he succeeded September 1431, by the help of the Venetians and Florentines, see the two contemporaries, *Andræ Billii* (an Augustine Monk in Milan, † 1435) hist. Mediolanensis, lib. IX. in *Muratorii* Scriptt. Rer. It. XIX. p. 143 seq., and the *Vita Eugenii IV.* in *Baluzii* Miscell. lib. VII. p. 506 seq. cf. *Raynald*, ann. 1431, no. 10 seq. How far Eugenius went in his hatred to his predecessor, see in *Andr. Billius*, p. 145: Ipsum quoque Martini palatium (tantum processit ira) diruit: insignia familiæ, aut Pontificatus, ubicumque per urbem eminebant, dejecit.

<sup>5</sup> The letter of the Council to the Bobenians is dated October 15 (*Raynald*, 1431, no. 24). The Pope's letter to Cardinal Julianus, in which he commands him to dismiss the council and appoint another in a year and a half at Bologna, is dated November 12 (l. c. no. 21).

<sup>6</sup> Julian's letter is given partly in *Raynald*, 1431, no. 22, in full in the *Fasciculus* rer. expetend. et fugiend. ed. Lond. p. 54 seq. The Cardinal, who had shortly before led an unsuccessful crusade against the Bohemians, first gives the motives which determined him, contrary to his inclination, to accept the office of presiding at the council. First on account of the state of affairs in Bohemia. Then: Incitavit etiam me huc venire deformitas et dissolutio Cleri Alemaniarum, ex qua laici supra modum irritantur adversus statum ecclesiasticum. Propter quod valde timeudum est, nisi se emendent, ne laici more Hussitarum in totum clerum irruant, ut publice dicunt. Et quidem hujusmodi deformatio magnam audaciam præbet Bohemis, multumque colorat errores eorum, quia præcipue invehunt contra turpitudinem Cleri. Qua de re, etiamsi hic non fuisset generale Concilium institutum, necessarium fuisset facere unum provinciale — pro Clero reformando: quia revera timeudum est, nisi iste Clerus se corrigat, quod etiam extincta hæresi Bohemiarum suscitaretur alia. Then follow the grounds for refusing to dismiss the council. Quam hic scandala sequantur, et quam prope sit eversio fidei auscultet patienter S. V. Primo vocati sunt Bohemi ad istud Concilium: literas vocationis alias misi S. V. Hoc factum quilibet probat, tanquam salubre et necessarium, ut postquam armis totiens frustra certatum est, alia via tentetur. — Si Concilium dissolvitur, quid dicent hæretici? Nonne insultabunt in nostros, et fient protreviores? Nonne Ecclesia fatebitur se esse victam, cum non ausa fuerit expectare illos, quos vocaverat? — Ecce exercitus armatorum totiens fugit a facie eorum, et nunc similiter Ecclesia universalis fugit. Ecce nec armis, nec literis vinci possunt. Videbitur miraculum Dei evidenter, demonstrans, illos vera sentire, et not falsa. — Quarto, quid dicet universus orbis, cum hoc sentiet? Nonne judicabit, clerum esse incorrigibilem, et velle semper in suis deformitatibus sordescere? Celebrata tot sunt diebus nostris Concilia, ex quibus nulla sequuta est reformatio. Expectabant gentes, ut ex hoc sequeretur aliquis fructus. Sed si sic dissolvatur, dicetur, quod nos irridemus Deum et homines. Et cum jam nulla spes supererit de nostra correctione, irruent merito laici in nos more Hussitarum: et certe fama publica de hoc est. Animi hominum prægnantes sunt, jam incipiunt evomere venenum, quo nos perimant: putabunt se sacrificium præstare Deo, qui Clericos aut trucidabunt, aut spoliabunt: quoniam reputabuntur jam in profundum malorum venisse, fient odiosi Deo et mundo: et cum modica nunc ad eos sit devotio, tunc omnis peribit. Erat istud Concilium quoddam retinaculum sæcularium; sed cum viderint spem omnem deficere, laxabunt habenas publice prosequendo nos. Ah quis honor erit Romanæ Curie, quæ Concilium congregatum pro reformatione turbavit? Certe totum odium, tota culpa, et ignominia transferetur in illam, tanquam causam,



been so disappointed at Constance, was now kindled at Basil with

auctricemque tot malorum. — Septimo, his diebus civitas metropolitana Magdeburgensis expulit Archiepiscopum et Clerum, et jam illi cives incedunt more Bohemorum cum curribus, et dicitur quod miserunt pro uno capitano Hussitarum. Et quod valde timendum est, habet civitas ista ligam cum multis civitatibus et communitatibus illarum partium. Item civitas Pataviensis, quæ est de dominio domini Episcopi, expulit Episcopum, et erexit machinas contra quoddam castrum Episcopi. Utraque istarum civitatum est finitima Bohemis, et si conjungant se cum illis (prout valde timendum est), multarum civitatum habebunt sequelam. Scriptum est utrique rogando, ut supersedeant a guerra: et si qua controversia inter ipsos sit, offeret se Concilium velle illam terminare. — Item quia magna discordia est inter civitatem Bambergensem, et Episcopum et Capitulum, quæ est supra modum periculosa propter vicinitatem hæreticorum: Concilium dat operam ad interponendum se pro concordia. — Si modo dissolvatur Concilium, nonne populi Germaniæ videntes, se non solum destitutos ab Ecclesia, sed deceptos, concordabunt cum hæreticis, et fient nobis inimiciores quam illi? Heu, heu, quanta ista erit confusio! finis pro certo est. Jam, ut video, securis ad radicem posita est: inclinata est arbor, ut cadat, nec potest diutius persistere. Et certe cum per se stare posset, nos ipsam ad terram præcipitamus. — Et quanquam dicatur, quod talis prorogatio et loci translatio sit ad bonum finem, ut ibi præsentis Sanctitatis Vestrae majora bona sequi possint, nemo hoc credit, quia dicunt: *fuiimus delusi in Concilio Senensi, iterum in isto.* — Item, beatissime Pater, per hujusmodi prorogationum non tolluntur scandala quæ narrata sunt. Essent interrogandi hæretici, si volunt expectare usque ad annum cum dimidio, ut non disseminent virus suum. Essent et interrogandi, qui scandalizantur de deformitate Cleri, an interim velint supersedere. Ecce quotidie pullulat ista hæresis: illi quotidie seducunt Catholicos, aut vi opprimunt, non perdunt minimum temporis momentum. Quotidie nova scandala ex deformitate Clericorum insurgunt, et nihilominus provisiones ex remedio procrastinantur? Fiat quod fieri potest nunc: reliquum servetur ad annum cum dimidio. Ego timeo, quod usque ad annum cum dimidio, nisi aliter provideatur, magna pars Cleri Germaniæ erit desolata. Si per Germaniam diffunderetur hæc vox, quod Concilium esset dissolutum, pro certo Clerus omnis daretur in prædam. — Sed audio, quod nonnulli trepidant, quod in hoc Concilio debeat auferri temporalitas ab Ecclesia. Mira res! Si hoc Concilium non fieret per viros ecclesiasticos, forsitan dubitandum foret: sed quis erit iste Ecclesiasticus, qui huic determinationi consentiat? Non solum quia esset contra fidem, sed quia redundaret in detrimentum eorum. — Nec etiam umquam fuit aliquod legitime congregatum Concilium, in quo Spiritus Sanctus permiserit aliquid contra fidem determinari. Cur timendum est contrarium in hoc? Hoc est diffidere de Spiritu Sancto. Sed vereor ne contingat nobis, sicut contigit Judæis, qui dixerunt: *si dimittimus hunc, venient Romani, et tollent locum nostrum et gentem* (Jo. xi. 48). Ita et nos dicimus: *si admittimus fieri Concilium, venient Laici, et tollent temporalitatem nostram.* Sed sicut justo Dei judicio factum fuit, quod Judæi perdidissent locum suum, quia noluerunt dimittere Christum: ita et justo Dei judicio fiet, quod quia nolumus admittere Concilium fieri, perdemus temporalitatem nostram, et utinam non corpora et animas! Quando Deus vult alicui populo aliquid infortunium immittere, primo disponit, ut pericula non intelligantur, neque considerentur. Ita videtur nunc contingere viris ecclesiasticis, quos sæpe redarguo esse cæcos, qui vident ignem, et nihilominus currunt versus illum. — Nunquam fuisset celebratum aliquod Concilium, si hujusmodi timor invasisset corda patrum nostrorum, sicut invadit nostra. Sed et si hunc timorem habemus, cur non opponimus remedium? Cur ad evitandum unum malum, volumus incurere majus? Ecce remedium ad hoc: Mittat huc Sanctitas Vestra aliquos de reverendissimis Domini Cardinalibus, et aliquos notabiliores Prælatos, qui reperiri possunt, et bene affectos sedi Apostolicæ, et qui sint bene inclinati ad bonum universale; det Sanctitas Vestra omnem favorem possibilem huic Concilio, promoveat ipsum quantum potest; scribat ei literas benignas, exhortando ipsos, ad sancta opera, quæ proponunt, offerendo se, etc. — Quando isti talia videbunt et audient, in veritate puto, quod, etiamsi haberent malum animum, mutarent illum: et non solum studebunt conservare auctoritatem sedis Apostolicæ, sed augere. — Sed si videant contrarium, verbi gratia de dissolutione Concilii, tunc scandalizantur: et sequitur hoc, quod, ubi prius erant tepidi,

new ardor. Without regarding the interference of the Pope,<sup>7</sup> the council was solemnly opened (Sess. I. on the 14th of Dec. 1431),<sup>8</sup> the decrees passed at Constance concerning the dignity of General Councils renewed,<sup>9</sup> the Pope and the cardinals summoned to appear,<sup>10</sup>

hujusmodi vox reddet ipsos magis acutos et ferventes. Then as to the pretext urged by the Pope for the immediate dissolution of the council. — Ad minus, beatissime Pater, differat S. V. usque ad mensem Julii, quia tunc cessabunt illa inconvenientia et scandala, quæ modo obstant, videlicet de hæreticis vocatis ad Concilium, et militaribus; quia infra illud tempus omnia ista erunt completa. Poterunt etiam fieri aliqua ordinationes super reformatione Cleri Alemanniæ et mitti per Germaniam, et sic videbitur aliquid factum, nec tunc poterit aliquid imputari S. V. Et hoc quidem nunc fietur cum scandalo et sine effectu; tunc honestius fieri poterit. — Aviso Sanctitatem Vestram, quod me hinc recedente, vel dimittente præsentiam, isti statim facient sibi unum præsentem auctoritate Concilii.

<sup>7</sup> On the 18th of December, 1431, the Pope issued the bull for the dismissal of the council (see *Mansi* XXIX. p. 564 seq.). A chief ground for the measure is that Bologna is best suited for the purpose on account of the conference to be held with the Greeks. Et quia post transmissionem præfatarum nostrarum literarum ad notitiam nostram pervenit, ultra ea quæ superius continentur, præfatos Bohemos hæreticos in Constantiensi Concilio tam mature atque solemniter condemnatos — fuisse invitatos Basileam ad disputandum et contendendum super articulis — condemnatis, — et alia diversa scandala et pericula imminere; — ex tunc — Concilium, si quod — Basileæ congregatum videatur, — dissolvimus, — aliudque Concilium in anno eum dimidio — in præfata civitate Bononiensi — indicimus. Et nihilominus in decennio aliud simile Concilium, juxta statuta Constantiensis synodi, — in civitate Avinionensi similiter ex tunc indicimus.

<sup>8</sup> The order of business was regulated somewhat peculiarly in the *Articuli de modo procedendi in S. Concilio conclusi in gen. Congregatione d. 26 Sept. 1430* (probably 1431), see *Mansi* XXIX. p. 377: Primo sint quatuor deputationes, sicuti sunt, inter quas omnes de Concilio distribuantur æqualiter, quantum commodè fieri poterit. Et sint in qualibet deputatione de quolibet statu scil. Dominorum Cardinalium, Patriarcharum, Archiepiscoporum, Abbatum, Doctorum, Religiosorum, exemptorum et non exemptorum, et aliorum. — Nihil autem ardui proponat Præsides in congregatione generali ad deliberandum seu concludendum, nisi prius fuerit in congregatione in singulis deputationibus et agitatum; nisi casus esset repentinus et talis, cujus mora esset nociva. — The names of the four deputations were: *Pro Communibus, Reformatorii, Fidei, Pacis*.

<sup>9</sup> Sess. II. on the 15th of February, 1432 (*Mansi* XXIX. p. 21) the two first resolutions of the Sess. V. Conc. Const. (see § 130, note 8) were renewed, according to which the council was set above the Pope, and he bound to obey its decrees. Further: Synodus Basiliensis decernit et declarat, quod ipsa pro hæresum extirpatione, ac morum generali reformatione Ecclesiæ in capite et in membris, necnon pace inter Christianos procuranda in Spiritu Sancto legitime congregata per nullum, quavis auctoritate, etiamsi papali dignitate præfulgeat, dissolvi, aut ad alium locum transferri, seu ad aliud tempus prorogari debuit aut potuit, debet aut potest, debet aut poterit in futurum, absque ejusdem Synodi Basiliensis deliberatione et consensu. Then: Item diffinit, — quod nulla persona — in eadem Synodo actu existens aut futura — ad recedendum ab eadem a quoquam, quavis auctoritate etiamsi papali dignitate præfulgeat, — sine — consensu ipsius sanctæ Synodi requiri, — evocari ad alium locum — valeat, seu ne ad eandem sanctam Synodum veniat, possit aut debeat quomodolibet impediri. Si autem a quoquam, quavis auctoritate, etiamsi papali dignitate præfulgeat, in contrarium attentatum fuerit, seu attentaretur in futurum, aut processus pœnales vel mandata, etiam censura ecclesiastica — fulminati fuerint — aut fulminarentur in futurum; totum sit irritum et inane. Finally, quod Prælati et alii, qui tenentur huic sacro Concilio interesse, ab hoc loco ante finitum Concilium, nisi ex causa rationabili, per deputatos seu ab hoc sacro Concilio deputandos examinandi, non recedant. — Et tunc taliter recedens teneatur dimittere alijs in loco remanentibus suam potestatem.

and in every respect the position taken of the highest ecclesiastical authority.<sup>11</sup> The defenders of the council, however, amongst whom the most conspicuous was Nicolaus Cusanus, asserted principles, that threatened the very foundation of the papal power.<sup>12</sup> Encouraged

<sup>10</sup> Sess. III. on the 29th of April, 1432 (l. c. p. 25): *Hæc sancta Synodus in Spiritu Sancto legitime congregata prædictum beatissimum dominum Papam Eugenium cum omni reverentia et instantia supplicat, et per viscera misericordiae Jesu Christi exorat, requirit, et obtestatur, ac monet, quatenus prætensam dissolutionem, sicut de facto processit, de facto revocet: — necnon infra trium mensium spatium, quod ad hoc pro termino peremptorio præfigit et assignat, si corporalis ipsius dispositio patiatur, personaliter veniat: sin autem, personam vel personas loco et vice sui destinet et transmittat cum plenaria potestate ad omnia et singula in hoc Concilio peragenda. — Alioquin si hæc Sanctitas Sua facere neglexerit (quod de Christi Vicario non est aliquo modo sperandum), sancta Synodus, prout justum fuerit, et Spiritus Sanctus dictaverit, necessitatibus Ecclesie providere, curabit, et procedet secundum quod juris fuerit divini pariter et humani. Similiter — dominos Cardinales — requirit, — quatenus infra spatium trium mensium ab intimatione præsentium — ad dictum sacrum Concilium generale veniant, etc.*

<sup>11</sup> Sess. IV. on the 12th of July, 1432, it was resolved (l. c. p. 32), quod in eventum vacationis Sedis Apostolicæ hoc sacro generali durante Concilio electio summi Pontificis in loco istius sacri Concilii fiat. — *Item* — statuit et ordinat ipsa Synodus, quod de cetero in literis suis authenticis utatur bulla plumbea pendente cum chordula canabæ aut serici, prout varietates causarum et rerum, super quibus litteræ eadem conficiuntur, postulat, in uno missionis Spiritus Sancti in specie columbæ, in alio vero lateribus horum verborum *Sacrosancta generalis Synodus Basileensis* sculpturas continente, decernens eisdem plenam et omnimodam fidem adhibendam fore. *Item* — statuit, — quod durante hoc sacro Concilio Romanus Pontifex, a loco istius sacri Concilii absens personaliter, non debeat nec possit aliquem — in s. Romanæ Ecclesie Cardinalem assumere. — Et si secus attentatum fuerit, ex nunc in antea irritum sit et inane, nulliusque roboris vel momenti. The synod then commissioned the Cardinalis s. Eustachii with the government of Avignon and Benaisin, cum ad ipsius sacre Synodi notitiam — sit deductum, quod civitas Avinionensis — certis urgentibus rationibus et causis necessariis Vicarium per summum Pontificem ad ipsius regimen destinatum se admittere non debere prætendat, atque ad eundem summum Pontificem ambaxiatas destinaverit pro utili et salubri gubernatione civitatis ejusdem ac conitatus Venaycini eidem adjacentis, suppliciter postulans, ut de alio utili eis provideretur Vicario, quod hucusque obtinere nequivit, nec sperat posse obtinere: quinimo is qui pro Vicario destinatus est, intendit et nititur suscipere gubernationis officium invita civitate, congregare satagens multitudinem gentium armatarum.

<sup>12</sup> Nicolaus Chryffitz (or Crab), a native of Eues on the Mosel, born 1401, † 1464 (Berichtigungen u. Zusätze zu s. Lebensbeschreibungen in d. Tübinger theol. Quartalschrift. Jahrg. 1831. Heft 2, S. 386), who was present at the council as Decanus of St. Florinus in Coblentz, wrote now his libb. III. de catholica concordantia (in ejusd. Opp. Paris. 1514. fol. T. III. and in *Sim. Schardii* Synagma tractatum de imperiali jurisdictione. Argent. 1609. fol. p. 285). Comp. e. g. the following principles, lib. II. c. 34: *Universale Concilium catholice Ecclesie supremam habet potestatem in omnibus super ipsum Romanum Pontificem. — Licet secundum plura Sanctorum scripta potestas Romani Pontificis a Deo sit, et secundum alia ab homine et Conciliis universalibus (comp. vol. I. § 92, notes 15, 29, and 64): tamen videtur in veritate medium concordantiae per scripturas investigabile ad hoc demum tendere, quod ipsius Pontificis Romani potestas, quoad considerationem præminentie prioratus et principatus, sit a Deo per medium hominis et Conciliorum, scilicet mediante consensu electivo. — Unde etsi Romanus Pontifex, aut ex loco et sede Petri, aut principatu civitatis inter cæteros mundi Episcopos in prinatu ut præcipuus — veneretur: tamen nisi subjective ex consensu concurreret electio per eos, qui aliorum omnium vices gerunt, non crederem, ipsum præsidem aliorum omnium et principem sive judicem esse. Quare*

by the universal approbation its measures met with,<sup>13</sup> the council next proceeded from admonitions to threats, and then to a formal trial of the Pope.<sup>14</sup> He, on his part, seemed bent on obstinate opposition, but pressed by the Duke of Milan and the rebellious Romans, who made the defence of the council a ready pretext for their designs,<sup>15</sup> and deserted by a great part of his cardinals,<sup>16</sup> he was nevertheless

si per possibile Treverensis Archiepiscopus per Ecclesiam congregatam præside et capite eligeretur, ille proprie plus successor s. Petri in principatu foret, quam Romanus Pontifex. Lib. III. c. 2: Sunt meo iudicio illa de Constantino (the *Donatio Constantini*) apocrypha, sicut fortassis etiam quedam alia longa et magna scripta, Sanctis Clementi et Anacleto Papæ attributa, in quibus volentes Romanam sedem omni laude dignam plus, quam Ecclesiæ sanctæ expedit et decet, exaltare, se penitus aut quasi fundant.

<sup>13</sup> Thus the university of Paris wrote to the Council 9 Febr. 1432 (*Bulæi hist. Univ. Paris. V. p. 412*), that it had heard, plerisque filios iniquitatis ad ipsum totis adspirare conatibus, ut sanctum ac salutare Concilium — proregeretur, aut transferatur, et verius, penitus irritetur atque dissipetur. — Non itaque, Venerandi Patres, torpescant corda vestra, non frangantur animi! — Si autem Romanus Pontifex illud propria auctoritate vellet dissolvere atque dissipare ante plenariam digestionem articulorum inceptorum, non eidem putamus in ea re, salva sedis auctoritate, esse obtemperandum, sed potius in facie, si opus esset, resistendum, sicut Paulus, qui signum tenet Doctorum, Petro in facie restitit, figuram gerenti Pontificum. Etsi enim summus Pontifex in Concilio præmineat atque præsideat, non suæ tamen facultatis est ad arbitrium concludere, sed ad ampliorem numerum concordium sententiarum.

<sup>14</sup> The Pope was defended on the 22d of Aug. 1432, before a *Congregatio gen.* by the archbishops of Colocz and Tarento, who had come to Basil at the head of a papal embassy. Their speeches are in *Mansi XXIX. p. 468 seq.* To these the council returned a *Responsio synodalis de auctoritate cujuslibet Concilii generalis supra Papam et quoslibet fideles*, quodque sine ejus consensu non potuit dissolvere Concilium Basileense Dominus Eugenius Papa IV. (in *Mansi XXIX. p. 239 seq.*) In the *Sess. VI.* on the 6th of Sept. (l. c. p. 39) the *Promotores Concilii* proposed to declare the Pope and the absent cardinals contumaces: the council was not yet ready, however, for such a step, and once more called on the Pope, *Sess. VIII.* on the 18th of Dec., to submit within 60 days. *Sess. X.* on the 19th of Febr. 1433, it was resolved on the motion of the *Promotores*: hæc s. *Synodus* iudices hujus sacri Concilii deputat et ordinat ad videndum et ad examinandum processum factum contra eundem dominum Eugenium, et referant in *Congregatione generali.* *Sess. XII.* July 14. 1433 (l. c. p. 59) *Synodus* — amodo in dictum Dominum Eugenium acrioribus remediis, quandoquidem leniora non prosunt, procedere decrevit. Et quamquam in tam notorie et incorrigibiliter scandalizantem Ecclesiam statim posset finalem ferre sententiam, nesciens tamen maternæ pietatis oblivisci, intuitu etiam præfati Serenissimi Imperatoris, qui per suas litteras super hoc nos exacte rogavit, adhuc ipsum Dominum Eugenium tertio monere, ac etiam tertiam ei indulgere dilationem proponit, ut in sua potestate sit, si velit, pœnam evitare. He is allowed therefore a further term of 60 days, and threatened after that with suspension, processura tandem ad ulteriora, usque ad sententiam finalem inclusive, si opus fuerit, ipso Domino Eugenio amplius non citato, prout Spiritus Sanctus dicitaverit: omnem autem ipsius Papatus administrationem in his omnibus, qua in spiritualibus et temporalibus ad solum Papam, vel ad solam sedem Apostolicam de jure pertinere noscuntur, eadem sancta Synodus post dictum terminum ad seipsam decernit et declarat ipso facto esse devolutam. *Sess. XIII.* Sept. 11, 1433, a new term of 30 days was allowed him, and *Sess. XIV.* Nov. 7, 1433, another of 90 days.

<sup>15</sup> *Raynald. ann. 1433, no. 26; 1434, no. 6.*

<sup>16</sup> *Antonini summa hist. P. III. Tit. 22. Cap. 10. § 2:* Et cum nec satis fama prospera Eugenii foret, præsertim quia Pontificatum tranquillissimum a Martino susceptorum ipse confestim magnis perturbationibus involvisset: Cardinales plures ab eo recesserunt, aliqui clam insalutato hospite, alii patenter occasione inventa alicujus bonæ rei fiendæ, et Basileam pergentes — simul cum multis aliis Episcopis

forced to yield.<sup>17</sup> On this (Sess. XVII. April 26, 1434) the papal legates were at length admitted, but not till they had assented to the effective measures taken by the council to secure its independence.<sup>18</sup>

et Prælatis convenerunt. Some details are communicated by the ambassador of the Teutonic Order to his Grand-master, see *Raumer's Taschenbuch* for 1833, § 75. According to his account only four cardinals remained with the Pope.

<sup>17</sup> The emperor Sigismund exerted himself particularly to induce the Pope to yield, but at first without effect, see *Eugenii* epist. ad Franc. Foscarem ducem Venetiarum in *Raynald.* ann. 1433, no. 19. Primum — cum (Imperator) institisset nobiscum literis et nunciis, ut Concilio illi hæreremus omnino, hoc recusavimus: potius enim hanc Apostolicam dignitatem et vitam insuper posuissimus, quam voluissimus esse causa et initium, ut pontificalis dignitas et sedis Apostolicæ auctoritas submitteretur Concilio contra omnes canonicas sanctiones, quod nunquam antea neque aliquis nostrorum prædecessorum fecit, neque ab ullo extitit requisitum. Still he issued on the 1st of Aug. 1433, the bull *Dudum* (Mansi XXIX. p. 574) declaring: volumus et contentamur, præfatum generale Basileense Concilium a tempore inchoationis suæ continuatum fuisse et esse, prosecutionemque semper habuisse et continuari, prosecutionemque ad prædicta habere debere, perinde ac si nulla commutatio, translatio seu dissolutio facta fuisset: quinimmo præfatum commutationem, translationem, seu dissolutionem *revocantes* ipsum Concilium Basileense pure, simpliciter, cum effectu ac *omni caritate amplectimur*: — ita tamen quod præsidentes nostri ad præfati Concilii præsidendam admittantur cum effectu, ac omnia singula contra personam, auctoritatem ac libertatem nostram et sedis Apostolicæ ac vni. fratrum nostrorum S. R. E. Cardinalium, et aliorum quorumcunque nobis adhærentium in dicto Concilio facta et gesta per dictum Concilium prius omnino tollantur. The council was not satisfied, however, with this bull, and on the Sess. XIV. Nov. 7, 1433 (Mansi XXIX. p. 72) proposed to the Pope various forms for the declaration they desired, from which to choose; and on the 16th of Dec. the Pope issued a new edition of the bull *Dudum*, altered according to those suggestions (Mansi, l. c. p. 78). This reads: decernimus et declaramus, præfatum generale Concilium Basileense a tempore prædictæ inchoationis suæ *legitime* continuatum fuisse et esse, prosecutionemque semper habuisse, continuari ac prosecutionem habere debere ad prædicta et pertinentia ad ea, perinde ac si nulla dissolutio facta fuisset: quinimmo præfatum dissolutionem *irritam et inanem* — *declarantes*, ipsum sacrum generale Concilium Basileense pure, simpliciter et cum effectu ac *omni devotione et favore prosequimur*. — Præterea — duas nostras literas, — et alias quascunque, et quidquid per nos aut nostro nomine in præjudicium aut derogationem prædicti sacri Concilii Basileensis, seu contra ejus auctoritatem factum et attentatum seu assertum est, cassamus, revocamus, irritamus et annullamus. — Item revocamus quo-cumque processus — factos contra supposita hujus sacri Concilii Basileensis et adherentes eidem. — Nos autem deinceps a novitatibus et gravaminibus seu præjudiciis inferendis ipsi sacro Concilio, vel suppositis ejus et adherentibus eidem realiter et cum effectu desistemus. The bulls which are thus repealed are inserted at length.

<sup>18</sup> In the first place the legates had first to swear in a general Congregation on the 8th of April (Mansi XXIX. p. 409), fideliter laborare pro statu et honore Concilii Basileensis, et ejus decreta defendere et manutenere, et specialiter decretum Concilii Constantiensis, ejus tenor sequitur et est talis: *Primo quod generalis Synodus Constantiensis necnon quæcumque alia Synodus in Spiritu Sancto legitime congregata — potestatem a Christo immediate habet, etc. — Item declarat, quod quicumque, cujuscumque status et dignitatis, etc.* (see § 130. note 8). Item dare sanum et salubre consilium secundum Deum et conscientias suas, et non revelare vota singulorum, inquantum ex hujusmodi revelatione verisimiliter possit oriri aliquid odium vel scandalum, et non recedere a loco hujus Concilii sine licentia obtenta a deputatis ejusdem. They were then admitted to the council in the following manner, Sess. XVII. 26th of Apr. (Mansi XXIX. p. 90): Sacrosancta generalis Synodus Basileensis, in Spiritu Sancto legitime congregata, universalem Ecclesiam repræsentans, dilectos Ecclesie filios Nicolaum tit. s. Crucis

And now the council, by this time grown very numerous, proceeded to take up in earnest the measures of reform, so much agitated, but so imperfectly carried through at the Council of Constance.<sup>19</sup> As early as Sess. XII. July 13, 1433, most of the papal reservations were abolished; <sup>20</sup> Sess. XV. Nov. 26, 1433, regular diocesan and

in Jerusalem presbyterum, Julianum s. Angeli diaconum, s. Romana Ecclesie Cardinales, et venerabiles Joannem Archiepiscopum Tarentinum et Petrum Episcopum Paduanum, ac dilectum Ecclesie filium Ludovicum Abbatem s. Justinae Paduanae tantum admittit in Præsidentes in hoc sacro Concilio, nomine, vice et loco sanctissimi Domini Eugenii P. IV. cum infrascriptis conditionibus et clausulis, plenissimum robur et effectum per omnia habiturus, videlicet, sine omni jurisdictione coactiva, salvo etiam modo procedendi in hoc sacro Concilio hactenus observato, præsertim qui continetur in ordinationibus hujus s. Concilii, quæ incipiunt: *Primo sint quatuor deputationes* (see above, note 8). — Item quod lectis in congregatione generali his quæ conclusa sunt per deputationes primus inter Præsidentes ibidem præsentis — concludat juxta ordinationes sacri Concilii. Quod si nolit ipse aut alius de Præsidentibus — facere, tunc proximior Prælatus subsequens in ordine considerandi concludat. — Et si forte nullus de Præsidentibus veniat ad congregationem, vel ad sessionem generalis Concilii, tunc primus Prælatus — pro illo die faciat officium Præsidentis. Item quod omnia acta hujus sacri Concilii (sicut hactenus est observatum) fiant et expediantur sub nomine et bulla ipsius Concilii.

<sup>19</sup> Propositions for such reform were sent to Cardinal Julian by Andreas de Escobar, Episc. Megarensis (his true name according to Nicol. Antonii biblioth. Hisp. and not as *v. d. Hardt* gives it, Episc. Magorensis), who had been very active at the council of Constance, in his *Gubernaculum Conciliorum* (in *v. d. Hardt* Conc. Const. T. VI. p. 139 seq.) A. D. 1434 (not 1435, see p. 177 and 186). Remarkable the passage, p. 182: Et timendum est, quod ante diem judicii, et in brevi (Romana Ecclesia), nisi super eam fiat reformatio et reparatio, desoletur et foras mittatur et ab hominibus conculcetur. Quia penitus ab illis fundamentis Sanctorum et Apostolorum, Martyrum et Confessorum, et Jesu Christi ac patrum nostrorum et majorum doctrinis, et regulis conscientie aliena, et omnibus vitis et turpitudinibus defudata. p. 186: Si (generale Basileense Concilium) absque reformatione dissolvatur, tunc certe speratur, quod sancta Romana Ecclesia et Apostolica — spoliabitur suis ornamentis et possessionibus temporalibus, et Clerus et Apostolica Ecclesia privabitur suis bonis et privilegiis, ac libertatibus, et erit sub servitute peccati ac tributo census et nummi, et turbabitur ac nimium fluctuabit Petri navicula, quæ in se Judam et Simonem recepit, qui generalibus Conciliis contradicunt, et ea dissolvere satagunt, et ne fiant imposterum, impediunt.

<sup>20</sup> The Decretum de electionibus et confirmationibus Episcoporum et Prælatorum (in Mansi *XXIX.* p. 61) abolishes the papal Reservations, reservationibus in corpore juris clausis, et his quæ in terris Romana Ecclesia ratione directi seu utilis dominii mediate vel immediate subjectis fieri contigerit, semper exceptis, and provides, quod per electiones et confirmationes canonicas, secundum juris communis dispositionem, prædictis Metropolitanis, Cathedralibus, Monasteriis, et collegiatis Ecclesiis ac dignitatibus electivis vacantibus debite provideatur. — Decernitque hæc s. Synodus rationi fore consentaneum et reipublicæ accommodum, ut contra hoc salutare decretum Romanus Pontifex nihil attentet, nisi ex magna, rationabili ac evidenti causa, litteris Apostolicas nominatim exprimenta. Et ut eo firmitus hoc salubre decretum custodiatur, vult eadem s. Synodus, ut inter alia, quæ Romanus Pontifex in sua assumptione profitebitur, juret decretum hoc inviolabiliter observare. Then follow provisions concerning the choice of prelates. Nothing whatever is to be paid for their confirmation. Summum vero Pontificem hæc s. Synodus exhortatur, ut, cum speculum et norma omnis sanctitatis et munditiæ esse debeat, pro confirmatione earum electionum, quas ad eum deferri contigerit, nihil penitus exigat aut recipiat; alioquin, si secus faciendi notorie et incorrigibiliter ex hoc Ecclesiam scandalizet, futuro Concilio deferatur. Pro oneribus autem, quæ ipsum pro regimine universalis Ecclesie subire oportet, proque sustentatione S. R. E. Cardinalium et aliorum necessariorum officialium hoc sacrum Concilium ante sui dissolutionem omnino debite et congruenter provideat.

provincial synods were prescribed; <sup>21</sup> Sess. XX. Jan. 22, 1435, resolutions were passed against the concubinage of the clergy, <sup>22</sup> against the precipitate promulgation of interdicts, <sup>23</sup> and against ungrounded appeals to the Pope. <sup>24</sup> Sess. XXI. June 9, Annates were abolished, <sup>25</sup> and certain abuses which had crept into the mode of celebrating public worship, forbidden. <sup>26</sup> Sess. XXIII. March 25,

<sup>21</sup> Mansi XXIX. p. 74: — s. Synodus — præcipit, Synodum Episcopalem in qualibet diœcesi post octavas dominicæ Resurrectionis, vel alia die secundum consuetudinem diœcesum, ad minus semel in anno, ubi non est consuetudo bis annuatim, celebrari per diœcesanum propria in persona. They must continue at least two or three days, and employ themselves with enforcing the decrees of the church, examining the morals of the priests, correcting abuses, extirpating heresies, &c. For these purposes testes synodales were to be called on oath. — Provincial synods were to be held at least every three years. — The monastic orders also were to hold their Capitula regularly.

<sup>22</sup> Mansi XXIX. p. 101. Sess. XX. Decr. 1. Every priest, who should continue two months after the publication of this order to live in open concubinage, was to be ipso facto suspended a perceptione fructuum omnium suorum beneficiorum for three months, and if on being warned he should not immediately put away his concubine, to be deposed. Quia vero in quibusdam regionibus nonnulli jurisdictionem ecclesiasticam habentes, pecuniarios quæstus a concubinariis percipere non erubescunt, patiendos eos in tali feditate sordescere (see § 107, note 9): sub pœna maledictionis aternæ præcipit, ne deinceps sub pacto, compositione, aut spe alicujus quæstus, talia quovis modo tolerent aut dissimulent: alioquin ultra præmissam negligentiam pœnam duplum ejus, quod propterea acceperint, restituere aut pio usus omnino teneantur et compellantur. Ipsas autem concubinas — Prælati modis omnibus curent a suis subditis, etiam per brachii sæcularis auxilium, si opus fuerit, penitus arcerent: qui etiam ex tali concubinato procreatos filios apud patres suos cohabitare non permittant.

<sup>23</sup> Decr. 3: Quoniam ex indiscreta interdicatorum promulgatione multa consueverunt scandala evenire, statuit hæc sancta Synodus, quod nulla civitas, oppidum, — aut locus ecclesiastico supponi possint interdicto, nisi ex causa seu culpa ipsorum locorum, aut domini seu rectorum vel officialium: propter culpam autem — alterius cujuscunque privatae personæ hujusmodi loca interdicti nequaquam possint, — nisi — domini seu rectores — ipsorum locorum, auctoritate judicis requisiti, hujusmodi personam excommunicatam infra biduum inde — non ejecerint, aut ad satisfaciendum compulerint.

<sup>24</sup> Decr. 4: Ut lites citius terminentur, super eodem gravamine, aut super eadem interlocutoria vim diffinitivæ non habente nullatenus liceat secundo appellare. Quodque ante diffinitivam frivole vel injuste appellans, ultra condemnationem expensarum, damnorum, et interesse, in quindecim florenis auri de camera parti appellatæ per appellationis judicem condemnentur.

<sup>25</sup> Mansi XXIX. p. 104. Sess. XXI. Decr. 1. de annatis: In nomine Spiritus Sancti paraeleti statuit hæc sancta Synodus, quod tam in curia Romana quam alibi pro seu in confirmatione electionum, admissione postulationum, præsentationum provisione, collatione, dispositione, electione, postulatione, præsentatione, etiam a laicis faciendâ, institutione, installatione, et investitura, de Ecclesiis etiam cathedralibus et metropolitanis, Monasteriis, — officiisque ecclesiasticis quibuscunque, necnon ordinibus sacris et benedictione ac pallio, de cætero nihil penitus ante vel post exigatur ratione literarum, bullæ, sigilli, annatarum communium, et minutorum servitorum, primorum fructuum, deportuum, aut sub quocunque alio titulo. — Huic autem sacro canoni si quis — contraire præsumperit, pœnam incurrat adversus simoniacos inflictam. — Et si (quod absit) Romanus Pontifex, qui præ cæteris universalium Conciliorum exequi et custodire canones debet, adversus hanc sanctionem aliquid faciendo Ecclesiam scandalizet, generali Concilio deferatur. Cæteri vero pro modo culpæ juxta canonicas sanctiones per suos superiores digna ultione puniantur.

<sup>26</sup> Namely, in suspending the horæ canonicæ and the masses. Decr. 9 forbids the abuse, quo nonnulli Ecclesiarum Canonici contrahentes debita, sic se creditor-

1436, regulations were made concerning the choice of the Pope, the oath to be taken by him, and the duties of his office,<sup>27</sup> also concerning the cardinals,<sup>28</sup> and an unconditional prohibition of the papal Reservations, which had before been abolished.<sup>29</sup> Such decided

bus obligant, ut nisi statuto tempore satisfaciant, a divinis cessetur officiis. Decr. 11 forbids the Fools Festival (see § 79) : Turpem etiam illum abusum in quibusdam frequentatum Ecclesiis, quo certis anni celebritatibus nonnulli cum mitra, baculo ac vestibus pontificalibus more Episcoporum benedicunt, alii in reges ac duces induit, quod festum fatuorum, vel innocentum seu puerorum in quibusdam regionibus nuncupatur, alii larvales et theatralis jocos, alii choreas et tripudia marium ac mulierum facientes homines ad spectacula et cachinnationes movent, alii comensationes et convivia ibidem preparant : hæc s. Synodus detestans, statuit et jubet tam Ordinariis, quam Ecclesiarum Decanis et Rectoribus sub pena suspensionis omnium proventuum ecclesiasticorum trium mensium spatio, ne hæc aut similia ludibria, neque etiam mercantias seu negotiationes mundinarum in Ecclesia, quæ domus orationis esse debet, ac etiam cœmeterio exerceri amplius permittant, transgressoresque per censuram ecclesiasticam, aliaque juris remedia punire non negligant.

<sup>27</sup> Mansi XXIX, p. 110. Sess. XXIII. Decr. 1. de electione summi Pontificis. C. 2. The Pope when elected must subscribe the professio which follows in the next chapter. This is the same prescribed at Constance (§ 130, note 15) with some additions. He promises first, to provide for purity of doctrine, observance of the usages of the church, and the extirpation of heresies, pro reformatione morum ac pace in populo Christiano. Then : juro etiam prosequi celebrationem Conciliorum generalium et confirmationem electionum juxta decreta sacri Basileensis Concilii. At each anniversary of his election, this professio was to be read to him by one of the cardinals during mass, with the following exhortations : Curet igitur Sanctitas Tua, pro honore Dei, et salute animæ Tuæ, et utilitate universalis Ecclesiæ prædicta omnia pro viribus observare bona fide, sine dolo et fraude. Recogites etiam, cujus vicem geras in terris, etc. — Memineris quid b. Petrus aliique sibi succedentes Pontifices fecerunt, qui nihil aliud cogitabant, nisi honorem Dei, etc. — Noli Tibi aut tuis thesaurizare in terris, etc. — In distribuendis dignitatibus et beneficiis non carnem, non munera, non quid aliud temporale, sed solum Deum, et virtutes atque hominum merita Tibi proponas. In corrigendis excessibus ecclesiasticam exerce disciplinam. — Pauperes autem ac miserabiles personas defende, juva et sustenta. Ad omnes autem paternam habe caritatem. Then follow full directions from the council for the government of the church and its territories.

<sup>28</sup> Decr. 4. de numero et qualitate Cardinalium. The provisions of the Council of Constance are first repeated (§ 130, note 19). Then an oath is prescribed for the newly elected cardinals, and directions given to the cardinals, in what manner they were to support the Pope in the government of the church, and how they were themselves to live. E. g. Si quando Papam (quod absit) negligentem aut remissum, seu agentem quæ statum illius non decent, ipsi Cardinales inspexerint, filiali reverentia et caritate tanquam patrem obsecrent, ut officio pastorali honorique ac debito suo satisfaciat. Et primo quidem aliquis vel aliqui de iis per se, deinde si se non corrigat, omnes collegialiter accersitis quibusdam notabilibus Prælati, prædicentes, quod si non abstinerit proximo generali Concilio deferant : nec pro salute ipsius Summi Pontificis et bono publico ejus odium vel quidquam aliud timeant, dum tamen reverenter et caritative id agant.

<sup>29</sup> Decr. 6. de reservationibus (see note 20, above). Et quia multiplices Ecclesiarum et Beneficiorum hætenus factæ per summos Pontifices reservationes non parum Ecclesiis onerosæ extiterunt ; ipsas omnes tam generales quam speciales sive particulares de quibuscumque Ecclesiis et Beneficiis, quibus tam per electionem, quam collationem, aut aliam dispositionem provideri solet, sive per Extravagantes *Ad regimen et Execrabilis*, sive per regulas Cancellariæ, aut alias Apostolicas constitutiones introductas, hæc s. Synodus abolet, statuens ut de cætero nequaquam fiant : reservationibus in corpore juris expresse clausis, et his, quas in terris Romani Ecclesiæ ratione directi seu utilis domini, mediate vel immediate subjectis fieri contigerit, duntaxat exceptis. This was just what the Germans had asked at the Council of Constance in their *Avisamentis* (see § 130, note 18) *v. d.*



steps brought the council once more into collision with the Pope, each party complaining of the encroachments of the other.<sup>30</sup> The

*Hardt* I. XXII. p. 999), and been refused, see the Concordat with the Germans at Constance, cap. 2 (§ 130, note 19).

<sup>30</sup> The Council strove long in vain to prevail on the Pope formally to acknowledge its decrees, especially the decree de electionibus (note 20), and to this end sent to him several embassies (the names of the ambassadors see in Mansi XXX. p. 1064). The speeches of the fourth embassy, which consisted of Jo. de Hungaria Decr. Doctor. and Mag. Matthæus Mesnage, to which the Pope gave audience on the 14th of July, 1435, are full of reproaches and threats (Mansi XXX. p. 939): Si Sanctitas Vestra non servaret decretum de electionibus per sacrum Concilium promulgatum, timendum foret, quod infra decem aut quindecim annos s. catholica Ecclesia divisa reperiat in tot partes quot sunt dioceses. Wherefore they pray quatenus Sanctitas Vestra deinceps cum effectu servare et servari facere velit decreta edita et edenda per sacrum Concilium Basileense, et in contrarium attentata revocare, alioquin P. B. dicta sacra Synodus multiplicibus jurgiorum ac scandalorum crebris propulsata opprobriis, intendit dare operam efficacem, per quam decreta sua ab omnibus inviolabiliter observentur, etiam quacumque præfulgeant dignitate, prout ei possibile erit. — In omnibus autem Sanctitas Vestra velit sic agere, quod patres in sacro Concilio concipere valeant, Sanctitatem Vestram manuteneat sacrum Concilium, et non per indirectum dissolvere. At the same time the embassy presented the decree de annatis (see note 25), admonished the Pope to observe it, and at the same time announced: Sacrum concilium omnino dispositum est, et jam laborat, per aliquem alium modum honestiorem Sanctitati Vestræ et Domini Cardinalibus talem facere provisionem, de qua Sanctitas Vestra et Domini Cardinales merito poterunt contentari: præsertim autem si sacrum Concilium informatum fuerit, realiter et cum effectu Sanctitatem vestram decreta sacri Concilii Basileensis servare ab alii-que observari facere, et in contrarium attentata revocare. The Pope then sent Oratores to Basle, to demand (Mansi XXX. p. 946), quod aut suspendatur decretum de annatis, aut debita sedi Apostolicæ fiat provisio: the answer was (p. 950), that such provision would be made, si Summus Pontifex ipse circa synodalia decretorum observantiam animum, ut decet, inclinaverit. After this on the 20th of Jan. 1436. a new embassy to the Pope was resolved on, which was commissioned to use still more decided language, and to declare in conclusion (see their instructions, l. c. p. 1064), quod sacrum Concilium non valens amplius ista tolerare, mittit dictos oratores, per quos sacrum Concilium rogat ipsum dominum nostrum. — ac solemniter et peremptorie requirit et monet, ut — velit a talibus penitus abstinere, ac efficaciter servare decreta istius sacri Concilii, et tenorem adhæisionis suæ; et quod in testimonium hujus infra XXV. dies a die hujusemodi monitionis publicæ ac solemniter in Consistorio publico debeat facere legi litteras more Curie Romanæ bullatas infrascripti tenoris, mittendas infra [alios] XXV. dies ad sacrum Concilium, in generali congregatione seu sessione legendas. Quod si — prædicta non fecerit — ipsum sacrum Concilium protestatur coram Deo et hominibus, quod sine alia dilatione et citatione — procedet contra ipsum juxta decretum Concilii Constantiensis. The accompanying form of the bull required from the Pope was this (p. 1065): Omnes appellationes interpositas vel interponendas ad nos a sententiis latis per sacrum Concilium, vel Commissarios aut Judices ejusdem ipso durante, annullamus et irritamus, mandantes sub pœna excommunicationis latæ sententiæ omnibus Judicibus et Commissariis auctoritate nostra deputatis, ne super illis procedere audeant. Revocamus etiam omnia gravamina, et quidquid factum est dicta auctoritate nostra contra tenorem nostræ adhæisionis, ac contra decreta ipsius sacri Concilii Basileensis: ratificamus et approbamus omnia decreta ipsius sacri Concilii Basileensis, et præsertim de electionibus et de annatis: pollicemur, quod sine dolo et fraude illa manuteneat et servare, etc. Then follows the *Monitorium*, to be delivered to the Pope, in which the complaints against him are detailed in full. Amongst them are the following (p. 1067): quotidie nostræ a diversis personis ac pro variis causis aures pulsantur propter importabilia gravamina eis illa in derogationem per nos nostraque auctoritate gestorum, potissime quod adversum sententias hic latas, quæ in rem transiverint judicatam, adversum ipsam etiam causarum pendentiam in hoc sacro Concilio,

negotiations with the Greeks were once more made a pretext by the Pope for removing the seat of the council into Italy, where his influence could be exerted to more effect. The fathers at Basil, however,

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rescripta concesserit quotidie concedat, appellationes etiam a sententiis per hanc Synodum seu ejusdem Commissarios latis in Curia et extra commiserit et committat, lites propter hoc faciendo immortales, et divisiones quam plurimas seminando, necnon varia supposita (*suppôts*) ab hoc sacro Concilio avocando, qui in agendo pro universali Ecclesia plurimum conferebant. Here we find already the charge, p. 1068: Intellexit a fide dignis plurimis s. Synodus, eundem Dominum Eugenium ad diversos reges et principes suos nuncios destinasse, ut in earundem annatarum perseverantia sibi adisterent. A letter of instructions given by the Pope, soon after this, to his nuncios, sent to the various princes, (see *Raynald.* ann. 1436, no. 2 seq., contains a full defence against these charges, and a complaint of the whole proceedings of the Council. It is mentioned as an unheard of heresy, (no. 3), Concilia generalia non suscipere auctoritatem et fundamentum a Christi Vicario, so that also Romanus Pontifex, ut Prælatus quilibet, obedire tenetur decretis — Concilii. — Quod nihil aliud est, quam potestatem Summi Pontificis Christianique Vicarii in teris totaliter annihilare, et supremam potestatem ipsi a Christo datam in manibus multitudinis ponere: quod est non tam erroneum, quam etiam ab omni doctrina ss. Patrum totaliter alienum, immo toto statu catholicorum Principum valde perniciosum, quoniam pari modo possent eorum populi, si congregarentur, supra eos præterdere potestatem. The Decretum de annatis is (no. 4) in grave præjudicium et depressionem Apostolicæ sedis, cum a tanto tempore, de cuius contrario non est memoria, et per multa retro sæcula (see § 100, note 26; § 102, note 3) Summus Pontifex — in pacifica fuerit possessione de levandis annatis: — utpote quæ nunquam fuerint per aliquod Concilium revocate, immo potius in generali Viennensi (!) et Constantiensi Concilio susceptæ. — Cardinales etiam S. R. E. et cæteri Curiales Romanæ Curie — in præsentia S. D. N. publice sunt protestati, — affirmantes, quod si decretum hujusmodi tam præcipitanter factum debebat observari, compellebantur relinquere sedem Apostolicam et ejus servitia. Furthermore the council had never seriously considered of any other provision for the Pope. There is some justice in the complaint (no. 6) that the council had interfered unjustifiably in the administration of the church: Illud summe advertendum est, et ad quos omnis Principum consideratio se convertere debet, quod ii, qui Basileæ sunt, omnia administrant et faciunt tam in spiritualibus quam in temporalibus quæ spectant et pertinent ad exercitium supremi in Ecclesia Principis, quoniam minores causas agunt, de causis confirmationis cognoscunt, postulationes, quæ soli gratia nituntur, et quos solus Papa consuevit admittere vel rejicere, non solum in Concilio recipiunt, immo eas contra provisiones Apostolicæ sedis admittunt, — de canonizationibus Sanctorum cognoscunt, beneficia et officia — dant, pensiones super beneficiis imponunt, confessionalia concedunt more Romanæ Curie, ab omnibus peccatis absolvunt, — dant indulgentias, — faciunt Doctores in omni facultate nullo vel modico examine prævio, cum illegitimis dispensant ad ordines, dignitates et hæreditates, plerisque pallium conferunt, Episcopos consecrari præcipiunt, — in gradibus a jure prohibitis dispensant ita faciliter, ut repertum sit, dispensatum esse per unum Prælatum in secundo gradu consanguinitatis auctoritate, ut dicebatur, Concilii. — Quæ omnia nullum unquam generalium Conciliorum — facere præsumpsit, etc. — The legates are therefore directed to call on the princes to interfere (no. 14), unless the council should yield (*sexto*), ipsi Principes velint suos oratores de Basilea revocare, necnon etiam Prælatos eorum et subditos tam ecclesiasticos, quam sæculares. The close of these instructions is characteristic (no. 15), where the legates are directed what arguments to address to the emperor, and what to the king of France. Then: Similiter unicuique Regi et Principi specialia quædam dici poterunt pro majori parte, prout erit expediens, quæ ipsimet nuntii pro eorum prudentia sciunt reperire. Non esset etiam malum, quod nuntii — habeant aliquas particularitates etiam in foro conscientie, ut possent gratificare Regibus et Principibus. Utile præterea foret, si ii nuntii Apostolici secum portarent sub bulla aliquam Curie reformationem, quam Regibus et Principibus præsentarent. Hoc enim baculo adversarii nostri semper nos invadunt et percutiunt, quia dicunt multa in Romana Curia fieri, quæ egent magna reparatione, nec illa tamen corriguntur.

not blind to the danger, obstinately refused every such proposition; <sup>31</sup> and thus it soon came to an open rupture. On the 31st of July, 1437, Sess. XXVI. the council summoned the Pope before its tribunal, <sup>32</sup> whilst Eugenius, on his part, transferred the council to Ferrara, <sup>33</sup> and actually opened there a new synod on the 8th of Jan. 1438. The council renewed the sentence of suspension against him, on the 24th of Jan. 1438, Sess. XXXI. <sup>34</sup> At this session, too, some

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*Per hanc reformationem, etiam si usquequaque plena non foret, modo essent aliqua, eorum ora obstruerentur, qui continue lacerant et carpunt Romanæ Curie famam, — redderenturque tunc Reges et Principes melius edificati, et magis prout ad condescendum petitionibus Domini nostri Papa, etc.*

<sup>31</sup> After negotiations had already taken place between the Pope and the Greeks, there appeared, 1434, Greek ambassadors in Basil, who proposed to the council the following places of assembling (Sess. XIX. b. Mansi XXIX. p. 94), Calabria, Ancona, vel alia terra maritima, Bononia, Mediolanum, vel alia civitas in Italia: extra Italiam Buda in Hungaria, Vienna in Austria, et ad ultimum Sabaudia. The council resolved (p. 95) to send ambassadors to Constantinople, to influence the emperor, if possible, in favor of Basil, but otherwise to declare their readiness to choose amongst the places proposed. The patriarch of Constantinople made answer (*Raynald*. 1435, no. 8), that it was necessary, ut statuatur beatissimum Dominum Papam in meditata œcumenica Synodo interesse personaliter, et non repræsentative, electo et statuto loco congruente et commodo pro quiete dicti beatissimi Domini Eugenii et nostra. On this Sess. XXV. March 7, 1437, duplo major pars of the synod voted in favor of Basil, Avignon, or Savoy, and in the following manner (Mansi XXIX. p. 134), quod apud Imperatorem — et alios Græcos diligens et debita fieret instantia, — ut ex diversis bonis respectibus civitatem Basileensem acceptarent pro dicto œcumenico Concilio ibidem celebrando; quam si eos omnino recusare contingeret, extunc civitas Avintonensis locus esset — Concilii. — Si tamen illud in eadem celebrari non posset, extunc in Sabaudia Concilium celebraretur antedictum. The minority, with the papal legates at their head, passed another decree on the same day, in the name of the synod (see *Raynald*, 1437, no. 7), ut videlicet civitas Florentina aut Utinum in patria Forjuli ponenda in manu Concilii, seu quicumque alius locus tutus in decreto (Sess. XIX. see above) comprehensus Summo Pontifici et Græcis accommodus pro œcumenico Concilio eligatur, which was at once confirmed by the Pope in a bull dated June 29 (see *Raynald*, 1437, no. 8). This stormy session is described in full by the eye-witness, Æneas Sylvius, in a letter first published by Mansi XXXI. p. 220.

<sup>32</sup> Mansi XXIX. p. 137 seq. No charge was here brought against him but disobedience to the decrees of the council: Ille, qui primus hæc exequi debuerat, quemque et Christi præcepta et canones sacrorum Conciliorum præ cæteris servare oportuerat, immo et cæteros ad horum observantiam efficaciter inducere, nulla unquam monitione, nulla exhortatione induci jam longo tempore potuit, ut aliquam morum emendationem Christo placentem, aut notissimorum abusuum correctionem in Ecclesia sancta Dei efficere satageret. Quin potius conspicit universus orbis, sub ejus regimine majora semper scandala gravioraque exoriri. Here follows a long catalogue of offences. Non autem solum in rerum spiritualium regimine hanc ipsam ruinam consideramus, sed et in gubernatione temporalium dominiorum s. Romanæ Ecclesiæ notorios defectus attendimus. — Quantus enim terras ipse Dominus, Eugenius alienaverit, quantaque ejus incuria et insolerti regimine deperditæ et occupatæ sint, — notoria facta testari videntur. The Pope is therefore summoned to appear before the council within 60 days, and the cardinals, ut infra eundem terminum in hac civitate Basileensi compareant, saluti s. matris Ecclesiæ cum cæteris in Synodo congregatis consulturi et opportune provisuri, prout Spiritus Sanctus dictaverit.

<sup>33</sup> See *Harduin* IX. p. 698.

<sup>34</sup> Sess. XXVIII. on the 1st of Oct. 1437, he was convicted of contumacy (Mansi XXIX. p. 147). Sess. XXIX. on the 12th of Oct. the transferring of the council to Ferrara was declared void, and all prelates commanded to appear at

last attempts were made at reform by restricting the liberty of appeal to Rome,<sup>35</sup> and regulating the mode of appointment to vacant benefices.<sup>36</sup> From this time forward the whole attention of the Synod was absorbed in the controversy with the Pope.<sup>37</sup>

It now became the interest of the temporal lords, to secure for their respective realms the advantages of the reform,<sup>38</sup> and at the same time

Basil. Sess. XXXI. followed the suspension (Mansi XXIX. p. 168): s. Synodus prædictum Eugenium P. IV. manifestum contumacem, et in aperta rebellione persistentem, ac notorie incorrigibiliterque Ecclesiam Dei scandalizantem — ab omni administratione Papatus in spiritualibus et temporalibus suspendit. — Omnem autem ipsius Papatus administrationem — eadem s. Synodus ad seipsam decernit ac declarat esse devolutam.

<sup>35</sup> Sess. XXXI. decr. I. de causis (Mansi XXIX. p. 159): Inoleverunt hæc intolerabilium vexationum abusus permulti, dum nimium frequenter a remotissimis etiam partibus ad Romanam Curiam, et interdum pro parvis et minutis rebus ac negotiis quamplurimi citari et evocari consueverunt, atque ita expensis et laboribus fatigari, ut nonnunquam commodius arbitrarentur juri suo cedere, aut vexationem suam gravi damno redimere, quam in tam longinqua regione litium subire dispendia. Sic facile extitit calumniosis opprimere pauperes, sic beneficia ecclesiastica plerumque minus juste per litium anfractus obtenta sunt, dum justis possessoribus eorum, seu quibus illa de jure competeabant, neque opes neque facultates ad illos sumptus sufficere poterant, quos longinqua profectio ad Romanam Curiam et litis agitatio in eadem deprecabant. The Synod therefore decrees, quod in partibus ultra quatuor diætas a Romana Curia distantibus omnes quæcumque causæ, exceptis majoribus in jure expresse enumeratis, et electionum Ecclesiarum cathedralium, et Monasteriorum, quas immediata subjectio ad sedem Apostolicam devolvit, apud illos judices in partibus, qui de jure aut consuetudine præscripta vel privilegio cognitionem habent, terminentur et finiuntur. Et ne sub umbra appellationum, quæ nimium leviter, et nonnunquam frivole hæcenus interponi visæ sunt, atque etiam in eadem instantia ad prorogationem litium sæpe multiplicari, materia fovendis injustis vexationibus relinquatur; statuit eadem s. Synodus, quod si quis offensæ coram suo iudice habere non possit justitiæ complementum, ad immediatum superiorem per appellationem recursum habeat: nec ad quemcumque, etiam ad Papam, omisso medio, neque a gravamine in quacunque instantia ante diffinitivam sententiam quomodolibet appelletur, nisi forsitan tale gravamen extiterit, quod in diffinitiva sententia reparari nequiret: quo casu, non alias, ad immediatum superiorem licet appellare. Si vero quispiam a sedis Apostolicæ immediate subjecto ad ipsam sedem duxerit appellandum, causa per rescriptum usque ad finem litis inclusive in partibus committatur: nisi forte propter defectum justitiæ, aut justum metum, etiam in partibus convicinis, — apud ipsam sedem foret merito retinenda.

<sup>36</sup> Decr. I. de collationibus beneficiorum. The Pope is forbidden to grant any more gratias expectativas, as well as reservationes particulares. Decr. 3. Qualificationes et ordo in conferendis beneficiis per Ordinarios. Each cathedral church shall have a theologus, the third part of all prebends be filled with graduates; only such shall be appointed to be priests in the cities, and ad minus qui per tres annos in theologia, vel in altero jurium, seu magistri in artibus, qui in aliqua Universitate privilegiata studentes fuerint, et hujusmodi gradum adepti fuerint.

<sup>37</sup> An account of this controversy, partial to the Pope, is given by *Joannes de Polemar*, in a work written 1443 (see Mansi XXXI. p. 197 seq.), another equally partial to the council, by *Nicolaus de Tudesco*, Archiepisc. Panormitanus (known as a writer on the Canons under the name of Abbas or Panormitanus) l. c. p. 205 seq.

<sup>38</sup> Notwithstanding the fears of Johannes Nider, a Dominican, who was very active at the council, that little was to be expected from it. In his *Fornicarius* (or *De visionibus ac revelationibus* ed. v. d. *Hardt* Helmst. 1692. Svo. written A. D. 1437. Lib. I. c. 7. p. 96, he makes Piger ask with reference to the Council of Constance and the præsens Basileense Concilium, quod pene in omnium bulla-

to prevent the threatened schism. Charles VI. of France, though not satisfied with the decrees of the council against the Pope, hastened to avail himself of them in the Pragmatic Sanction, passed at Bourges, July 7, 1438,<sup>39</sup> and rejected the Council of Ferrara. In Germany, the imperial throne being vacant, the electors exerted themselves to mediate between the two parties; and to further this object, on the day before the choice of Albrecht II., March 17, 1438, they declared the German church neutral.<sup>40</sup> At the same time, however, they took care to secure all the advantages of the reform at Basil, by the Instrumentum acceptationis,<sup>41</sup> executed by the emperor and the realm on the 26th of March, 1439. The Council of Basil seems to have been led by this general approbation accorded to its measures, to over estimate its moral strength: every suggestion of the expediency of yielding in some measure was steadily repelled;<sup>42</sup> the

rum suarum præferebat exordio reformationis titulum, utrum de totali reformatione Ecclesiæ in membris et capite aliquam spem habere possimus. The Theologus answers: Non omnino frustra celebrata fuerunt duo ista Concilia. — De totali autem, quam depingis, reformatione Ecclesiæ ad præsens et ad propinqua futura tempora nullam penitus spem habeo. Tum quia voluntas bona in subditis deficit, tum quia illud Prælatorum malitia impedit, tum etiam, quia illud electis Dei, qui persecutionibus malorum probantur, non expedit.

<sup>39</sup> Pragmatic Sanction or la Pragmatique de Bourges ed. Pinson, Paris. 1666. fol., in the Ordonnances des Rois de France de la troisième Race, vol. XIII. p. 267. and in Münch's Sammlung aller ältern und neuern Konkordate. Th. I. S. 207 ff. cf. Histoire contenant l'origine de la Pragmatique Sanction, — comme elle a été observée, et les moyens dont les Papes se sont servis pour l'abolir, in the Traitez des Droits et Libertez de l'Eglise Gallicane. T. I. 1731. fol.

<sup>40</sup> See the protest in Joh. Joach. Müller's des heil. röm. Reichs teutscher Nation Reichstagstheaturum wie selbiges unter Keyser Friedrichs V. allerhöchsten Regierung gestanden (Jena 1713. fol.) Th. I. S. 30.

<sup>41</sup> This Instrumentum acceptationis which had long lain in obscurity, was brought to light, and published by the Counsellor of State, Horix, at Mayence, in the Concordata Nat. Germ. integra. Francof. et Lips. 1763. 4to. with corrections in the Conc. Nat. Germ. integra variis additamentis illustrata (Francof. et Lips. 1771. 3 Tomi, Svo. T. I. p. 38 seq. The best edition from the original in the Archives in Mayence, with the necessary explanations, is the Sanctio Pragmatica Germanorum illustrata ed. Christoph. Guil. Koch. Argentor. 1789. 4to. p. 93 seq. Münch's Sammlung aller ältern u. neuern Konkordate. Th. I. S. 42 ff.

<sup>42</sup> cf. *Æneæ Sylvi* commentariorum de gestis Conc. Basileensis lib. II., written 1444, in favor of the council, comprehending the years 1438 - 1440: the accompanying Epist. ad Joannem de Segovia de coronatione Felicis is often counted as lib. III. Both may be found in the Fasciculus rerum expetendarum et fugiendarum p. 1 seq., and have been published separately also, Basil. 1577. Svo. Cattopolii 1667. 4to. According to *Æneæ Sylvius* the princes might have hindered the schism by working in concert, compare his remarkable letter to the imperial chancellor, Caspar Schlick, A. D. 1438, Ep. 54: Vidi quid Reges scribunt ex copiis literarum, nec despero rem posse bene conduci, si aggredi velimus negotium. Omnibus enim, ut vides, displicet schisma, omnes abhorrent. Viam autem sopiendi hoc malum Carolus Rex Franciæ nisi fallo et tutam et brevem ostendit, ut fiat conventus Principum vel eorum oratorum in communi aliquo loco, ibique una recipiatur conclusio per omnes. — Hæc via non posset impedi: nec Papa, nec Concilium reniti possent, tanquam hoc absque ipsis fieri nequirit. Licet enim Principibus sæcularibus convenire invito Clero, et tamen illic unio fieri posset. Nam ille Papa indubitatus esset, cui omnes Principes obedirent. Non video Clericos, qui velint pro ista vel illa parte martyrium ferre. Omnes hanc fidem habemus, quam nostri principes: qui si colerent idola, et nos etiam coleremus. Et non

proceedings against Eugenius were continued, and at Sess. XXXIV. May 25, 1439, he was formally deposed,<sup>43</sup> and on the 17th of Nov. the commission appointed for the purpose, chose Amadeus VIII., duke of Savoy, to succeed him, under the title of Felix V.<sup>44</sup>

This rash measure,<sup>45</sup> by which a new schism was occasioned in the church so shortly after the old one had been, with such pains, reconciled, proved the ruin of the council. Felix V. was scarce any where recognised. The council lost daily more and more of its importance, and from the 16th of May, 1443, when it held its 45th and last session, existed only in name.<sup>46</sup> Eugenius would have had little

solum Papam sed Christum etiam negaremus sæculari potestate urgente, quia refriguit caritas, et omnibus interit fides. Utcunq̄ sit, pacem desideramus, quæ sive per aliud Concilium, vel per conventum Principum detur, nihili pendo.

<sup>43</sup> Mansi XXIX. p. 179 seq., s. Synodus pro tribunali sedens per hanc suam sententiam diffinitivam — pronunciat, decrevit et declarat, Gabrielem prius nominatum Eugenium P. IV. fuisse et esse notorium et manifestum contumacem, mandatis seu præceptis Ecclesiæ universalis inobedientem, et in aperta rebellionem persistentem, violatorem assiduum atque contemptorem sacrorum canonum synodaliū, pacis et unitatis Ecclesiæ Dei perturbatorem notorium, universalis Ecclesiæ scandalizatorem notorium, simoniacum, perjurum, incorrigibilem, schismaticum, a fide devium, pertinacem hæreticum, dilapidatorem jurium et honorum Ecclesiæ. — Quem propterea eadem s. Synodus a Papatu et Romano Pontificio ipso jure privatum esse declarat, etc.

<sup>44</sup> cf. *Æneæ Sylvii* Commentar. (see note 42).

<sup>45</sup> That the proceedings at Basil were rash, and that the state of things there was not exactly what it might have been wished, is evident already from what is above narrated. Compare *Jo. de Polmar* (see note 37), in Mansi XXXI. p. 202: Nullibi pejus decreta Basileensium quam Basileæ servata sunt. Formula illa morum, in cibis, in vestibus, in familiaribus, in falleris (*phaleris*) equorum, in modo vivendi et procedendi, in deputationibus, in congregatione generali fuitne unquam servata? Qualiter supplicationes, et alia per deputationes expedita sint tenere, immoderate, prout quilibet plus poterat aut clamores et impressiones, aut multitudinem votorum, non advertendo quid expediat, sed omnia passim concedendo, ea præsertim quæ sedes Apostolica repulerat, — pudet referre. Mittunt utique nuncios cum facultatibus, quæ nec legatis de latere per sedem Apostolicam tradi consueverunt. Si Diabolus a Basileensibus aliquid peteret et contra fas et jus; dummodo illis vellet assentire, facillime impetraret. Offerunt et ipsi et Antipapa eorum Regibus, Principibus, et Prælatibus privilegia, facultates, dignitates, ut illis adstant, etc.

<sup>46</sup> The position of the different nations is thus described by *Æneas Sylvius* descript. Germaniæ, c. 10: Gallia quidem, atque Hispania, Italia quoque, Ungaria et Anglia Eugenium sequebantur: Sabaudia, Suicenses, Basilienses, Argentineses, ac ex Saxonia Caninenses, simulque de ducibus Bavariæ Albertus Monaci Felici obediebant. Rex Aragonum et Siciliæ Alphonsus, Polonique et Britones nec Eugenio nec Felici, sed Concilio Basileensium auscultabant. Reliqua Germania neutralitatem quandam induit. The state of the council by *Joannes de Polmar* (see note 37), A. D. 1443 (in Mansi XXXI. p. 206): Nulli Primates, Archiepiscopi, et Episcopi orbis Antipapæ adhæserunt, exceptis paucissimis illis de Pedemontium et Sabaudie, quos non veritas trahit, sed metus et subjectio compellit, ac illis tanti sceleris patroribus Basileæ existentibus, quorum nomina opportunum est inserere, ut patent, qui et quales sint, qui Ecclesiam perturbant. Arelatensis Episcopus (Louis Allemand, archbishop of Arles and cardinal, president of the council), Gratianopolitanus Episcopus (*of Grénoble*), Basiliensis Ep., Ep. Aquensis, Marsiliensis sine possessione Episcopus, Lacusanensis sine possessione Ep. Argentincensis titulus, Ep. Grossetanus titulus. Fuerunt etiam duo Episcopi de Arragonia, quos D. Rex tenebat ibi, ut terreret S. D. N. ne esset sibi adversarius in regno Neapolitano. Fuerunt autem pauci

trouble in pulling down his rival, if he had not at the same time persisted in making war on the decrees of the council, which had been already adopted by the two most powerful realms of Christendom. The most decided supporters of these decrees being amongst the spiritual lords, it became his aim to win over if he could the temporal princes. In France he was obliged to content himself with an acknowledgment of allegiance from Charles VII., whilst the Pragmatic Sanction was retained.<sup>47</sup> In Germany, however, there was more to

quidam Abbates de diocesi Basiliensi, metu ibi manere compulsi; fuerunt quidam Monachi apostatae et fugitivi, et nonnulli vel notarii vel copistae, et quidam alii vix in sacris constituti nullius aestinationis, qui quidem nec in diocesanis nec in provincialibus Conciliis de jure vel consuetudine admitterent, qui Basileam ad hoc profecti fuerant, et ad hoc morabantur, ut effugerent superiorum suorum correctionem, vel ut alios litibus vexarent, vel ut scandalum aliquod perpetrarent, etc. Ever since 1137 many of the most influential bishops had deserted the council, which had given the preponderance to the inferior clergy. This was protested against by Nicolaus Panormitanus (compare note 37), A. D. 1439, in pleading for delay in the proceedings against the Pope (see *Æn. Syl. de Conc. Basil. lib. I. Catop. 1667. p. 36*): Si Episcopi et Abbates computarentur, nemini dubium esse, quin major pars differri presentem rem vellet. Cumque totius potestas Concilii in Episcopis resideret, haud ferendum esse, ut eis spreto, quod majori parti inferiorum placeret, id concluderetur. But the Cardinalis Arelatensis on the other hand referred to passages in Augustine and Jerome (l. c. p. 43): si, prout Hieronymo placet, Episcopi sunt sola consuetudine praelati Presbyteris, utique fieri potest, ut consuetudinem contraria tollat consuetudo: at si Presbyteri debent Ecclesiam Dei cum Episcopis in commune regere, satis notum est, quod ad eos quoque decidere res spectat Ecclesiae dubias. — Si soli Episcopi vocem habeant, id demum fiet, quod nationi placebit Italicae, quae sola nationes alias in numero Episcoporum aut superat aut aequat. Uteunque est, opus Dei hac vice fuisse autumo, ut inferiores ad decidendum reciperentur; revelavit enim ea nunc Dominus parvulis, quae sapientibus abscondit. En horum inferiorum zelum, constantiam, rectitudinem, magnanimitatem videtis. Ubi nunc Concilium, si soli Episcopi, solique Cardinales vocem habuissent? Ubi nunc Conciliorum auctoritas? Ubi fides catholica? ubi Decreta? ubi reformatio? Nempè omnia libidini Eugenii ac temeritati jam diu commissa fuissent; victorque nefandissimi propositi sui ille fuisset, nisi quos modo spernit inferiores sibi restitissent. Hi sunt, qui privationem ab Eugenio factam contempserunt: hi sunt, qui minas, qui spolia, qui persecutiones ipsius flocci fecerunt, etc. At a later period, A. D. 1452, *Æneas Sylvius* says in his Oratio adv. Austriales (in *Muratorii Anecdotis, T. II p. 162*): Inter Episcopos, ceterosque Patres conscriptos vidimus in Basilea coquos et stabularios orbis negotia judicantes. Quis horum dicta vel facta judicaverit legis habere vigorem? The composition of the council has always been one of the chief grounds with the Italians for denying its validity.

<sup>47</sup> Eugenius' opinion of the Pragmatic Sanction is expressed in a letter to the king, written on occasion of the choice of a bishop in Angers, according to the provisions of the Sanction, without regard to the Pope's claim to provide as heretofore (*Raynald. ann. 1439, no. 37*): Quod vero scribitur, ordinationes Biturisc confectas (te) velle manuerere, a certo tenemus scriptum esse te inscio et invito. Nam cum pro tua sapientia dudum, cum illae ordinationes fierent, consulisses viros nonnullos timentes Deum, et bonos viros ac doctos, quid de illis sentirent, atque ii tibi respondissent, eas esse contra Deum, contra aequitatem injustas, et contra salutem animae tuae; mirandum esset — te velle eas ordinationes servare, quae essent iniquae et in animae tuae praedudicium factae. A new synod was held in Bourges, and from the council, A. D. 1440, ambassadors attended from Eugene, and the former demanded that the Pragmatic Sanction should be annulled. They received from the king, after he had consulted with his bishops and other nobility, the following answer (*Preuves des libertez de l'église Gallicane. chap. 20, no. 23*): quod Rex tenuerat Concilium Basileense pro Concilio, ad ipsum Ambassia-

hope from the weakness of the new emperor, Frederick III. (from 1440), and the intestine divisions of the country. What efforts he made to secure the powerful princes may be seen in the privileges he granted the duke of Cleves (1444) to the prejudice of the archbishop of Cologne and the bishop of Münster, who were opposed to him.<sup>48</sup> Still, however, he overrated his influence in Germany when he ventured (A. D. 1445) to depose the archbishops of Triers and Cologne for their adherence to the Council of Basil;<sup>49</sup> for a conven-

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tores miserat; multa bona pro fide et moribus constituerat, quæ Rex approbat; nec unquam congregatum Ferrariense pro Concilio habuerat aut habebat. Quoad depositionem Eugenii, et electionem Felicis, numquam eas adprobaverat, aut approbat: immo tenuerat Dominum Eugenium pro Papa, et adhuc tenebat, et volebat, quod sibi in suo Regno obediretur, nisi aliud in Concilio generali, celebrando juxta annum in aliquo loco Galliarum, fuisset ordinatum, et quod requirebat Papam, quatenus illuc mitteret dictum Concilium, et convocaret, et celebrari procuraret, et quod in eo personaliter interesset. — Quoad Pragmaticam Sanctionem, eam inviolabiliter volebat observari et custodiri. Et si aliqua videntur nimis rigida, in illo generali Concilio Basileensi possent moderari.

<sup>48</sup> See the remarkable bull directed to the bishop of Utrecht dd. 17 Kal. Febr. 1444, in *Leibnitii Mantissa Codicis Juris Gentium diplomatici*, P. II. p. 168: Pastoralis officii desuper nobis divina providentia commissi debitum postulat et requirit, ut contra nostrorum et Romanæ Ecclesiæ rebellium temeritatem eorum, qui in nostra et sedis Apostolicæ obedientiæ devotione et fide firmi et immobiles permanserunt, statui et quieti animarumque saluti salubriter consulamus. Exhibita siquidem nobis pro parte dilectorum filiorum, nobilium virorum, Adolphi Ducis Clyphensis, et Johannis ejus primogeniti, petitio continebat, quod cum tam sæculares quam ecclesiastica personæ, necnon collegia — et alia loca ecclesiastica in suis dominiis et terris in Coloniensi et Monasteriensi diocesi consistentia, pro eo quod Archiepiscopus Coloniensis nobis et Apostolicæ sedi inobediens et rebellis existit, et iniquitatis filius Henricus, qui se gerit pro Episcopo Monasteriensi, damnationis filio Amedeo, olim Duci Sabaudiar, qui se Felicem V. ausu sacrilego nominare præsumit, — adherere præsumsit, plurima in spiritualibus et temporalibus detrimenta sustineant: — pro parte dictorum Ducis et primogeniti nobis fuit humiliter supplicatum, ut eorum subditorum suorum statui et saluti providere misericorditer dignemur. Nos igitur — omnia et singula, personas, collegia, capitula, monasteria, Ecclesias et loca qualibet ecclesiastica, dominia, terras et loca supradieta, donec aliud super hoc duxerimus disponendum, *ab omni jurisdictione, potestate, et superioritate spirituali Coloniensis Archiepiscopi et Episcopi Monasteriensis eximentes et liberantes, Fraternalitati tuæ unum Episcopum*, etiam titularem, — qui in dictis dominiis, — Clericos ordinare, — omnemque spirituales jurisdictionem, quæ Archiepiscopi Coloniensis et Episcopi Monasterienses pro tempore inibi habere et exercere consueverunt, — exercere valeat, necnon contra omnes et singulas personas, — quæ schismatis labe infecta essent, aut præfato Amedeo quomodolibet adhererent seu faverent, — inquirere et procedere — possit, — *deputandi, et illum amovendi, aliumque sui loco ponendi, quotiens pro parte dictorum Ducis et primogeniti furis requisitus*, auctoritate præfata, tenore præsentium, concedimus facultatem. Volentes similiter et tibi eisdem auctoritate et tenore concedentes, ut *omnia et singula dignitates, personatus, — monasteria, — cæteraque beneficia ecclesiastica quæcunque in dictis dominiis — nunc vacantia et imposterum — vacatura, — quæ in turno sive mense Ordinariorum vacare contingerit, dummodo non sint sedi Apostolicæ reservata, personis idoneis per ipsos Ducem et primogenitum tibi nominandis — conferre et de illis providere — libere et licite valeas*. Hence the proverb: Dux Cliviæ est Papa in suis terris, see *Wern. Teschenmacheri annales Cliviæ, Juliæ, Montium et Marcæ Westphalicæ ed. J. Chr. Dithmar*. Franc. et Lips. 1729. fol. p. 294.

<sup>49</sup> See the Breve to the bishop of Utrecht dd. 9 Febr. 1446 (in *Raynald*, ad h. a. no. 1): Nuper iniquitatis filios Theodoricum de Mærsem, olim Coloniensem, et Jacobum Sirik, olim Trevrensensem, Archiepiscopos, tamquam hæreticos et schismaticos, nostrosque et Romanæ Ecclesiæ rebelles ex justis et urgentibus causis



tion of the electors was held at Frankfurt on the Maine (March 21, 1446), at which it was resolved to demand at once from the Pope what they deemed their rights.<sup>50</sup> The emperor, however, who viewed with some jealousy such a combination amongst the electors, was able, by the arts of his private secretary, Æneas Sylvius, to induce most of them to consent to considerable modifications of their demands;<sup>51</sup>

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omni dignitate archiepiscopali — privavimus, — ac privatos fore declaramus: et deinde ad provisionem earundem Ecclesiarum — paternis et sollicitis studiis intendentes, Coloniensi Ecclesiæ de persona dilecti filii Adolphi Clivensis duximus providendum, ad Ecclesiã vero Treverensem ven. fratrem nostrum Joannem tunc Cameracensem Episcopum de fratrum consilio auctoritate Apostolica transtulimus.

<sup>50</sup> The document of this union see in Müller's Reichstagstheaturum, Th. I, S. 278, and from the original in *Gudeni Codex diplomaticus Anecdotorum*, T. IV. p. 290 seq. *Æneæ Sylvii* hist. Friderici III. Imp. (in *L. F. Kollarii Analecta Monumentorum omnis ævi Vindobonensia*, T. II. p. 120 seq.): Eugenius cum accepisset, Theodericum Coloniensem, et Jacobum Treverensem Archiepiscopos et Electores Imperii Felicis fovere partes, nutrire neutralitatem, adversari Romanæ sedi, ambos deposuit, et archiepiscopali dignitate privavit, quæ res illi magno impedimento fuit. Nam bene nati præsules et amicis fulti, quamvis jure, non tamen facto Ecclesias dimittebant, et acrius Eugenii partes impugnabant. Horum igitur opera conventus apud Francfordiam inter Principes habitus est, in quo decretum est, nisi Eugenius depositionem Archiepiscoporum annullaret, decretum Constantiensis Concilii acceptaret atque profiteretur, Germanicæ nationi oportune secureque et stabiliter provideretur; omnis natio ab Eugenio deficeret, Felicemque sequeretur. Hoc autem secreta inter se statuerunt, silentiumque jurejurando indixerunt, mittentesque ad Cæsarem Legatos, ea lege aperire jusserunt mandata Cæsari, ut non amplius quam sibi et sex consiliariis patefacerent. Erat autem mens eorum Legatos eosdem ad Eugenium mittere, qui hæc peterent, orabantque Cæsarem, ut amplecteretur eorum viam, atque cum his mitteret. — Legatis Principum dixit Cæsar, non placere sibi depositionem Archiepiscoporum, quæ surrogatos eis Gallicos, bene facere Principes, qui eorum indemnitati et nationis utilitati consulerent, velle se ad hæc concurrere et mittere ad Eugenium cum eis: illud autem indignum esse, quod se Papæ iudices constituerint, cum dicerent, nisi sperata fecerit, ab eo se defecturos, quasi non Papam et Papam esse in eorum arbitrio resideret. The ambassadors of the Electors, of whom Gregory of Heimburg was the most important, set off directly for Rome, preceded by Æneas Sylvius as imperial ambassador. Cæsar vocato Æneæ Senensi secretario suo, secreta Principum ei aperuit, jussitque Papam accedere, ac viam pacis ei suadere, pericula exponere et mentem Principum, orare, ut Electores suos restitueret: Cæsarem sibi in omni re auxilio futurum. Æneas, in a private audience, informed the Pope, in name of the emperor: Videri necessarium Archiepiscopos restitui, non autem cassari privationem. Tum nationi opportune provideri. Deinde decretum *Frequens* Constantiensis Concilii (see § 130, note 15) recipiendum esse. Ea si Eugenius faceret, futurum, ut tota natio et neutralitatem deponeret, et ad Eugenii rediret obedientiam. Sin autem, quamvis Cæsar nunquam Eugenium deserturus esset, tamen Electores mala esse mente multa machinatos mala, timendumque grande schisma. The Pope adopted these suggestions, and told the ambassadors of the Electors, quia mandatum non haberent tractandi et concludendi quæ oporteret, missurum Eugenium ad conventum Electorum, responsumque petitionibus eorum pro dignitate Romanæ sedis. This took place in Frankfurt.

<sup>51</sup> *Æneas Sylvius*, l. c. p. 125: Omnis Cæsaris cura in eam diætã collata erat. Nam sex Electores obligati simul adversus Eugenium videbantur Cæsarem spernere, itaque summum Cæsari studium erat, fœdus Electorum solvere, et aliquem ad se trahere, ut Eugenium et sibi consuleret. Contra enim omnes Electores nihil audebat agere, neque adversari Eugenio volebat. Itaque neque solus Eugenium sequi audebat, neque cum Electoribus illi adversari volebat. — Eam ob causam legatis suis (of whom Æneas was one) id mandati Cæsar dederat, ut fœdus Electorum omnino rumpere tentarent, et aliquos Electores ad se trahere

and an embassy was despatched to Rome commissioned to acknowledge the authority of Pope Eugenius, on his acceding to these conditions.<sup>52</sup> Even these demands were resisted by a part of the cardinals,<sup>53</sup> and Eugenius, whilst he appeared to grant them in the four

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studentur: quod si duos ex eis habere possent, declarationem pro Eugenio facerent, sin autem, declarationem omitterent. At first the legates of the council seemed to have the advantage, the ambassadors of the electors gave an unfavorable account of their success at Rome. Exinde legati Cæsaris summo studio conati sunt Maguntinum Archiepiscopum ex fœdere cæterorum Electorum abducere, sic enim et Federicum, Marchionem Brandenburgensem, ab illis extraxisse putabant, qui fidem Archiepiscopi secutus fœdus intrarat. Multa in eam rem praticata sunt. Johannes de Lisura fœderis et auctor et defensor Maguntinum in sententia tenebat. Cumque res diu inutiliter tractaretur, ad pecuniam tandem recurrere oportet, cui raræ obaudiunt aures. Hæc Domina curiarum est, hæc aures omnium aperit, huic omnia serviunt. Hæc quoque Maguntinum expugnavit. Non quod sibi quicquam promissum fuerit, sed inter quatuor ejus Consiliarios duo milia florenorum rhenensium erogata sunt, quæ bono animo Cæsar solvit, ne se spreto Electores ad partem Concilii Felicisve declinarent, quam summam Nicolaus postea per Æneam Federico remisit. Hi ergo Consiliarii non veritatis amore sed auri dulcedine pellecti Archiepiscopum Maguntinum ad voluntatem Cæsaris inclinabant. Sed nolebat Pontifex ille juratum fœdus abrumpere sine causa justa, quærebatque modos honestiores. Cumque legati Cæsaris non possent menti ejus satisfacere, Æneas modum commentus est, qui receptis notulis, secundum quas se Principes obligaverant, nisi Eugenius illas admitteret, velle se eum deserere, omne venenum ex his ademit, novasque notulas composuit (this new agreement, or modification of the union mentioned in note 50, has been printed with the title *Concordata Principum Francofordiensi*, in *Wardtwein* Subsidia diplom. T. IX. p. 70), per quas et Archiepiscopi depositi restituerentur (though without acknowledging the validity of their deposition) et nationi oportune provideretur (but with the condition prescribed by the Pope, that the nation should make up to the Pope what they deprived him of), et auctoritas conciliorum salvaretur (though at the same time condemning the Council of Basil, by making no provision for a settlement of the differences between it and the Pope): illasque dixit sua opinione Eugenium non negaturum.—Eas igitur Maguntino ostenderunt, dicentes iniquum esse ab Eugenio discedere, qui notulas illas concessurus esset honestatis et justitiæ plenas. Tunc Maguntinus bona fide se dixit intrasse fœdus, sibi dictum fuisse, nihil Electores ab Eugenio velle, quod non esset honestum; at si jam his non contentarentur, ab honestate recederent. Placere igitur sibi, ut notulæ in publico legerentur, quærenturque vota multitudinis. The Electors of Mayence and Brandenburg, the High-master of the Teutonic Order, Prussia, the archbishop of Magdeburg, and several other German princes subscribed this before the public consultation. Cumque ventum esset in concionem, major pars notulas approbavit: Treverensis et Colonien-sis et Dux Saxonie adversi fuerunt, Palatinus dubius mansit. Sic teriti tres Electores nihil concludere ausi sunt. At legati Cæsaris eum Maguntino, Brandenburgensi et aliis novum fœdus fecerunt, statueruntque in futuro nativitatibus Dominicæ festo ad Eugenium mittere, atque ab eo petere, uti notulas approbaret: quod si faceret, mox nomine nationis obedientia sibi præstaretur; sin autem, rursus in deliberationem res adduceretur.

<sup>52</sup> See the speech of Æneas to the emperor Frederick, in which he gives an account of this embassy, the death of Eugene, and the coronation of Nicolas V., in *Baluzii Miscellan.* lib. VII. p. 525 seq.

<sup>53</sup> *Æneæ Sylvii* hist. Friderici III. in Kollar II. p. 129: Collegium Cardinalium divisum erat, videbaturque magna pars adversari his, quæ Francofordiæ conclusa erant, atque hi erant maxime Theologi, qui omnia graviora faciunt: ob quam rem Ludovicus Aquilegensis et Johannes Morinensis Cardinales suadent Eugenio, si velit Ecclesiæ pacem habere, novos ut Cardinales assumat, qui resistere contradicentibus possint. Sic suasus Eugenius quatuor Cardinales creavit. The cardinals who objected said (see the *Oratio Æneæ* just cited, *Baluz.* VII. p. 533), venditam esse Teutonicis Apostolicam sedem, seque quasi bubalos duci naribus.—Further, p. 535: Grave videbatur Cardinalibus annatas remittere, collationes

bulls which he enacted,<sup>54</sup> reserved to himself and his successors in a

beneficiorum amittere, Concilium convocare, decreta recipere, privatos restituere : aiebantque, non solum in natione Germanica id esse nocivum, sed alias exinde nationes recessuras et Apostolicam sedem perditum iri, nec bene consultum esse cæteris Ecclesiis, quando Romana, quæ est caput omnium, langueret ; conducere Christianæ religioni Romanum Pontificem fore potentem, ut tueri alios Prælatos queat, inter Principes pacem constituere, infidelibus resistere, hæreses extirpare : nunquam tot hæreses in Christiana religione fuisse, quot fuerunt ante Sylvestrum, quia paupertas Romani Pontificis neglectui fuit.

<sup>54</sup> These four bulls are given for the most part in *Raynald*, ad ann. 1447, no. 4 seq., complete in Müller's *Reichstagstheaterum*, s. 347 ff., partly from the original in *Koch Sanctio Pragm.* p. 181 seq. Münch's *Concordate*, Th. 1, S. 77 ff. — I. *Ad ea ex debito* dd. 5 Febr. directed to the emperor, the electors of Mayence and Brandenburg, relating to the council which was desired propter Ecclesiæ necessitates : Nos, etsi absque convocazione novi Concilii alia via rebus Ecclesiæ melius consuli posse arbitremur, cupientes tamen vobis et nationi vestræ, quam singulari semper affectione Apostolica sedes prosecuta est, quantum cum Deo possumus, complacere, contentamur apud Reges et Principes Christianos curam et diligentiam adhibere fideliter, ut ad votum vestrum trahi valeant et conduci, ita quod in uno ex quinque locis consentiant generale Concilium convocari : quod infra decem (menses) a die dato præsentium computandos intendimus experiri, et si consensus hujusmodi haberi poterit, in fine dictorum X. mensium generale Concilium ad decimum octavum immediate sequentes initiandum in uno ex prænominatis locis, in nomine Domini convocabimus. If the other kings should not consent to this place of meeting, the council should be summoned in alio loco rebus gerendis accommodo. *Concilium autem generale Constantiense, Decretum Frequens, ac alia ejus decreta, sicut cætera alia Concilia, catholicam militantem Ecclesiam repræsentantia, ipsorum potestatem, auctoritatem, honorem et eminentiam, sicuti et cæteri antecessores nostri, a quorum vestigiis deviare nequaquam intendimus, suscipimus. amplectimur et veneramur.* — II. *Ad tranquillitatem* dd. 5 Febr. After a reference to this confirmation of the decrees of the Council of Constance : Super aliis autem decretis Basileæ editis, et per claræ memoriæ quondam Albertum Romanorum Regem acceptatis, ex quorum observantia natio ipsa Alamanica ex pluribus gravaminibus dicitur relevari, contenti sumus, volumus et decernimus, quod omnia et singula vigore decretorum hujusmodi cum suis modificationibus acceptatorum — usque in præsentem diem quomodolibet gesta vel acta sunt, cum omnibus inde secutis rata, firma et inviolabilia persistant. — Super observatione vero et modificatione decretorum eorundem cum nonnulli Prælati nationis prælatæ ex eisdem decretis gravatos se fore, nobis conquesti sint, cumque in illis Apostolicæ sedi, quæ multum in suis juriis ex ipsis decretis gravata dinoscitur, recompensatio promissa sit, decrevimus Legatum nostrum cum sufficienti potestate ad partes Germaniæ transmittere, qui medianibus Rege, Archiepiscopo et Marchione præfatis, ac aliis ejusdem nationis Principibus et Prælati, cum quibus fuerit opus, super observantia et modificatione decretorum hujusmodi, necnon super provi-sione Apostolicæ sedi faciendis tractare valeat, et finaliter concordare. Permittentes interim, — quod omnes et singuli — in præfata natione decretis hujusmodi — libere et licite uti possint, — donec per Legatum, ut prædictum est, concordatum fuerit, vel per Concilium — aliter fuerit ordinatum. — III. *Ad ea quæ ad reductionem* dd. 5 Febr. At the request of the king of Rome, and other prelates and princes, and to do them a pleasure, promittimus, — quod, quando ipsi olim Treverensis et Coloniensis Archiepiscopi ad gremium nostrum et Ecclesiæ venientes — nobis plenam et debitam obedientiam præbuerint, ac pro vero Jesu Christi vicario recognoverint, ipsos ad prædictas Ecclesias absque ulla exceptione aut oppositione restituemus, ac in pristinum statum reponemus. IV. *Inter cætera desideria* dd. 7 Febr. omnes et singulas — electiones, — provisiones et dispositiones, necnon processus, — sententias aliaque acta judicialia auctoritate ordinaria hujusmodi suspensionis et neutralitatis tempore factas seu facta — grata et rata habentes auctoritate Apostolica ex certa scientia confirmamus. — Ac illis, qui pallium dictorum, qui Basileæ post nostram translationem sub nomine generalis Concilii remanserunt, auctoritate receperunt, ut illo uti possint, præsentibus concedimus et indulgemus : illis autem, qui non habent, sine difficultate dabimus et

fifth, the power of recalling what they pleased.<sup>55</sup> Still the embassy took the oath of allegiance to him on his death-bed, Feb. 7, 1447,<sup>56</sup> and the neutrality of Germany was at end.

### § 132.

NICOLAS V. (6 March, 1447 to 24 March, 1455), CALIXTUS III. (8 April, 1455 to 6 Aug. 1458), PIUS II. (19 Aug. 1458 to 15 Aug. 1464), PAUL II. (30 Aug. 1464 to 26 July, 1471).

The well known cunning and perseverance of the court of Rome were now put in requisition to regain what had been lost by the Council of Basil. Nicolas V., immediately after his accession, expressed himself with great liberality to the German ambassadors,<sup>1</sup> and con-

etiam libere concedemus. — Præterea omnia et singula, quæ dictis suspensione et protestatione durantibus in præjudicium, — vel læsionem — Metropolitanorum, — necnon aliorum Episcoporum, Prælatorum, Collegiorum, personarum, seu rerum quarumcunque contra fœdus protestationis et suspensionis hujusmodi quomodocunque vergentia, Apostolica vel alia quavis auctoritate concessa, — insuper ecclesiasticas censuras, multas et pœnas — promulgatas — cassamus. — Nec non illis, qui contra ipsos impetratis, concessis vel obtentis — quomodolibet niterentur, etiamsi eis — jus quæsitum foret ex certa scientia de potestatis plenitudine, perpetuum silentium imponentes: insuper quascunque obligationes super annatis seu communibus et minutis servitiis — usque in præsentem diem remittimus. — Insuper omnes et singulas præfatæ nationis — personas, — qui post dissolutionem sive translationem præfati Concilii per nos factam congregationi Basiliensi sub nomine generalis Concilii adhæserunt, — qui jam ad nostram obedientiam sunt reversi, vel infra sex menses post declarationem pro nobis factam redierint, — ab omnibus et singulis juramentis, perjurii reatu, ac aliis censuris et pœnis, si qui tenentur, — absolvimus et liberamus. — Ut autem præmissa eo firmiter observentur, pro nobis et successoribus nostris Romanis Pontificibus de Venn. fratrum nostrorum S. R. E. Cardinalium consilio et assensu pollicemur omnia et singula supradicta inviolabiliter observare, et contra ea — nullo unquam tempore quicquam innovare: et quod nobis licere non patimur, eisdem successoribus indicamus, decernentes ex nunc irritum et inane, si secus super his a quoquam quavis, etiam Apostolica auctoritate — contigerit attentari.

<sup>55</sup> The bull *Decet* dd. 5 Febr. in *Raynald*, ann. 1447, no. 7, and Müller, S. 352: Cum carissimus in Christo filius Fridericus Rex Romanorum illustris, ac ven. frater noster Archiepiscopus Maguntinus, et dil. filius Fridericus Marchio Brandenburgensis, S. I. Electores, nonnullique alii nationis Germanicæ Prælati et Principes quædam petiverint a nobis fieri, quæ necessitas ipsa et Ecclesiæ utilitas, ut eos ad nostram et s. Romanæ Ecclesiæ unitatem et obedientiam alliciamus, nos concedere quodammodo compellit: nos ad vitandum omne scandalum et periculum, quod exinde sequi posset, nolentes aliquid dicere, aut confirmare vel concedere, quod esset contra ss. Patrum doctrinam, vel quod vergeret in præjudicium hujus s. Apostolicæ sedis, quoniam propter imminentem nobis ægritudinem non valemus omnia per eos petita et per nos concessa cum ea integritate judicii et consilii examinare et ponderare, quæ rerum magnitudo et gravitas requirit; tenore præsentium protestamur, quod per quæcumque a nobis dictis Regi, Archiepiscopo — ac nationi responsa et respondenda, concessa et concedenda non intendimus in aliquo derogare doctrinæ ss. Patrum, aut præfatæ sedis privilegiis et auctoritati, habentes pro non responsis et non concessis, quæcumque talia a nobis contigerit emanare.

<sup>56</sup> See the account of Æneas Sylvius (note 52) in *Baluz.* VII. p. 537 seq.

<sup>1</sup> He said to them (see the speech of Æneas, cited in § 131, note 52, in *Baluzii* Misc. VII. p. 555): Ego quæ cum natione Germanica meus antecessor fecit non

firmed the bulls of his predecessor,<sup>2</sup> but he soon succeeded in the so called Concordat of Aschaffenburg, though really of Vienna (17th of February, 1448),<sup>3</sup> introduced through the connivance of the emperor and the help of Æneas Sylvius, in reëstablishing the so pernicious articles of the Concordat of Constance, under the pretext of securing the stipulated *provision*.<sup>4</sup> The more powerful princes were won over by favors,<sup>5</sup> the others had to follow.

solum approbare confirmareque volo, sed exequi et manutenere omnia. Nimis, ut mihi videtur, Romani Pontifices fimbrias suas extenderunt, qui nihil jurisdictionis cæteris Episcopis reliquerunt. Nimis quoque Basilienses Apostolicæ sedis manus abbreviaverunt. Sed ita evenit: qui facit indigna, ut injusta ferat oportet. Arborem, quæ in unam partem pependit, qui volunt erigere, in partem adversam trahunt. Nobis sententia est, in partem sollicitudinis qui vocati sunt Episcopos suo jure minime spoliare. Sic enim jurisdictionem nostram nos denique servaturos speramus, si non usurpaverimus aliena.

<sup>2</sup> See the document in *Koch Sanctio Pragm.* p. 197 seq.

<sup>3</sup> See the history of these concordats in *Koch*, p. 36 seq. At the Diet of Aschaffenburg in July, 1447, it was resolved for the next Diet to be held at Nuremberg: Item concludetur ibi provisio Sanctissimo Domino nostro et sedi Apostolicæ, si tempore medio cum legato non fuerit concordatum. This provisio had been promised to the Pope by the Council of Basil, in consideration of what had been taken from him (see § 131, note 30), and had been stipulated for by Eugenius IV. in the bull *Ad tranquillitatem* (see § 131, note 54). In the mean time the emperor accepted the concordat at Vienna (see *Koch*, p. 211, note 3), through Æneas Sylvius, who negotiated the matter with the Cardinal Johannes de Carvajal.

<sup>4</sup> Amongst the numerous editions the most important are those taken from originals, namely, from the archives of Mayence in *Würdtwein* Subsid. dipl. IX. p. 78 seq., from the imperial archives in Vienna, in *Koch Sanct. Pragm.* p. 201 seq., and from those of the Electors of Cologne, in *Hedderich* *elementa juris canonici*. P. IV. p. 145 seq. See *Münch's Concordate*, Th. 1, S. 88 ff. The Vienna Concordat has only the two sections of the Concordat of Constance (see § 130, note 19). Cap. II. De provisione Ecclesiarum, and Cap. III. De Annatis, for the most part word for word. The most important change is that instead of alternating in the appointments to the inferior benefices, an alternatio mensium is substituted: De cæteris dignitatibus et beneficiis quibuscunque, sæcularibus et regularibus vacaturis, ultra reservationes jam dictas, majoribus dignitatibus post pontificales in cathedralibus, et principalibus in collegiatis, exceptis, *de quibus* jure ordinario provideatur per illos inferiores, ad quos alias pertinet, idem sanctissimus Dominus noster per quamcunque aliam reservationem — non impedit, quo minus de illis, cum vacabunt de mensibus Februarii, Aprilis, Junii, Augusti, Octobris et Decembris, libere disponatur per illos, ad quos collatio, — aut alia quævis dispositio pertinebit. — Quotiens vero aliquo vacante beneficio de mensibus Januarii, Martii, Maji, Julii, Septembris et Novembris, specialiter dispositioni Apostolicæ sedis reservatis, non apparuerit infra tres menses a die notæ vacationis in loco beneficii, quod alicui de illo Apostolica auctoritate fuerit provisum, ex tunc et non antea Ordinarius, vel alius, ad quem illius dispositio pertinebit, de illo libere disponat. In the bull of confirmation dd. 19 Mart. in which the whole concordat is word for word repeated, there is the remarkable variation that in the first of the above clauses, the words *de quibus* are left out. It therefore reads (*Koch*, p. 240): De cæteris dignitatibus, — majoribus dignitatibus — exceptis, jure ordinario provideatur, etc. On which is grounded the assertion made as early as 1457 in *Æneas Sylvius* epist. 383, ad Mart. Mayerum in the very face of the true text: Concordata ipsa dignitates primas post pontificales et in collegiatis Ecclesiis principales Apostolicæ sedis dispositioni permittunt (so also in his *Germania*, c. 12 and c. 21): and this explanation was admitted universally till the canonist Neller of Triers, 1757, showed its incorrectness; see the observations in *Koch Sanct. Pragm.* p. 223 and 240. Still this error has not yet ceased to exert an influence.

<sup>5</sup> On the elector of Brandenburg was bestowed the right of appointing the bish-

Thus were the most important fruits of the Council of Basil and the Acceptation of Mayence entirely lost.<sup>6</sup> Felix V., and the feeble re-

ops of Brandenburg, Lebus, and Havelburg; see the document dated September, 1447, in *Gercken* Cod. diplom. Brandeb. T. VII. p. 361. The ecclesiastical electors received the Indultum of filling all places that might fall vacant in the papal months (*Koch*, p. 42), so also the archbishop of Salzburg (see *Nachrichten von Juvavia*, S. 280). The elector Dietrich of Cologne, was the only one who could not be gained over; but it was not long after his death before the concordat was published in his diocese also, A. D. 1461; see *Hedderich* *elementa juris canonici*. P. IV. p. 145.

<sup>6</sup> *Jacobus de Paradiso* (a Carthusian and doctor of theology in Erfurt) de septem statusibus Eccl. in *Brown* Appendix ad fasc. rerum expetend. et fugiendarum, p. III: Gaudet quidem nostris temporibus, scil. nunc de anno Domini 1449 Ecclesia de unico et indubitato pastore, scil. Nicolao P. V.; sed luget de conculatione decretorum in transactis Conciliis edictorum, et videt quomodo contraria decretis practicantur. — At the close of the Concordat of Vienna we read: In aliis autem, quae per felicitis recordationis Dominum Eugenium Papam quartum pro natione praefata usque ad tempus futuri generalis Concilii permissa, concessa, indulta atque decreta, et per memoratum sanctissimum Dominum nostrum Papam Nicolaum confirmata fuere, in quantum illa concordiae praesenti non obviant, ista vice nihil extitit immutatum. According to this, those decrees of the Council of Basil which were accepted at Mayence (see § 131, note 41), and which had been confirmed by Eugenius IV. (by the bull *Ad tranquillitatem*, § 131, note 54), and by Nicolas V. (see note 2), were to remain valid, except in so far as they might be replaced by others in this concordat. This too was the tenor of the bull corresponding with the bull *Ad tranquillitatem*: according to which the concordats still to be issued were only to be concerning the modification of some of those decrees, and the reparation to be made the Pope. Gradually, however, the Acceptation of Mayence was forgotten, and the Concordat of Vienna looked upon as the only result of the Council of Basil in Germany. In this light it seems to be viewed, 1457, by *Aeneas Sylvius* epist. 383, ad Mart. Mayerum: Verum cum dicis, decreta Basiliensis Concilii non custodiri, idque putas injuriosum esse nationi, indignam dicimus esse querelam tuam. Propter decreta enim Basiliensis Concilii inter sedem Apostolicam et nationem vestram dissidium coepit, cum vos illa prorsus tenenda diceretis, Apostolica vero sedes omnia rejiceret. Itaque fuit denique compositio facta, in qua nos imperatorio nomine interfuimus. Ea certam legem dedit, deinde inviolabiliter observandam, per quam aliqua ex decretis Concilii praedicti recepta videntur, aliqua rejecta. So too in his *Germania*, c. 11.: Postremo eo modo concordiae locus fuit, ut sententia quorundam decretorum Basiliensis Concilii reciperetur, reliqua vero ejus statuta rejecta viderentur. It was shown, however, by *Leibnitz* Cod. jur. Gentium P. I. p. 396, anteriora concordata et concessa, qualia in decretis Constantiensis et Basileensis Concilii et Eugenii approbatione continentur, hic confirmari, adeoque male vulgo negligi. After the Acceptation of Mayence had been brought to light by *Horix* (see § 131, note 41), the true relation of these documents was established, and acknowledged by the canonist *Neller* in *Triers*, *Endres* and *Gregel* in *Würzburg*, *Jung* in *Heidelberg*, *Roth* in *Mayence*, and *Hedderich* in *Bonn*, especially during the controversies concerning the authority of the papal Nuntios, see especially *Jo. Phil. Gregel* *diss. de juribus nationi Germanicae ex acceptance Decretorum Basiliensium quaesitis, per Concordata A-schaffenburgensia modificatis aut stabilitis. Mogunt. 1787. 4to.* (reprinted in *P. A. Gratz* *Continuatio thesauri juris eccl. ab A. Schmidt* adornati, vol. I. Mogunt. 1829. 8vo. p. 41 seq.). On the other hand, *Spittler* (*Gesch. de Fundamentalgesetze der deutschkathol. Kirche im Verhältnisse zum röm. Stuhle*, in *d. Götting. histor. Magazin*, Bd. 1, St. 2, S. 347, St. 3, S. 474, Bd. 4, St. 1, S. 151) attempted to show that the decrees of Basil were really abrogated by the Concordat of Aschaffenburg. See, on the other hand, *Koch* *Sanct. Pragm.* p. 47 seq. *Ueber die Fundamentalgesetze der deutschkathol. Kirche im Verh. zum röm. Stuhle, ein Nachtrag zur Spittler'schen Geschichte.* Frankf. u. Leipz. 1790 (in which *Spittler's* essays on the subject are given in full and answered).

mains of the Council of Basil, removed in 1448 to Lausanne,<sup>7</sup> had likewise to submit; the former resigning, the latter being finally dissolved (1449).<sup>8</sup> The hopes of the Pope of reviving the old order of things in Germany were raised still higher by the weakness of the emperor Frederick III., who, in his transport at the long desired coronation at Rome, 1452, proposed a new crusade to the Holy Land instead of the stipulated council.<sup>9</sup> The fall of Constantinople soon after (May 29, 1453), seemed to call in earnest for a crusade, and the Pope proceeded at once to proclaim one, and imposed a tithe on the churches for its support.<sup>10</sup> But the papal power had sunk too low in popular estimation to act upon public opinion as in former times, and by the excitement of religious enthusiasm get free at once from their political embarrassments. The preparations for a crusade went no farther than fruitless consultations and empty promises, and the only advantage the popes derived therefrom was the revival under a plausible pretext, of many of the old modes of extorting money which had been abolished by the reform. For this very reason, however, the majority amongst the Germans, who felt themselves deceived and cheated by the Pope and the emperor, looked on all these preparations for a crusade only as a new means of satisfying the rapacity of the pontiff;<sup>11</sup> so that when Calixtus III., immediately

<sup>7</sup> After the imperial safe conduct had been announced to them, A. D. 1447, and the city of Basle compelled by three successive orders to remove the council from their precincts, see Müller's *Gesch. schweizerischer Eidgenossen*, Th. 4 (neue Aufl. Leipz. 1826), S. 262 ff.

<sup>8</sup> See the Acta in *Raynald*, 1449, no. 3 seq. Müller's *Reichstagstheatrum*, Th. 1, S. 366 ff.

<sup>9</sup> See the speech of Æneas, delivered in the presence and by authority of the emperor, in *Æneæ Sylviæ* hist. Frid. III. in *Kollarii Analecta Monum.* T. II. p. 307, and especially the passage p. 317: *Alius fortasse vel generale Concilium, vel reformationis decreta petivisset. Sed quod majus haberi Concilium potest, quam Tuæ Sanctitatis Tuique Sancti Senatus præsentia? Frustra Concilium petit, qui Romani Pontificis mandata non recipit. Ubi Tua Sanctitas est, ibi Concilium, ibi Reges, ibi mores, ibi decreta, salubri-que reformatio. Cæsari susceptis imperialibus infulis, Tuæque sacra manu coronato nihil hoc tempore visum est antiquius, quam de Passagio Tecum agere.* The answer of the Pope shows that he knew his man: *Ecclesiam nunquam Imperio sacro tam gratam esse posse, quam debeat: expeditionem, de qua loquutus esset Æneas, laudandum opus, dignumque Cæsare, multam præ se ferre pietatem: — consulendos tamen esse cæteros Christianæ religionis Principes, eorumque auxilia in tantum opus quærenda: quos si benivolentes invenerit, relaturum se Cæsari, atque tam sanctum negotium summo conatu aggressurum.*

<sup>10</sup> The bull dated September 30, 1453, in *Raynald*, ad h. a. no. 9. e. g. *Inprimis universos Principes Christianos — hortamur, requirimus et mandamus in vim professionis factæ in sacri susceptione baptismatis, ac in vim juramenti præstiti, cum dignitatum suarum infulas susceperunt, ut ad defensionem Christianæ religionis et fidei cum bonis et personis suis pro sua possibilitate verisimiliter et indesinenter assistant, æterna præmia recepturi ab illo, cujus causam egere, et in præsentis vita pariter et in futura. Quod in præsentiarum credimus cuilibet esse de necessitate salutis, cum talis sit necessitatis articulis, a qua se nullus legitime valeat excusare, etc.*

<sup>11</sup> Of these preparations and their influence on the Germans, see *Pii II. Pont. Max. Commentarii rerum memorabilium, quæ temporibus suis contigerunt*, libb. XII. a Joanne Gobellino (the private secretary of Pius II., properly speaking, by

after his accession (1455) began to pursue this object with still greater zeal,<sup>12</sup> the only consequence was to arouse the reform party in Germany to new efforts, in order to regain the liberty of which they

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the Pope himself, see *Platina* ed. 1645, p. 760) compositi. Francof. 1614, fol. p. 22 seq. At the Diet of Rati-bonne, a general promise was given, which was to be more distinctly considered at the next Diet in Frankfurt (see Müller's *Reichstagstheatrum*. Th. I. S. 450). But at this Diet (in Sept. 1454) mutati erant Theutonum animi, nec cuiquam placebat, expeditionem in Turcas fieri: infecta: veluti venenis quibusdam aures neque Imperatoris nomen, neque Romani Præsulis ferre poterant dicebantque, eos corrodere aurum velle, non bellum gerere: sed alium futurum Concilii exitum, quam sibi persuasisset: nec pecuniam collaturus Germaniæ populos, nec in militiam daturus nomina: atque in eam sententiam persuasi omnes Imperatori et Papæ maledicere, legatos eorum contemnere, Burgundos irridere, qui proni ad expeditionem videbantur, Hungaris durissima verba dare, qui, cum suum regnum tueri nequivissent, nunc Germaniam suis calamitatibus involvere vellent: nec ulla spes reliqua erat rei bene gerendæ, cum decretum Ratisponense prorsus rejiceretur. At cum in concionem itum est, locuto Ænea (as imperial Commissarius) omnium repente animi in priorem belli gerendi ardorem rediere. Oravit ille duabus ferme horis, ita intentis animis auditus, ut nemo unquam experit, nemo ab orantis vultu oculos suos averterit, etc. (The speech itself see in Müller's *Reichstagstheatrum*. Th. I. S. 474 ff.). But Æneas' vanity exaggerates the effect of his eloquence. It was, to be sure, resolved to send a considerable army to the help of the Hungarians; but the particulars were left to be decided at the next Diet in Vienna. More impartial the account of the Franciscan, *Johannes Capistranus*, (the only person who seemed still to have the power of the old preachers of crusades to stir up the people, see Chr. A. Peschek in Hagen's *Zeit-chr. für die hist. Theologie*. Bd. 2. St. 2. S. 259 ff.), who was also present in Frankfurt, in his letter to the Pope, of Oct. 28, 1454, in *Wadding Annales Minorum*. ed. 2. T. XII. p. 203: cum apud multos appareat in præsentî diætâ magna fuisse conclusa, mihi vero aut nihil, aut parum boni conclusum extitisse visum est. For as every thing was left to be decided at future councils, the Hungarians might in the mean time be conquered by the Turks. He then gives the Pope notice of the state of the public mind, which continued unchanged by the diet: Omnes Principes, omnes Domini, totus mundus generaliter dicit: *Quomodo volumus contra Turcam proprios sudores, propria nostra bona, panem filiorum nostrorum exponere, quandoquidem summus Pontifex in turribus, in grossis muris, in calce et lapidibus thesaurum s. Petri expendit, quem in defensionem sanctæ fidei deberet expendere?* During the Diet in Vienna, Nicholas V. died, and the deliberations on this subject were again deferred.

<sup>12</sup> *Platina* in vita Calixti III. ed. 1645. p. 727: bellum Turcis statim indixit. Id se ante Pontificatum vovisse ostendens suo chirographo, his verbis scripto, quod in libro quodam suo extabat: *Ego Calistus Pontifex Deo omnipotenti voveo et sanctæ individuæ Trinitati, me bello, maledictis, interdictis, execrationibus, et denum quibuscunque rebus potero, Turcos Christiani nominis hostes sævissimos persecuturum*. Admirati sunt omnes qui aderant, quod Pontificatus nomen sibi desumpsisset ante adeptam dignitatem, quodque homo senex ac fere decrepitus tantum animi haberet. Ut autem quod promiserat re ipsa præstare posset, Prædicatores per totam Europam statim misit, etc. (More particularly *S. Antoninus* in *Summa*, P. II. Tit. XXII. cap. 14. init. Constituit plures prædicatores diversarum regionum, qui discurrerent per civitates et castella ad prædicandam crucem contra Turcam, qui hortarentur plebes ad contribuendum eleemosynas ad tam sanctum, tam pium, tam necessarium omnibus opus pro conducendis armigeris, concedens indulgentiam plenariam peccatorum contritis et confessis semel in vita et semel in morte cuicunque eleemosynam V. Ducatorum largienti, auctoritatemque tribuens absolvendi et dispensandi in multis casibus). Ex his autem facultatibus ad sedecim tirones Romæ adificatas in hostem misit, Patriarcha Aquilejensi Præfecto, qui triennio maritimâ hostium Asianorum vexavit, insulas quasdam cepit, ac magnas calamitates hostibus intulit. See a bull of May 15, 1455, according to which a general crusade was to begin on the 1st of March, 1456, see *Raynald*, ann. 1455, no. 19.



had been defrauded. As the emperor, under the influence of the crafty Æneas Sylvius, was wholly on the side of the Pope,<sup>13</sup> the Reformers were obliged to content themselves for the present, with loud and bitter complaints against both pope and emperor,<sup>14</sup> on account of the infringement of the Concordats; and the Pope ventured even to go so far as to maintain in a letter of reproof sent to them, that the observance of the Concordats depended on the papal pleasure.<sup>15</sup> But

<sup>13</sup> *Gobellini* comm. p. 25: Hæc cum audita essent in Austria (at the diet in Vienna), fuere non pauci, qui Cæsari suaserint, nunc tempus esse coërendi Apostolicam sedem, ne tantum in Germania posset; conventiones, quæ cum Eugenio quarto factæ fuerant, diminutas esse, nec prius obediendum Romano Pontifici, quam ea concederet, quæ natio Germanica optaret; ancillam eam videri, libertatem aliquando mereri. Atque hoc ipsum Jacobus Treverensis Archiepiscopus obnixè requirebat, qui ex lite lucrum aliquod expectabat. Contra Æneas non esse e re Cæsaris ajebat, Romani Pontificis auctoritatem reprimere, ut populi gratia iniretur, quæ sui natura inconstantissima est; nec multitudini relinquendas habenas, quam nosset principatibus inimicam; inter Principes aliquando amicitiam inveniri, inter plebem et regem odium immortale; Papam Imperatoris, et Imperatorem Papæ auxilio indigere; stultum esse illi nocere, ejus expectes opem; cum Pontificatus novus iniret, tunc Romani Præsulis gratiam beneficiis emerendam. Quodsi ab injuriis incipias, difficile in benevolentiam patere aditum; mittendam more majorum obedientiam, fœdusque cum novo Præsule honestum ineundum, eoque pacto Germanos Imperatori obedituros. Vicit Æneas sententia, atque ipse missus est, qui ea prageret, quæ suaserat, etc. The speech of Æneas before the Pope on this occasion is in the collection of his letters, Ep. 413.

<sup>14</sup> At the Diet of Nuremberg, 1456, the electors had already thought of choosing a king of Rome even without the emperor's consent, see Müller's Reichstags-theatrum, Th. 1. S. 555 ff. At a meeting of the electors of Mayence, Cologne, the Palatines, Saxony and Brandenburg, and the archbishops of Salzburg and Bremen, which took place in Frankfurt, 1457, a new assembly of the princes in Nuremberg was resolved upon for St. Martin's Day, 1457, at which it should be considered (see *Neue Sammlung der Reichs-Abschiede*, Frankf. a. M. 1747, fol. Th. 1. S. 190): anne magis expediat pro honore Principum et nationis, quod decreta Constantiensis et Basileensis Conciliorum, quæ ea gravamina contingunt, circa quæ magis necessarium fuerit providendum, absque modificatione et simpliciter — repetantur et innoventur: vel quod ordinationes intermedia, de quibus in *avisamentis* supradictis cautum et actum est, prosequantur et continentur, seu quod alia congrua et honesta via Alemanniæ consulatur. Also de modo et forma, quibus Romanus Imperator posset induci ad concurrendum una cum Principibus Alemanniæ in re ista, et etiam ad providendum Nationi vel per pragmaticam sanctionem vel alio remedio oportuno. So too, anne Dominus Apostolicus vel literis, vel oratoribus, et quibus modis et mediis interpellandus sit super hac re. The *Avisamenta* here referred to were to be communicated in the first place to the other princes. Perhaps they were the same with the Pragmatica Sanctio, mentioned by Æneas in his Germania, c. 78. seq. (see note 19, below).

<sup>15</sup> *Calixti* III. ep. ad Fridericum Imp. dd. 31 Aug. 1457 (partially contained in *Raynald*, ad h. a. no. 40; complete in *Æn. Sylv.* Epist. 385): — nuper — sicut nobis relatum est, nonnulli ex venerabilibus fratribus nostris ac dilectis filiis, nobilibus viris, Romani Imperii Electoribus, et alii plerique Principes ac Prælati nationis ejusdem, dieta quadam sive conventu inter se celebrata (in Frankfurt, see above, note 14), Oratores suos ad Te miserunt, qui de nobis, deque curia nostra non parvam querelam facientes, inter cætera exposuisse ferunt, quod nos diversis modis nationem ipsam aggravantes, quæ inter Te nomine nationis et antecessorem nostrum — concordata fuerunt, minime adimplere aut observare curemus. — Audivimus rumorem esse, tanquam nos aurum ex natione tua, supra quam deceat, extorqueamus. Injuriantur profecto nobis, et a vero longe recedunt, qui talia dicunt: nihil unquam nostro nomine ab his extortum est, quibus beneficia contulimus, ut illi garrunt: nihil exactum, nihil petitum præter Annatam vetusto jure debitam: at si qui contra Turcos pecuniaria nobis subsidia obtulerunt, non recusavimus, nec

the efforts to bring about a crusade were as ineffectual in Germany as elsewhere;<sup>16</sup> and the sums, not without difficulty collected from the

recusare quidem debemus pro tanta Christianæ religionis necessitate. Pecunias autem hujusmodi — non usurpamus nobis, — non consumimus in deliciis, sed in defensionem fidei convertimus. — Innumerabiles sunt et intolerabiles nobis, quas indies subimus, expense: nunc in Orientem Legato classis nostræ, nunc in Albaniam Scanderbechio fortissimo Christi athleta, indefessoque bellatori, nunc Legatis et Oratoribus in diversas mundi partes emissis, nunc istis, nunc illis per Græciam et Asiam laborantibus, ne destituti periclitarentur, pecunias mittimus: nec fuerunt inanes hujusmodi sumptus. — Licet enim nobis in Domino gloriari, qui per ministros suos, torpentibus ac pene dormientibus cunctis ferme Christianis Principibus, nobis tantummodo instantibus atque urgentibus Turcorum superbißima corrua et insolentissimas acies apud Ungariam confregit (referring to the victory of Johannes Hunyades near Belgrade, 1456), magnamque illum et potentissimum exercitum prostravit, qui sibi non Ungariam modo, sed Germaniam totam, Galliam atque Italiam proterere, legemque Christi funditus evertere promittebat. — Nunc quoque classis nostra Rhodum tuctur, Cyprum, Mitylenem, Chium, et omnes in Oriente Christiani nominis insulas: — quodque laudabilis est, — non tantum quas diximus insulas Legatus noster — tutatus est, sed alias plerasque Turcorum domino servientes ad Apostolicæ sedis devotionem obedientiamque redegit. — Que cum ita sint, audent tamen nonnulli parum quidem religiosi, et ad commune bonum minus intenti nos redarguere, quod ab his pecunias recipimus, qui promoventur, quamvis sponte oblatas in classem contra Turcos emissam. Quod quam iniique agunt, jam plane prospicis. Sed ajunt plerique, concordata, de quibus mentionem supra fecimus, per nos minime observari, affirmantes, electiones Episcoporum aliorumque Prælatorum nos parvi pendere, ac prorsus abjicere: quod pari modo neque vere, neque juste nobis objicitur. Neque enim electiones Prælatorum in Germania factas quovis pacto contemnimus, neque ex concordatis omnes passim electiones confirmare tenemur, sed illas tantummodo, quæ canonice experiuntur: quod quidem a nobis diligenter custoditum est. — Super reservationibus autem cæterisque beneficiorum provisionibus, de quibus similiter accepimus querelas coram Tua Serenitate fuisse propositas, non sumus memores, aliquid a nobis esse concessum contra concordata prædicta. Quod si quid tale factum est, ut sæpe in multitudine literarum ac negotiorum aliqua transeunt neque bene gesta, neque bene revisa; non est intentionis nostræ aut Ordinariorum mensibus derogare, aut concordatis ipsis contravenire. *Quinimo quamvis liberrima sit Apostolicæ sedis auctoritas, nullisque debeat pactioinum vinculis coerceri; ex mera tamen liberalitate nostra, ex zelo, quem gerimus ad pacem, ex caritate, qua te tuamque nationem prosequimur, concordatis ipsis locum esse volumus, nec patiemur ea temere violari, dum Romana sedis gubernacula retinebimus.* Si quid præterea est, quod ipsi nationi molestum videatur ex his, quæ prodeunt ex nostro solio, idque fortasse dignum emendatione censetur (possumus enim et nos, ut homines, aliquando labi atque errare, in his maxime, que facti sunt); non decet Episcopos aut alios quosvis mortales super Apostolicam sedem auctoritatem sibi vindicare. — Et tu ergo, Serenissime Imperator, si quid arbitraris tuæ nationis Prælatos habere, quod per nos emendari debeat, admone eos, hortare et urge, ut ad nos venientes suas nobis necessitates exponant, gravamina referant, desideria proferant, etc. The letter is marked: Dictata per Æneam Cardinalem Senensem.

<sup>16</sup> Alphonso, king of Aragon and Sicily, took the cross (*Raynald*, 1455, no. 30), but used the troops and the money which were raised for a war against the Turks, in his own wars with the Genoese (l. c. 1456, no. 11 seq.). Also Alphonso, king of Portugal, promised to go against the Turks (l. c. 1456, no. 8), but finally did nothing (l. c. 1457, no. 65). Charles VII. of France, forbid the preaching of the crusade in his dominions, lest they should be left exposed to the English (l. c. 1456, no. 3 seq.): afterwards he allowed the church tithes to be taken sans prejudice des droicts, franchises, libertez et prerogatives de l'Eglise de France (see the edict in the *Preuves des libertez de Pegl. Gallicane*, Chap. XXII. no. 20), but still forbid the assembling of any troops (*Raynald*, 1456, no. 5): even the tithes, however, were refused by many of the clergy, who, following the example of the University of Paris, appealed to a general council (*Raynald*, 1457, no. 54 seq.).

various national churches, were quite inadequate to enable the Pope to undertake any thing himself against the Turks. Æneas Sylvius, who, for his good service rendered in Germany, had been invested successively with the bishopricks of Trieste and Siena by Nicholas V., and in Dec. 1456 raised to the dignity of cardinal by Calixtus, now exerted himself to the utmost to appease the dissatisfaction felt in Germany.<sup>17</sup> In numerous letters he strove to win over the most considerable men amongst the disaffected,<sup>18</sup> and the main object of

<sup>17</sup> This we learn particularly from the letter of the Chancellor of Mayence, Martin Meyer, to his friend Æneas Sylvius, dd. 31 Aug. 1457 (prefixed to *Æneæ Sylv. Germania*, and printed often besides, e. g. in *Freheri Scriptt. Rer. Germ. ed. Struve*, T. 11. p. 686. *Richerii hist. Conc. gener. Lib. IV. P. I. cap. 1. J. P. Georgii Nationis Germanicæ gravamina ad. sedem Rom. p. 244 seq.*): Cognovi ex literis amicorum, Te Cardinalem esse creatum. Congratulor et Tibi, qui pro Tua virtute digna consecutus es premia, et mihi, ejus amicus in ea dignitate constitutus est, in qua me meosque necessarios aliquando juvare poterit. Illud mihi molestum, quod in ea tempora incidisti, quæ sedem Apostolicam afflictura videntur. Nam domino meo Archiepiscopo frequentes afferuntur de Romano Pontifice querelæ, qui neque Constantiensis neque Basileensis Concilii decreta custodit, neque se pactionibus antecessoris sui teneri arbitratur, nationemque nostram contemnere et prorsus exhaurire videtur. Constat enim, electiones Prælatorum passim rejci, beneficia dignitatesque ejusvis qualitatis et Cardinalibus et Protonotariis reservari. Et tu quidem ad tres Provincias Teutonici nominis sub ea formula reservationem impetrasti, quæ hactenus insolita est et inaudita. Expectativæ etiam gratiæ sine numero conceduntur: Annatæ sive mediî frustus absque ulla dilatione temporis exiguntur, et plus etiam, quam debeatur, extorqueri palam est. Ecclesiarum regimina non magis mercanti, sed plus offerenti committuntur: ad corradas pecunias novæ indulgentiæ indies conceduntur. Decimarum exactiones inconsultis Prælati nostris (contrary to Conc. Const. Sess. XLIII., see § 130, note 20, Decr. 6). Turcorum causa fieri jubentur. Causæ, quæ tractandæ terminandæque in partibus fuerant, ad Apostolicum tribunal indistincte trahuntur (contrary to Conc. Basil. Sess. XXXI., see § 131, note 34): excogitantur mille modi, quibus Romana sedes aurum ex nobis, tamquam ex barbaris, subtili extrahat ingenio: ob quas res natio nostra quondam inelyta, quæ sua virtute suoque sanguine Romanum Imperium cœmit, fuitque mundi domina ac regina, ad inopiam nunc redacta, ancilla et tributaria facta est, et in squalore jacens, suam fortunam, suam pauperiem multos jam annos mæret. Nunc vero, quasi ex somno excitati optimates nostri, quibus remediis huic calamitati obviam pergant, cogitare cœperunt, jugumque prorsus excutere, et se in pristinam vindicare libertatem deereverunt. Erit hæc non parva jactura Romanæ Curia, si quod cogitant Romani Principes effecerint. Quantum itaque de tua nova dignitate lætor, tantum commoveor et angor, tuo tempore hoc parari. Sed Dei fortassis alia est cogitatio, et illius profecto sententia obtinebit. Tu interim bonum habeto animum, et quibus repagulis fluminis impetus coerceri possit, pro tua sapientia cogitato, et vale optime. The dissatisfaction with Rome went even further, see *Æneæ Sylvii Ep. 301. ad Martinum Mayer*: Sunt nonnulli nationis tuæ homines, parum pensi habentes, quibus Romani Pontificis auctoritas neque necessaria esse videtur neque a Christo instituta. The aim of the whole letter which is also contained in *Æneæ Germania*, e. 89 and 90, is to refute this assertion.

<sup>18</sup> *Æneæ Sylvii Ep. 348. ad Laurentium Rovarellam* (legate in Hungary): he was to impress it on the German princes, quod multo facilius filii Principum promovebuntur per sedem Apostolicam, quam per Capitula vel Ordinarios. Et hoc bene cura in auribus Principum conculeare, quia veritas est. Ep. 319, ad Theodoricum Archiep. Colon. dd. 2 Dec. 1457. Si Romanæ sedis auctoritas deprimeretur, credito, quia nec tua nec aliorum Episcoporum salva manebit. Audito tamen, quæ consulis, ut hic quoque ea reformentur, quæ odium tuæ nationis pariunt, et ego, si mea vox audietur, ad id operam dabo. Nam et hic aliqua committuntur, quæ non laudo omnia. Verum illud salubre puto, ut super gravamini-

his work, *Descriptio de ritu, situ, moribus et conditione Germaniæ*,

bus, quæ vestri allegant, ad Romanum Pontificem recursus habeatur, qui non negabit assensum iusta petentibus. Ep. 334. ad Johannem de Lisura (a Counsellor at Mayence, see § 131, note 51): Per Wigandum Secretarium Moguntini misimus tibi Alphabetum, et nunc duplicamus, si forsitan illud non recepisti: poteris scribere mentis tuæ conceptum, et consulere Ecclesiæ necessitati. — Labore tuo nostroque quietem consecuta est Ecclesia nostris diebus apud Germanos. Faxit Deus, ne lacerari videamus quod aliquando resarcivimus. Multa rumor affert, et Germanos fieri Gallos imitatione contendit. Nobis illa via salubrior esse videtur, qua patres nostri ambulavere. — Nec facile sua in Diocesi quisque Pontifex Papatum habeat: et sunt, qui querunt, et ejus rei causa nigrum in candida vertunt. Ep. 383, ad Martinum Mayer, an answer to the letter in note 17. He here shows first, nec unquam regni cælestis introire januam potuisse, qui Romanorum Pontificum auctoritatem contumaciter contempserit, nec hodie illis gloriandum esse, qui auctoritate propria leges sibi constituunt, quibus pro suo libito Romanæ sedis jussionis spernere possint. Hos enim catholica veritas, nisi respuerint ante obitum, ignis æterni mancipio sine intermissione deputat. Fatemur insuper aliquando in Romana Curia, quam regunt homines, aliqua fieri, quæ digna essent emendatione, nec dubitamus ipsos Romanæ urbis Præsules etiam, in quantum homines, falli, errare, labi ac decipi posse. He thus answers the complaints, first, that the Concordats are not kept, and then that the right of choice is not observed. He then writes (the same *Æneas Sylvius*, who, Ep. 66, ad Jo. Peregallum, had said: Nihil est, quod absque argento Romana curia dedat. Nam ipsæ manus impositiones et Spiritus Sancti dona venduntur, nec peccatorum venia nisi nummatis impenditur,) as follows: Quod deinde subjungis extorqueri multum auri ab his, qui dignitates vel alia beneficia assequuntur, non est cur de hac sede conqueramini, sed potius de cupiditate et ambitione vestrorum hominum, qui currentes pro Episcopatibus, inventis competitoribus, his quibus palatium patet certatim pecunias offerunt. Illi vero, qui alloqui Pontificem possunt, non sunt omnes similes Angelis, sed quales in Alemania Galliaque multos reperias: recipiunt enim quod offertur, non extorquent. Romanus autem Præsul solus in thalamo suo nunc hos nunc illos audit, et illos promovere solet, qui magis commendantur, nec scit, nec etiam arbitratur, pecuniæ causa hos aut illos commendatione præferri. Nec sibi plus auri datur, quam concordata permittant: nisi fortasse aliquando occasione expeditionis contra Tureos, aliquid super Annatas recepit (the text is here corrected from the *Germania*, c. 25), quod sibi profecto non fuit in tanta necessitate negandum. Then against the complaints concerning the sale of absolutions and tithes. Such complaints of pecuniary wrong, he says, had always been very common. Germany was so far from being impoverished, that it was richer than ever. Its prosperity was a consequence of the Christian religion, and therefore to be attributed to the holy see by which the country had been converted. He then defends himself against the charge of having insolent reservations. The reservations made in his own favor were no infringement of the concordats. Sed arbitraris fortasse beneficia quæ in Germania sunt Germanis potius committi debere quam extraneis, nec nos aliter sentimus. Sed cum nos jam annis supra XXIV, Germaniam incoluerimus, non reputamus extraneos existimari debere: cumque Imperatori ipsique nationi longo tempore, summa fide, magnis laboribus servierimus, et nunc ad Cardinalatum recepti ea euremus, quæ nationis ipsius honori atque utilitati conducant, et ita prorsus agamus, ut natione Germani potius quam Itali putemur; non judicavimus tribus illis provinciis Moguntinæ, Coloniensi, Treverensi indignum videri, aut grave censeri, si annuo duo millia ducatorum in eis obtineremus ex illis beneficiis, quæ sedes Apostolica conferre haberet. Putavissimus etiam majora in eadem natione, cui semper servivimus, sponte offerri: sed non sumus nos insatiabiles, contentamur eo, quod pro debiti status conservatione sufficiat, nec plura circa hoc. Quod autem operas tuas ad id offers, ut gratiæ nostræ fructum consequamur, agimus tibi gratias, qui partes amici non negligis, idque rogamus, ut interveniente casu opportuno prorsus efficias. — Si qua Præpositura vacaverit, aut Ecclesia parochialis magni redditus, velis ita efficere, ut ad complementum gratiæ nostræ (the reservation granted by the Pope) pervenire possimus.

was to answer the complaints of the Germans against the Holy See.<sup>19</sup>

<sup>19</sup> It has been several times published separately, e. g. Argent. 1515. 4to. Romæ. 1584, and in *Æn. Sylv. Opp.* Basil. 1571. fol. p. 1034 seq. It is directed to the chancellor of the elector of Mayence, Martin Mayer, and contains answers to the gravamina communicated by him (note 17), the same with that in Ep. 383 (note 18), but fuller. Very remarkable what is said of the Pragmatic Sanction proposed in Germany (see above, note 14). Cap. 78: Pugna nobis cum paucis, qui cum sibi docti videantur, nec pro sua opinione dignis efferantur honoribus, miscere omnia divina et humana jura conantur, ut inter rerum mutationes cadentium assequi cathedras valeant, etc. — Quid est quod pro libertate molientur, quid parant in Apostolicam sedem, quo sibi modo consulere satagunt? Non scribis tu hoc nobis: fortasse times deferri. Commendamus cautionem tuam: nam Cancellario nihil tam convenit quam pectus arcanorum tenax. Non tamen nos latet hoc: provisi sunt amici nostri, nullis obligati Principibus, quod nobis omnium, quæ apud vos aguntur, notitiam fecere, missis exemplaribus ejus Pragmaticæ, quæ ab aliquibus excogitata, in publicum deferri debuit. Cap. 79: Cujus duæ partes sunt. In prima referuntur omnia fere gravamina, quæ superius enumeravimus. Quibus ut obvietur, ponitur modus, qui servandus sit in natione vestra circa Prælatorum electiones, beneficiorum collationes, causarum auditiones, indulgentiarum concessiones, decimarum exactiones, et cætera istiusmodi. In secunda ponuntur appellationes, ad quas recurrendum sit, si forte Pragmaticæ sanctioni Summus Pontifex obviam ierit. Inseritur et pœna, qua plectendi sint Germani non obediētes, et fœdus Principum pro custodia sanctionis. Fama quoque ad nos delatum est, inter Pragmaticos sermonem habitum esse de mittendis huc oratoribus, qui ex Romano Pontifice sanctionis suæ confirmationem expetant, quasi primam sedem eo modo honoraturi, quod, si optatum responsum habuerint, gratias agant, si minus nihilominus natio Pragmaticæ subjiciatur. Scimus nihil horum placere divo Imperatori, majorique parti Principum, — sed agimus, ut dictum est, cum seditiosis quibusdam et perditis hominibus, etc. Cap. 80: De Pragmatica igitur imprimis dicamus. — Summam vim ejus respicimus, quæ huc tendit, ne Germanica natio jussionibus Apostolica sedis obedire cogatur, ne quid pecuniarum ad Romanam curiam deferatur. Nam hoc est, quod omnes sibi querelæ volunt, hoc queritur, dum causæ in partibus retinendæ dicuntur, dum Prælatorum electiones ad Metropolitanas referuntur, dum beneficiorum collationes Ordinariis reservantur, dum annatarum exactiones prohibentur. The view which Æneas takes of the dignity and power of the papal see is entirely ultramontane, but he supports it on political and strictly worldly grounds. Cap. 87: Ecclesiarum ceterarum dignitates et cathedras, ut inquit Nicolaus, Papa Romanus instituit: Ecclesiam vero illam solus ipse Deus fundavit, et super petram fidei mox nascentis erexit. Qui b. Petro aeternæ vitæ clavigero terreni simul et cælestis Imperii jura commisit. Cap. 94: An pauperem tu Pontificem maximum esse voveris? — At nos Pontificem maximum, quamvis optimum, non putamus officio suo satisfacere posse, nisi facultatibus præditus sit. — Convenit Romanum Pontificem, magnum sacerdotem, curare, ut evangelium Christi — omnibus sincere prædicetur, ut omnes errores, omnis blasphemia — eradicetur, ut pellantur a finibus Christianis impugnatōres nostræ religionis, ut schismata removeantur, ut bella sopiantur, ut furta, rapinæ — de medio tollantur. — Postremo debet Romana sedes, veluti patrociniū orbis terræ, tutusque portus afflictiorum, — omnibus ad se currentibus non solum benignas aures adhibere, sed open ultro afferre. — Et quis est, qui hæc agere posse pauperem et inopem Papam affirmet? — Quomodo restituentur Episcopi exules, aut hæretici, vel schismatici corrigentur? — *Implorandum est brachium sæculare*, clamabis. At nos ex te querimus, an melius per se Romanus Præsul hæc agat viribus suis fretus, an per alium? — Quid vero, si Principes ipsi aberrent, et, ut sæpe vidimus, hæreticis succumbant erroribus, quid agemus? Quid si Rex coercendus, si arguendus Imperator? Numquid et Regem Franciæ inutilem depositum a Romano Præsule legimus? — Numquid Henrici Fridericique Cæsares contra Ecclesiam debacchati sunt, et digni anathemate putati? Quid ergo an brachium contra se Imperator præbebit, aut pauper eum corripiet Romanus Præsul? — nos tenemus, potentiam, opes, viresque multo melius in Apostolica sede quam in alio quovis sæculari throno existere. Nam sedes hæc tutrix fidei est, quæ nunquam erravit, aut erratura est, quia rogavit Dominus, ut non deficiat fides Petri. Imperatores vero, et Reges, et

At the same time all these writings showed so decidedly the old papal spirit, that it was easy to see what was to be expected of this former adherent of the Council of Basil when, under the name of Pius II., he ascended the papal chair (1458).<sup>20</sup> Pius II. aimed at restoring the Holy See to its former consequence by treading in the steps of the earlier popes; but he was too entirely swayed by political considerations himself ever to kindle others to enthusiasm, and thus his energies were all wasted on the political intrigues of the time.<sup>21</sup> It was in vain that he put in requisition all the means, which had been used with such wonderful effect in the time of the first crusades. He founded new military orders, but they soon came to an end.<sup>22</sup> He summoned a general assembly of all the Christian

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alios Episcopos saepe in hæresim lapsos fuisse legimus. Cap. 101: Cæterum neque illud, quod sequitur de appellationibus, pia aures ferre possunt. Nam si Princeps est Romanus Præsul, si Dominus, si Magister, quo pacto ab eo appellatur? — Nam si leges civiles neque a Senatu, neque a Principe seculari appellationem admittunt, quanto minus ab ecclesiastico Principe erit? Nam si Papa simul et Imperator conferantur, quantum inter solem et lunam interest, tantum eos differre dicemus, et Papam soli, Imperatorem lunæ assimilabimus. Præterea cum appellatio ab inferiori ad superiorem deferatur, Papa vero prior sit et major omnibus, liquet ab eo non esse provocandum. Sed audio, quod tecum loqui potes: *non quispiam singularis homo appellabitur, sed Concilium, quod majus est et potentius Romano Præsule.* Nolumus hanc modo quæstionem ingredi, quæ longiorem tractatum requirit, et aliud ingenium quam nostrum est. At idem Gelasius sacros canones ait sanxisse, ne unquam ab ea sede appellaretur, neque Concilium exceperit, et amplius de Romana sede, quod illa etiam quos Synodus inique damnaverat absolvit. Quo dicto declarat a Synodo ad Papam appellatum fuisse, eoque modo majorem Synodo Papam extitisse. — Quocirca si quid est quod gravius ille agat, non est recalcitrandum, sed ferendum. Ridiculum profecto, nemo est tam parvæ urbis dominus, qui a se appellari ferat, et nos Papam appellationi subjectum dicemus? — *At si me, ais, Pontifex indigne premit, quid agam?* Redi ad eum supplex, ora onus levet. *At si rogatus, interpellatus noluit subvenire misero, quid agam?* Quid ages, ubi tuus te Princeps secularis urget? — *Feram, dices, nam aliud nullum est remedium.* Et hic ergo feras. — Cap. 102: Et majores igitur nostri, quamvis Romanum Pontificem aliquando posse injuriam esse non dubitarent, non tamen appellandum ab eo sanxerunt. Nam injuriam ab illa sede rarissime venturam arbitrati sunt; privatos vero homines, si provocare possent, non dubitarent toties appellaturos, quotiens in eos sententia promulgaretur: quoniam sicut litigare homines injuste audent, ita et provocare audebunt, ac per eum modum nullus erit unquam finis litium.

<sup>20</sup> Of whom see especially *Gobellini* commentarii above, note 11. The most important source for his history are his own Epistolæ, which are, however, rare, though there are more than 20 editions. The one here cited is that of Norimb. 1496. 4to. — *H. Chr. C. E. Helwing* de Pii II. Pont. Max. rebus gestis et moribus comm. Berol. 1825. 4to.

<sup>21</sup> Pius II. bestowed Naples on Ferdinand (*Raynald*, 1458, no. 20 seq.); but the house of Anjou, supported by France, maintained its claim on that kingdom, and hence a war in Italy. — There was also a dispute between the emperor Frederick III. and king Matthias, for the possession of Hungary; though the former gave up as early as A. D. 1459. In Germany itself, however, there continued to be two opposing parties, the imperial, and that of the Palatine of Bavaria.

<sup>22</sup> On the 18th of Jan. 1459, he founded the Ordo hospitalis b. Mariæ Bethlemitanæ, on the model of the knights of St. John, for the defence of Lemnos (*Raynald*, ad. h. a. no. 2). In the same year was founded the Societas sub vocabulo Jesu nuncupata ad Dei honorem et infidelium oppugnationem instituta (see Pii II. Ep. ad Carolum R. Gallie dd. 13 Oct. 1459, in *Leibnitii* Cod. Juris

princes at Mantua,<sup>23</sup> but could only, and with great trouble, bring together a part of them (1459);<sup>24</sup> and this assembly, which was to unite the nations in a general crusade, served only to show the prevailing indifference and the impossibility of uniting the sovereigns in any common enterprise.<sup>25</sup> At this council, too, he condemned all appeals from the Pope to general councils,<sup>26</sup> which was immediately

Gentium. P. I. p. 420), to which the Pope granted numerous privileges (*Raynald*, l. c. no. 83).

<sup>23</sup> *Gobellinus*, Lib. II. p. 34. The letter of Summons is given in *Raynald*, 1458, no 16 seq.

<sup>24</sup> Pius II. opened the assembly on the 1st of June, 1359, with these words (*Gobellinus*, lib. III. p. 60): Speravimus, fratres ac filii, hanc urbem ademptes, frequentes, qui præcessissent Regum legatos invenire: pauci adunt, ut vidimus, decepti sumus. Non est religionis cura apud Christianos, quantum credidimus, etc.

<sup>25</sup> In the closing speech of the Pope, January, 1460, the following is given as the result of the convention (*Gobellinus*, lib. III. p. 92): Hungari si adjuventur, summo conatu et universis viribus suis Turcas invadent. Germani exercitum pollicentur duorum et quadraginta millium bellatorum; Burgundus sex millium; Itali, exceptis Venetis ac Genuensibus, Cleri decimas, populi trigesimas annuorum redditum, ac vigesimas Judaicæ substantiæ, ex quibus navales copiæ sustentari queant. Idem facit Joannes Rex Aragonum. Ragusæi duas triremes offerunt, Rhodi quatuor. Hæc tanquam certa solemnī stipulatione per Principes ac Legatos promissa sunt. Veneti quamquam publice nihil promiserint, cum tamen expeditionem paratam viderint, haudquaquam deerunt, neque patientur, ut suis majoribus deteriores videri possint. Idem de Francis, de Castellanis, de Portugallensibus dicimus. Anglia civilibus agitata motibus spem nullam pollicetur, neque Scotia in intimo abscondita Oceano. Dacia quoque, Suecia ac Norvegia remotiores provinciæ sunt, quam milites possint mittere, nec solis contentæ piscibus pecuniam ministrare possunt. Poloni Turcis per Muldaviam contermini suam causam deserre non audebunt. Bohemos mercede licebit conducere, suo ære extra regnum non militabunt. Sic res Christianæ se habent. Classem pecunia Italica parabit, si non Venetiis, ac saltim Genuæ, aut in Aragonia: nec minor erit, quam res ipsa deosecat. Hungari viginti millia equitum arnabunt, peditum haud minorem numerum, qui Germanis juncti ac Burgundis duodenonaginta millia militum in castris habebunt. Et quis non his copiis superatum iri Turcas arbitretur? Hic accedet Georgius Scanderbechius, et Albanorum fortissima manus; et multi per Græciam ab hoste deficient; et in Asia Charamannus et Armenorum populi Turcas a tergo ferient: non est cur desperemus, tantum Deus ipse cæpta secundet!

<sup>26</sup> The bull dated 23 Jan. 1460, is in *Gobellinus* III. p. 91 (the date according to *Raynald*, 1460, no. 10, is X. Kal. Febr.): Execrabilis et pristinis temporibus inauditus tempestate nostra inolevit abusus, ut a Romano Pontifice — nonnulli spiritu rebellionis inbuti, non sanioris cupiditate judicii, commissi evasione peccati ad futurum Concilium provocare præsumant: quod quantum sacris canonibus adversetur, quantumque reipublicæ Christianæ noxium sit, quisquis non ignarus jurium intelligere potest. Namque, ut alia prætereamus, quæ huic corruptelæ manifestissime refragantur, quis non illud ridiculum judicaverit, quod ad id appellatur, quod nusquam est, neque scitur quod futurum sit? Pauperes a potentioribus multipliciter opprimuntur, remanent impunita scelera, nutritur adversus primam sedem rebellio, libertas delinquendi conceditur, et omnis ecclesiastica disciplina, et hierarchicus ordo confunditur. Volentes igitur hoc pestiferum virus a Christi Ecclesia procul pellere — hujusmodi provocationis introductiones damnamus, et tanquam erroneas ac detestabiles reprobamus, cassantes, et penitus annullantes, si quæ hactenus taliter interpositæ reperiantur; — præcipientes deinceps, ut nemo audeat — ab ordinationibus, sententiis sive mandatis quibuscunque nostris ac successorum nostrorum talem appellationem interponere, aut interpositæ per alium adharere, seu eis quomolibet uti. Si quis autem contrafecerit a die publicationis præsentium in Cancellaria Apostolica post duos menses, cujuscunque status, gradus, ordinis vel conditionis fuerit, etiamsi imperiali, regali, vel pontificali præfulgeat

followed by a number of such appeals in succession. Cardinal Bessarion having been sent into Germany to bring about a crusade (1460),<sup>27</sup> the only effect was a letter of complaint from the electors and an appeal.<sup>28</sup> Sigismund, Grand Duke of Austria, having been

dignitate; ipso facto sententiam execrationis incurrat, a qua nisi per Romanum Pontificem et in mortis articulo absolvi non possit. Universitas vero, sive collegium ecclesiastico subiaceat interdicto: et nihilominus tam collegia et universitates, quam predictæ — personæ eas penas ac censuras incurrant, quas rei majestatis, et hæreticæ pravitatis fautores incurere dignoscuntur. Tabelliones insuper ac testes, qui hujusmodi actibus interfuerint, et generaliter qui scienter consilium, auxilium dederint vel favorem talibus appellantibus, pari pena plectantur.

<sup>27</sup> Of Bessarion's unsuccessful attempts at the Diets of Nuremberg, Worms, and Vienna, to effect a peace amongst the German princes, and bring about a crusade against the Turks, see *Platina* Panegyricus in Bessarionem Card. appended to his *Vita Pontif. Rom. Lovan. 1572. fol. p. 71 seq.* The documents on the subject are in *H. Chr. Seckenberg Selecta juris et historiarum, T. IV. (Francof. ad M. 1738. 8vo.) p. 334 seq.*, and in *Chr. J. Kremer's Gesch. des Kurf. Friedrichs I. v. d. Pfalz (Manheim 1766. 4to.) Urkunden S. 179 f.* His efforts with the bishops with regard to the tenth were not much more successful, see *Excerpta e Cod. Ms. Acta Imp. publica continente in Senckenberg, l. c. p. 315: 1460. Convocatio Electorum Imperii et Episcoporum per Card. Græcum — in Nordlinga in Franconia, postulando decimam generalem a Clero, et ibidem recepto responso dilatando, dedit in sua ira oratoribus benedictionem cum sinistra manu.*

<sup>28</sup> The final reply of the legate at the Diet of Vienna (*Senckenberg, l. c. p. 357 seq.*) had given offence to the electors, and they immediately after prepared an appeal (*l. c. 369 seq.*). They begin with a complaint that they had shown themselves ready to make war against the Turks, and had only asked of the emperor, quatenus — ad superiores partes Imperii sui in locum competentem se conferre dignaretur ad tollendum et amputandum schismata, divisiones, guerras, — quæ pro dolor Rom. Imp. et nationi nostræ increverunt, which request the emperor had not thought proper to grant: verumtamen idem Apostolicæ sedis Legatus — cerimonia quadam contra dictos oratores nostros fretus est, nos parvificando, et nostras oblationes sinceræ et devotæ rejiciendo, increpando et judicando, — nostras oblationes esse hominum renitentium et tergiversantium. — Sugillabantur (Principes Germanicæ) tanquam ludentes cum fide. — Succensabatur in illos, quasi promissa violantes et sua irrita facientes. — Quæ si veritati submixta forent, sicuti non vera sunt, essemus de sorte gentium incredulorum. They therefore repeat their promises. Porro cum in Concilio Constantiensi inter alia ordinatum fore dinoscitur, ne Summus Pontifex decimam imponat, nisi hoc faciat cum consilio et consensu Prælatorum, et majoris partis in regnis vel provinciis, ubi decima venit imponenda; pronuntiavitque sæpennuero Apostolicus Legatus præfatus, se plena a Sanctissimo Domino nostro fulcitum auctoritate et facultate decimam, vicesimam, atque tricesimam per plures annos in natione nostra imponendi, sicque præsumendi et formidandi, quod — idem Apostolicus Legatus aut Sanctissimus Dominus noster — irrequisito consilio et consensu tam nostrorum quam aliorum, quorum interest — ad hujusmodi impositionem processerint aut procedant: hinc est, si et in quantum — contra ordinationem Ecclesiæ sanctæ Dei in præfato Concilio Constantiensi — attemptatum foret attempteturve. — hoc esse gravamen edicere gravamur, cui nec nos, nec nostri utriusque status homines minime parere aut satisfacere possumus. Attento potissimum, quod, cum per amplissimas et repetitas et variis respectibus concessas indulgentias, quibus piarum mentium araria evacuata sunt, tum per excessivam solutionem annatarum, quarum gratia Ecclesiæ vel feneratoribus dispensiose dedita, aut ferme funditus confectæ jacent, tum variis aliis gravaminibus — adeo gravatus, adeo exhaustus et exinanitus est uterque status, ut illi omnia ea gravamina et sarcinam hujusmodi acceptanteli et ferendi omnino deest facultas atque potestas. Hac occasione ab his impositionibus et gravaminibus — provocamus et appellamus ad S. D. N. Papam Pium, ad sanctam sedem Apostolicam, aut ad illum vel ad illos, ad quem vel ad quos de jure fuerit appellandum, vel ad Romanum Pontificem, qui in Concilio generali seu œcumenico vel jam instituto vel instituendo



punished by excommunication and interdict, for his violence to the cardinal Nicholas of Cusa, bishop of Brixen (1460); the only consequence was again one of the annoying appeals, and the equally annoying writings of Gregory of Heimburg on the subject.<sup>29</sup> In

in proximo præsentiam habeat vel habiturus est, præsertim ad instituendum eundem Rom. Pontificem de pia nostra intentione, supplicii oblatione — plenius, atque forsân haetenus instructus sit, etc. The Pope on this denied, in a bull dated 4 Sept. 1461 (in Müller's Reichstagstheatrum Th. 2. S. 29) that the legate whom he had sent to Germany, ad præsendum in dietis tam apud Norimbergam, quam apud curiam imperialem tunc tenendis, ever had the purpose, eos ad ipsius decimæ solutionem compellere, and assures them, nostræ intentionis semper fuisse et adhuc esse, quod prædicta decima in eadem natione non exigetur, nec exigatur, nisi de vestro aliorumque Prælatorum et Principum consensu.

<sup>29</sup> Compare *Gerardi de Roo* (about 1519) *Annales Austriaci* lib. VII. p. 222, 261. Jo. Jac. Fugger's (about 1555) *Spiegel der Ehren des Erzhauses Oesterreich*. S. 663 ff., 739. The bishop having been appointed by the Pope against Sigismund's will, was always at variance with this last, and was at length imprisoned by him, for having laid claim to certain market-towns and salt-works. For this the Pope condemned the Grand Duke, dd. 1 Jun. 1460 (*Raynald*, 1460, no. 33): sicut reus criminis læsæ majestatis perpetuo infamis, dilidatus, banntus, instabilis, omniq; privilegio, honore, et dignitate exutus, privatus, ac etiam majoris excommunicationis sententia imodatus, gave notice to the Swiss, ne ad observandum pacis et concordia fœdera se adstrictos arbitrentur, and commissioned certain prelates, ut Helvetios ad fœdus armorum pro cœfrendo Sigismundo concitent. Sigismund, on his part, appealed through Gregory of Heimburg, to a general council, dd. 13 Aug. 1460 (the document is in *Goldasti Monarchia*, T. II. p. 1576, and in *Brown Appendix ad fascicul. rerum expetendarum et fugiendarum*, p. 114) et appellationes multarum civitatum Italiae et Alamaniae Ecclesiarum valvis — affigi fecit (*Raynald*, 1460, no. 35). The Pope now passed sentence of excommunication on Gregory (*Raynald*, l. c.), who in 1466 had been his fellow ambassador at Rome (see § 131, note 59); he wrote to the magistrate in Nuremberg dd. 18 Oct. 1460 (in *Brown*, p. 125): Quidam ex patre Diabolo mendaciorum artificie natus, Gregorius de Heynburg nomine, — a nostra solemnî declaratoria sententia, qua — impium Sigismundum — juris scripti penas declaravimus incurrisse, a nobis ad futurum Concilium improbam, nefariam, temerariam, seditiosam denique appellationem dictavit. Et illius interpositionis per dictum Sigismundum factæ ipse dictator in originali instrumento Florentia ad valvas Ecclesiae affixo testis inseribitur. Quod quia loquax ille, præsumptuosus et præceps, mendax atque turbulentus, temerarius ob istud facinus excommunicatus existit, criminaque et penas incidit læsæ majestatis atque hæresis, adeo ut ultra execrationem honore omni et bonis jure sit privatus; Devotiones vestras in Domino requirentes admoneamus, hujusmodi pestiferum hominem pro tali excommunicato habeatis; — ipsumque non solum vitetis, sed procul ejiciatis ab oppido et dominio vestro; et bona, quæcunque habet apud vos, tam mobilia quam immobilia, fisco vestro applicetis; et alia omnia faciatis, quæ contra hæreticos de jure canonico fieri mandantur. Gregory answered this bull by an appeal *Appellatio ad Concilium futurum* (in *Goldast*, p. 1592. *Brown*, p. 126), in which he speaks most contemptuously of the Pope: e. g. voluit Papa ipse abuti potestate sua, — et sub velamento militaris expeditionis in Turcam instaurandæ facultates Germaniæ — medullitus exhaurire. — Ipse aliquando audiet, quid gesserit, qualem vitam egerit, et quid apud Comas; sed reprimo me, etc. — Mihi satis est didicisse civiles sententias etc. — ipse in numero sit illorum, qui putant hæc omnia vi et artificio rhetorum contineri. Ergo si Papa ob id facinus me excommunicatum dicit, quis erit ejectior ipso, qui præter verborum nihil habet in se virtutis? He, in especial, confutes the assertion of the Pope, Concilium supra Papam non esse, and maintains the right of appeal to general councils. To this appeal *Theodorus Lælius* Episc. Feltrensis, Referendarius Apostolicus replied (see *Goldast*, p. 1595), and Gregory rejoined in the *Apologia contra detractiones et blasphemias Theod. Lælii* (in *Goldast*, p. 1604). Pius II. then summoned dd. 22 Jan. 1462, (*Raynald*, 1461, no. 11) the Grand Duke before his tribunal as de damnatissima hæresi, quæ est omnium hæresum hæresi, non solum

Aug. 1461, Pius had arbitrarily deposed the archbishop Diether of Mayence; <sup>30</sup> but the sentence, notwithstanding the emperor's support,

suspectum notorie, sed sensibiliter maculatum, tanquam sacrae fidei non recipientem articulum: — *Credo in unam Sanctam et Apostolicam Ecclesiam*. Nam cum ipsius Ecclesiae Romanus Pontifex caput sit, canonesque et censurae sic sint Ecclesiae, quod quisque in Ecclesia positus et credens capiti, canonibus et ejus censuris teneatur obedire; dictus quidem Sigismundus non solum illis non obedit, sed praedicat insuper, quod minime obedire teneatur. Sigismundus not appearing, both he and Gregory were again excommunicated die eorae Domini (*Gobellinus*, lib. VIII, p. 203). Sigismund received absolution, A. D. 1464, compare *Jacobi Piccolomini* Card. Papiensis Epist. 282 (appended to *Gobellinus*, p. 668): Sigismundus — divino tandem est humiliatus miraculo, atque eo quidem usque humiliatus, ut Romanorum Imperator, — consanguinitate illum attingens, cum summa Sedis gloria ante genua Legati apostolici procidens non ante surgendum putaverit, — quam poenitenti et satis pro injuriis facienti poenarum abolitionem, restitutionemque est consecutus. But Gregory persisted in his opposition to the Pope, being first for a long time on the side of the archbishop of Mayence, and then taking up the cause of George Podiebrad, king of Bohemia, till at length, shortly before his death, 1472, he too asked for absolution, and received it at Dresden. See an account of these last events taken from the records by J. G. Horn in d. Nussl. Sammlungen zu einer histor. Handbibliothek von Sachsen. Th. 4. (Leipsig, 1728. 4to.) S. 382 ff.

<sup>30</sup> Diether was chosen in June, 1459, and confirmed by Pius II. after various negotiations in Mantua, 1460. The bull of deposition, 21 Aug. 1461 (see *Raynald*, 1461, no. 21, complete in Müller's Reichstagstheaturum. Th. 2. S. 31) gives as the ground of the sentence, that Diether had gained a majority for his election by bribery. The Pope, to whom this was unknown, had stipulated, when asked to confirm the choice, in consideration, quam conventui Mantuanensi — sua praesentia admodum utilis esset, that Diether, sicut jura volunt, should appear for the purpose personally: he, however, had evaded the condition modo corporis infirmitatem, modo pauperiem praetendens, so that the Pope at length gave the confirmation to his procurators: procuratores Dietheri ejus nomine et in animam ejus ea nobis juraverunt, quae ceteri Episcopi Romani Pontificibus jurare consueverant, et ultra hoc venturum ipsum personaliter infra annum ad praesentiam nostram. However, he had disappointed all the hopes entertained of him: cum — expectaremus, hunc hominem — ea curare, quae pro tutela Christianae religionis in Mantuensi conventu concluderamus, invitare homines suae nationis ad expeditionem contra Turcos obeundam, ad obediendum in ea re carissimo filio nostro, Friderico Romanorum Imperatori Augusto, ad quem ideo legatum de latere miseramus ad parandos exercitus, ad solvendas decimas, ac vigesimas et trigesimas contribuendas, et alia praesidia praestanda; homo in reprobum sensum datus — mox cornua erexit in Apostolicam sedem. — Legatum nostrum calumniatus est, qui decimas conaretur exigere, quibus copiae contra Turcos armari possent, palamque dicere non est veritus, nos argentum nationis, non fidei defensionem quaerere (this refers to the negotiations in Vienna, and the appeal of the electors, note 28). — Inter haec accidit, ut ad instantiam mercatorum, qui pecunias Apostolicae sedi debitas sibi mutuo concesserunt, cum jam satisfactionis tempus praeterisset, Dietherus ipse excommunicaretur absque nostra conscientia: nam id per judices inferiores in forma Camerae fieri solet. Quod ubi ad ejus notitiam pervenit, — non recurrit ad nos, — sed — Apostolicam sedem blasphemans confictio quodam infamatorio libello ad futurum Concilium contra Mantuanam bullam appellavit, excommunicationem ipso facto, a qua nisi a nobis absolvi non potest, et alias poenas contra reos majestatis et haereticarum pravitatis fautores a jure fulminatas incurrens. Nec animo irreverenti et infrunito satis fuit, primam sedem his modis contempsisse, nisi et divina quoque contemneret, illis se publicae immiscens palam et notorie excommunicatus, et in irregularitatem incidens. The next charges were that he had not appeared before the Pope within the year according to his oath, and that he had summoned a convention of the princes at Frankfurt against the rules of the emperor. That the Pope had then sent legates to him, qui male vadentem retraherent et in viam reducerent: and that they went to the convention of the princes

was far from decisive, and the contest which ensued ended not in

which had been transferred by Diether to Mayence; at which, notwithstanding their remonstrances, he had admitted the excommunicated Gregory of Heimburg as Sigismund's ambassador. His propositions against the Pope not meeting with acceptance, he had, privately to the ambassadors, abandoned his appeal; but very soon after he returned to his old course. On these accounts he was deposed. Another bull, dated the same day (see Müller, S. 35) appoints Adolphus, count of Nassau, to be his successor. The true state of the case, however, is evident enough even from the Pope's bull of excommunication; but still more so from the writings of Diether, especially from the appeal mentioned in the bull (in *Senckenberg Selecta juris et histor.* T. IV. p. 393), from the answer to the bull, dated Thursday after Michaelmas, 1461 (see Müller, S. 38), and from a second work printed at Mayence, dated Tuesday after the Sunday Laetare, 1462 (in *Leiman's Speyerscher Chronik Buch VII. Cap. 105. S. 859*). The first charge of Simony he refutes by an account of the election, making it appear that he was chosen unanimously (Müller, S. 39). In Mantua the Pope had demanded of the ambassadors of the electors (see *Appellatio in Senckenberg IV. p. 393*), quatenus se nomine nostro obligarent, ne futuro Concilio daremus operam, neve Principes Germanicæ nationis convocaremus. As they were unwilling to assent to this, they were dismissed without having concluded the business on which they came: some months after, however, a second embassy was sent to the Pope, to obtain a confirmation of the election without the obnoxious conditions. Cum autem Oratores nostri, antequam ad Camera Apostolicam pervenissent, litteras nostras atque efficacem obligationem facere cogebantur pro Annata ipsi Camera persolvenda, qua præstita et recepta illico eis nuncupata est quædam pecuniarum summa gravissima, scilicet XXM. VC. et I. floren. Rhenum: obstuperunt Oratores nostri, nec tamen aliter litteras extrahere potuerunt, nisi in illa obligatione persistere. Cumque de gravi taxa conquererentur, nihil aliud supererat, quam Camera ipsi Apostolicæ de taxa expressata [sati-facere], subordinatis etiam numulariis, camporibus vel mercatoribus appellatis, qui obligationem respectu Camera Apostolicæ in se receperunt, et a nostris Oratoribus, nedum nostro verum etiam ipsorum propriis nominibus, obligationem seu cautionem acceperunt. Et ita Oratores nostri una cum litteris confirmationis et cæteris, quæ ad consecrationem obtinendam requiruntur, a Romana Curia dimissi sunt. Nos vero admirati, cur tanta summa a nobis exigeretur, cum tamen a prædecessoribus nostris longe minor fuerit persoluta, sciscitavi sumus, quænam vera taxa esset ab Ecclesia Magunt. Camera Apostolicæ debita. Cum vero in hujusmodi investigatione fluctuaremus ambigue nonnihil, certe summam pecuniarum persolvimus, ut jam putaremus illi summæ satis appropinquasse, quæ a prædecessore nostro tempore suæ confirmationis fuit persoluta. Obtulimus ergo et nunc offerimus talem summam, qualem prædecessor noster exposuit, seu quæ de jure vel antiqua consuetudine ipsi Camera Apostolicæ ab Ecclesia nostra debita esset. Papa vero, his non contentus, processus pænales contra nos et Oratores nostros supradictos dicitur instituisse, aut comminatur instituire velle. Nobis vero allegantibus, quod ad solutionem promissio a nobis et a nostris extorta est, et error factus, qui nos merito excusat: — responsum est nobis, jam non agere contra nos Romanum Pont. et Collegium Cardinalium, sed mercatores illos, qui se debitores pro nobis constituerunt, quibus et nos de sua cavimus indemnitate; ideo, si Camera nos gravasset, nihilominus mercatoribus illis indemnitate promissam exsequi teneamur. Quod et nos profecto justum censeamus, nisi collusio expressa sufficienter mercatoribus ipsis obstaret, qui agentibus Camera subordinati et submissi machinationis hujusmodi non erant inscii. Quod etiam ex hoc fonte clarius deprehenditur, quod, cum mercatores ipsi pecuniam constitutam Dominis Cardinalibus exsolverunt, ipsi sibi caverunt, quod si pecunia illa ipsis mercatoribus per nos soluta non fuerit, mercatoribus ipsis a Dominis Cardinalibus persolveretur, prout ipsorum Card. litteris ad nos missis clare edocti sumus. The papal legate at the Diet of Mayence, Rudolph of Worms, denies this charge concerning the Annates (see *Gobellinus*, lib. VI. p. 144): mentiti omnes sunt, qui vel nummum unum abs te flagitatum asserunt ultra summam in Camera prætaxatam: decem millia auri nummum principalis taxatio requirit, minutaque quæ vocant servitia et litterarum expeditio, et oratorum sumptus circiter quatuor millia deprecant. — Ecclesia Treverensis, quæ multo minor est, sub Calisto tertio triginta

the victory of the Pope, but a compromise sufficiently favorable to Diether (Oct. 1463).<sup>31</sup> In Germany, where the liberal Æneas Sylvius was not yet forgotten, the very different course pursued by Pius II., excited a mingled feeling of disgust and doubt. This led him to address the Bulla retractionum to the University of Cologne (April 26, 1463), which served, however, rather to make the difference more striking than to excuse it.<sup>32</sup> In France his success was

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millia dedit. But all that is hereby proved is that the banker had a private understanding with the court for his own interest. According to the Concordat of Aschaffenburg, which in this respect agrees entirely with that of Constance (§ 130, note 19), one half the Annates were to be paid in the first year, the other in the second.

<sup>31</sup> The war between Diether and his rival, Adolphus of Nassau, in which the former had the advantage through the assistance of Frederick I., Elector Palatine, was ended by the treaty of Zeilheim on the 12th of October, 1463 (see *Serrarii* *Rer. Mogunt. ad Johannis*, T. II. p. 192 seq.), which was confirmed at Frankfurt on the 26th of October, and approved also by the papal legate. By this treaty, Diether resigned the dignity of archbishop, but was invested for life with various privileges, and exempted from the jurisdiction of the archbishop (*Gudenus* *Codex diplom.* T. IV. p. 368). The satisfaction of the Pope that the matter should end thus, is seen in his letter to Diether (see *Gudenus* IV. p. 371), in which he loads him with praises and promises. A full account of these negotiations, though partial to the Pope, in *Gobellinus*, lib. III. p. 64; lib. VI. p. 143 seq.; lib. IX. p. 220; lib. XII. p. 345. Comp. especially *Kremer's* *Gesch. des Kurf. Friedrichs I. v. d. Pfalz.* Frankf. u. Leipz. 1765. 4to. S. 210 ff., 244 ff., 353 ff. Diether von Psenburg, Erzb. u. Kurf. v. Mainz. Erster Theil (reaches to 1462) Mainz. 1789. Svo.

<sup>32</sup> This bull, with abbreviations, in *Raynahl*, 1463, no. 114 seq. Complete in *Harduini* *Concill. IX. Hartzheim* *Conc. Germ.* V. p. 945: In minoribus agentes, nondum sacris Ordinibus initiati, cum Basilea inter eos versaremur, qui se generale Concilium facere, et universalem Ecclesiam representare aiebant, dialogorum quedam libellum (namely, his Pentalogus de rebus Ecclesie et Imperii in *Pezii* thes. anecdotorum novissimo, T. IV. P. III. p. 639) ad vos scripsimus, in quo de auctoritate Concilii generalis, ac de gestis Basileensium, et Eugenii Papae contradictione ea probavimus vel damnavimus, quæ probanda vel damnanda censuimus: quantum capiebamus, tantum defendimus aut oppugnavimus: nihil mentiti sumus, nihil ad gratiam, nihil ad odium retulimus. Existimavimus bene agere et recta incedere via, nec mentis nostræ aliud erat objectum, quam publica utilitas et amor veri. Sed quis non errat mortalis? — Declinavimus et nos ab utero matris, erravimus in invio et non in via, ambulavimus in tenebris, et procul a vera luce recessimus: nec nobis tantum erravimus, alios quoque in præcipitium traximus, et cæcis ducatum præbentes cæci cum illis in foveam recidimus. Forsitan et aliquos ex vobis scripta nostra decepere, et in devia deduxerunt, quorum sanguinem si de manibus nostris requisierit Dominus, non habemus quod respondere possimus, nisi nos ut homines peccavisse, qui arbitantes rectum iter ostendere obliquum monstravimus. In misericordia tantum Dei spes nostra sita est. — Utinam latuissent quæ sunt edita! nam si futuro in sæculo manserint; aut in malignas mentes inciderint, aut incautis fortasse scandalum parient: qui hæc scripsit, inquit, in beati tandem Petri cathedra sedit, et Christi salvatoris vicariatum gessit: ita scripsit Æneas, qui postea summum Pontificatum adeptus Pius II. appellatus est, nec invenitur mutasse propositum: qui cum elegerunt et in summo Apostolatus vertice collocarunt, ab iis scripta ejus approbata videntur. Verendum est, ne talia nostris aliquando successoribus objiciantur, et quæ fuerunt Ænea dicantur Pii, atque ab ea sede auctoritatem vendicent, adversus quam ignoranter intraverunt. Cogimur igitur, dilecti filii, b. Augustinum imitari, qui cum aliqua in suis voluminibus erronea inseruisset, retractationes edidit. Idem et nos faciemus: confitebimur ingenuè ignorantias nostras, ne per ea, quæ scripsimus juvenes, error irrepat, qui possit in futurum Apostolicam sanctam sedem oppugnare: nam si quem deceit unquam Romani principique throni eminentiam et gloriam defendere ac extol-

not much greater. In answer to his attacks on the Pragmatic Sanction at Mantua,<sup>33</sup> Charles VII. appealed to a general council (1460);<sup>34</sup>

lere, nos illi sumus, quos sine ullis meritis pius et misericors Deus sola dispensatione sua ad b. Petri solum, et dilectissimi filii sui, domini nostri Jesu Christi, vicariatum evocavit. Quibus ex rebus dilectiones vestras hortamur, et in Domino commoneamus, ne prioribus illis scriptis inhareatis, aut fidem ullam præstetis, quæ supremam Apostolicæ sedis auctoritatem quovis pacto elidunt, aut aliquid adstrunt, quod sacrosancta Romana non amplectitur Ecclesia: suadete omnibus ut id solum præ cæteris venerentur, in quo salvator Dominus suos vicarios collocavit. — Requirit autem ordo, ut inferiora a superioribus gubernentur, et ad unum tandem perveniatur tanquam principem et moderatorem cunctorem, quæ infra se sunt. Sicut græves unam sequuntur, et in apibus unus est rex, ita et in Ecclesia militante, quæ instar triumphantis se habet, unus est omnium moderator et arbiter, Jesu Christi vicarius, a quo tanquam capite omnis in subjecta membra potestas et auctoritas derivatur, quæ a Christo Domino Deo nostro sine medio in ipsum influit. — Petrus igitur et successores ejus Romani Pontifices primum in Ecclesia tenuerunt, et nos hodie, quamvis indigni, sola Domini voluntate digni, tenemus: et quicumque Romanæ secundum canonicas sanctiones præficitur Ecclesiæ, quam primum electus est in sacro collegio, supremam a Deo potestatem sine medio in ipsum influit. — Petrus igitur et successores ejus Romani Pontifices primum in Ecclesia tenuerunt, et nos hodie, quamvis indigni, sola Domini voluntate digni, tenemus; et quicumque Romanæ secundum canonicas sanctiones præficitur Ecclesiæ, quam primum electus est in sacro collegio, supremam a Deo potestatem sine medio consequitur, et per ordinem in omnem diffundit Ecclesiam: ejus peccata divino judicii punienda relinquuntur. Si quid adversus hanc doctrinam inveneritis aut in dialogis, aut in epistolis nostris, quæ plures a nobis sunt editæ, aut in aliis opusculis nostris (multa enim scripsimus adhuc juvenes), respuite atque contemnite; sequimini quæ nunc dicimus, et seni magis quam juveni credite, nec privatum hominem plaris facite quam Pontificem: Æneam rejicite, Pium recipite: illud gentile nomen parentes dididere nascenti, hoc christianum in Apostolatu suscepimus. Dicent fortasse aliqui, cum Pontificatu hanc nobis opinionem advenisse, et cum dignitate mutatam esse sententiam. Haud ita est, longe aliter actum. Audite, filii, conversationem nostram. He then goes on to relate how he came to Basil in 1431, as a young man, and was led by the prevailing feeling there and the authority of great names, to take part with the Council against the Pope: that he was first startled by the behaviour of the emperor, and at his court came to the conviction of his error. He closes with remarks on the necessity of a monarchy in the church, and the claims of the Holy See.

<sup>33</sup> See *Pii*, P. II. responsio ad orationem Oratorum Gallicorum in *d'Achery* Spicilegium III. p. 811 seq., which begins with defending at length the course pursued by the Pope in supporting Ferdinand, king of Naples, against the pretensions of the house of Anjou, and then, p. 820, passes to the Pragmatic Sanction: Cæterum quia Pragmaticæ Sanctionis superius incidit mentio, ejus secreta magis pulsavimus quam aperimus, urget nos conscientia, imo vero caritas, quæ genti vestræ devincti sumus, priusquam dicendi finem facimus, de ea aliqua libere ne taciturnitas nostra indulgentia reputetur, et quod sanabile vulnus est, fiat mortale, et nos a consortio vestro oporteat abstinere: quoniam sicut in veteri lege (Lev. xxi. 11) sancitum est, *super omnem animam, quæ mortua est, non ingrediatur Pontifex*: quod teste Hieronymo perinde accipiendum est ac si dicat, ubicumque peccatum est et in peccato mors, illuc Pontifex non accedat. Cupimus sanctam esse Francorum gentem, et omni carere macula: — at hoc fieri non potest, nisi hæc Sanctionis macula seu ruga deponatur, quæ quomodo introducta sit ipsi nostis. Certe non auctoritate generalis Synodi, nec Romanorum decreto Pontificum recepta est, quamvis de causis ecclesiasticis tractatus absque placito Romanæ sedis stare non possit. Ferunt aliqui idcirco initium ei datum, quia nimis onerant Romani Pontifices Regnum Franciæ, nimiasque pecunias inde corraderent. Mirum si hæc ratio Carolum movit, quem prædecessoris sui magni Caroli decebat imitatore esse, cujus hæc verba leguntur: *In memoriam b. Petri Apostoli honoramus s. Romanam Ecclesiam: — et licet vix ferendum ab illa s. Sede imponatur jugum, tamen feramus, et pia devotione toleremus* (rather Conc. Tribur. ann. 895, c. 30, see § 25, note 4). Non est credibile Carolum, qui modo

and though the Sanction was annulled by Louis XI., 1461, in the hope of gaining the Pope's support for the claims of the house of Anjou on Naples,<sup>35</sup> yet when he found himself foiled in this, he

regnat, suo sensu hanc Pragmaticam introluxisse. Deceptum putamus, et piæ menti suggesta fuisse non vera. Nam quo pacto religiosus Princeps ea servari jussisset, quorum prætextu summa sedis Apostolicæ auctoritas læditur, religionis nostræ vires enervantur, unitasque Ecclesiæ et libertas perimitur? — Non ponderamus causarum auditionem, non beneficiorum collationem, non alia multa, quæ curare putamur. Illud nos angit, quod animarum perditionem ruinamque cernimus, et nobilissimi Regis gloriam labefactari. Nam quo pacto tolerandum est Clericorum iudices laicos esse factos? Pastorum causas oves cognoscere? Siccine regale gemis et sacerdotale sumus? Non explicabimus honoris causa, quantum diminuta est in Gallia sacerdotalis auctoritas. Episcopi norunt, qui pro nutu sæcularis potestatis spirituales gladium nunc exercent, nunc recludunt. Præsul vero Romanus, cujus parochia orbis est, cujus provincia nec oceano clauditur, in regno Franciæ tantum jurisdictionis habet, quantum placet Parlamento. Non sacrilegum, non parricidam, non hæreticum punire perimitur, quamvis Ecclesiasticum, nisi Parlamenti consensus adsit; ejus tantam esse auctoritatem nonnulli existimant, ut censuris etiam nostris præcludere aditum possit. Sic iudex iudicum Romanus Pontifex iudicio Parlamenti subjectus est. Si hoc admittimus, monstruosam Ecclesiam facimus, et hydram multorum capitum introducimus, et unitatem prorsus extinguimus. Periculosa hæc res esset, venerabiles fratres, quæ hierarchiam omnem confunderet. Nam cur Regibus, cur aliis Præsulibus sui subditi parerent, cum ipsi superiori suo non pareant. Quam qui-que legem in alium statuit, eam sibi servandam putet. Verendum est, ne prope adsit, quod ad Thessalonicensis (2 Thess. ii. 3) significare videtur Apostolus, *quia post discessionem revelabitur homo peccati*. Adventum quippe Antichristi sollicitant, qui discessionem a Romana Ecclesia quærunt, qualem præ se ferre videntur, quæ sub obtentu Pragmaticæ Sanctionis fieri dicuntur. Sed credimus hæc, et ante diximus, Regi vestro incognita esse, cujus natura benigna est, et inimica mali. Docendus est et instruendus, ne pestem hanc in suo regno debacchari amplius et animas interficere sinat. Vos Episcopi lucernæ estis ardentis coram eo, et candelabra lucentia in domo Domini: sic lucete, ut lux vestra tenebras omnes ac caligines Pragmaticæ Sanctionis ex nobili et christianissima Francorum gente depellat; solumque lumen solis, id est veritatis splendor et veritas eluceat. Quod si Rex vester opera vestra fecerit, et vos mercedem Propheta recipietis a Domino, et ipse, par suis progenitoribus majorque, per omnes orbis Ecclesias, et in Romana potissimum, jure merito et erit et vocabitur Christianissimus.

<sup>34</sup> *M. Jo. Dauvet* Procuratoris generalis protestatio nullitatis et appellatio ad futurum Concilium contra orationem Pii II. Pont. habitam in Conventu Mantuano, comminationes ejusdem et censuras publicatas in Carolum VII. Regem Francorum dd. 10 Febr. 1460 (namely, more Gallicano, i. e. 1461) in the *Preuves des libertez de l'église Gallicane*, chap. 13, no. 10, and in *Richerii hist. Concilii. generall. lib. IV. P. I. c. 1*. The king admonishes the Pope, ut rem ipsam maturius atque brevius digerat et consulat, — ut cum sacris generalibus Conciliis pacem foveat. He then calls on him, Concilium plenarium orbis congregare in loco tuto ac libero. — Quod etiam hic maxime necessarium esse videtur pro succurrere fidei orthodoxæ: nam licet plura hinc inde invocentur auxilia, et diversæ pecuniarum summae variis modis hujus rei prætextu hæcenus petita et collecta sint, parvum tamen aut nullum efficax adversus invasores christianæ religionis — præstat, dum differtur nimium plenarii Concilii provisio. — Et jam tempus decem annorum effluxum dudum est, in quo secundum instituta magnæ Synodi Constantiensis ipsum Concilium debebat celebrari. Illis vero, quæ in præfato Concilio determinabuntur, Rex devoto et benigno animo acquiescere paratus erit. — Si sanctissimus Dominus noster celebrationem plenarii Concilii in loco libero — facere recusaverit, aut nimium distulerit; volens ipse Dominus noster Rex, quantum in eo erit, necessitati fidei orthodoxæ et universæ Ecclesiæ succurrere, intendit alios Principes Christianos exhortari, ut omnes unanimiter universalem Ecclesiam in plenario Concilio congregari laborent.

<sup>35</sup> John Godefroy, bishop of Arras, was appointed by the Pope to persuade Louis to the step (*Gobellinus*, lib. VII. p. 183): Pius then in a letter, dd. 26 Oct. 1461

showed no disposition to compel the Parliament to retract their resistance to the measure; and the only consequence was that the French church was left in a fluctuating and uncertain state.<sup>36</sup> All

(*Æneæ Sylvi* Ep. 401, and in *Raynald*, 1461, no. 113, where, however, the beginning is wanting), urges the king to act at once, and as early as dd. 27 Nov. 1461, received the answer (l. c. Ep. 492, in *Raynald*, l. c. no. 118): Pragmaticam a regno nostro — per præsentēs pellimus, dejicimus, stirpitusque abrogamus, et quam qualemve autē Pragmaticæ ipsius editionem circa Ecclesiarum, beneficiorum, aliarumque rerum spiritualium dispositionem, censuram, moderationem in regno nostro — tui prædecessores Martinus V. et Eugenius IV. Romani Pontifices habebant et exercebant, talem eandemque nostro adjutori beatissimo Petro, tibi que successorī ipsius reddimus, præstamus et restituimus cum summo imperio, cum judicio libero, cum potestate non coarctata. Tu enim cum scias quid auctoritate divinitus tibi tradita possis, (las pro regni nostri et Ecclesiarum in eo tranquillitate postulabimus, non negliges res necessarias, poterisque semper quod optimum fuerit judicare. In gratitude for his services, the Pope made the bishop of Arras cardinal (*Gobell*, p. 184). He (the cardinal) began now to write concerning the matter of Sicily: he states that only by yielding the point, the Pope regis animum placari posse, et Pragmaticam Sanctionem certissime sublato iri. Louis had said distinctly to the Episc. Interamensis: ita denum Pragmaticæ Sanctioni finem imponere, si de regno Siciliae ei mos gereretur (l. c. p. 186). Soon after this, A. D. 1462, a French embassy appeared at the papal court to announce formally the abolition of the Pragmatic Sanction, which occasioned great rejoicings. As to Sicily, however, the Pope was not to be moved (l. c. p. 187 seq.). Equally ineffectual was an angry letter from Louis, and the threat that all the French would withdraw from Rome (*Gobell*, lib. VIII. p. 207).

<sup>36</sup> See in general the bull *Primitiva* of Leo X., below, § 134, note 18. The change in the king's feelings is evident from the following ordinances: dd. 17 Febr. 1463 (i. e. 1464) in the *Preuves des libertez de l'egl. Gall.* chap. 22, no. 21: Pius Papa modernis bona Prælatorum et virorum ecclesiasticorum decedentium, tam sæcularium quam regularium, quæ nonnulli spolia defunctorum appellant, necnon dimidiam partem fructuum tam beneficiorum incompatibilium, quæ dicti viri ecclesiastici, et illorum, quæ in commendam obtinent, ac etiam certam portionem seu quotam honorum et personarum sæcularium, tam mobilium quam non mobilium, ejus Camerae Apostolicæ per certas ejus constitutiones seu literas, a paucis diebus ut dicitur apud Romam editas, Apostolica esse statuit et decrevit. As the consequence of this must be oppression, poverty, and suffering, and the rights of the crown were in danger, the king orders, ut subsidia et onera præmissa, ac alia similia, quæ Collectores, Subcollectores, atque alii Officiarii seu Commissarii Romanorum Pontificum — levare et exigere mitterentur, minime levabuntur, colligentur, aut exigentur. All magistrates were to take care that every infringement of this order should be punished, dd. 13 Aug. 1464, l. c. no. 22: As this order was not universally obeyed, however, and many of the clergy paid their taxes, as plusieurs s'efforcent par bulles et commissions Apostoliques, proceder par excommunications, fulminations, et censures ecclésiastiques, et privation de benefices contre les gens d'Eglise de nostre dit Royaume, qui refusent, ou different de payer les despouilles des trespassez, et la moytié des benefices incompatibles, et des commandes; the king commands, que ausdits Commissaires ou Exécuteurs ne soit obey: mais leur soit prohibé et defendu de faire lesdites exactions, sur peine de confiscation de corps et de biens, et de bannissement de nostre Royaume. So too he forbids his subjects to pay their demands under a penalty of exile and confiscation, dd. 10 Sept. 1464, l. c. no. 23: Although, according to the laws of the French church, no graces expectatives were allowed to be granted, yet depuis l'obeyssance par nous faicte à feu nostre saint Pere le Pape puis dernièrement et n'agueres trespassez they had been granted en si grand et excessif nombre et multitude et à toutes manieres de gens, tant estrangers et non lettrez, qu'autres personnes quelconques, que la chose est venue à telle confusion, qu'à peine y avoit homme d'Eglise en nosdits Royaume et Dauphiné, qui à cause d'icelles graces se peust dire seur en l'assecuracion d'aucun benefice, à l'occasion des *Antefferri*, et autres clauses et prerogatives, qui ont esté mises en icelles graces

these political embarrassments lamed the efforts of Pius against the Turks. His strange attempt (in which, however, he was still imitating the old popes) to convert the Sultan Mahmoud to Christianity in a long letter (1461),<sup>37</sup> was of course unsuccessful. At length he resolved to lead on the crusade himself; but even this announcement (1463),<sup>38</sup>

expectatives, diversitez de regles de Chancellerie Apostolique derogatoires à droit commun, et autrement. By this means much money had gone out of the country; the applicants became poor; the lives of those who were in possession of the benefices were endangered; and unknown strangers were often introduced into them. The king, therefore, forbids his subjects, que d'oresnavant ils n'aillent, n'envoyent, soit par bulles (*par billets*), lettres de change n'autres moyens quelconques, querir, pourchasser, ne obtenir en Cour de Rome graces expectatives; further, qu'aucun d'eux voyent, ou envoient en ladite Cour de Rome pour avoir, n'obtenir quelques Eueschez, — ou autres benefices electifs, sans premierement avoir nos vouloir et consentement de ce faire, le tout sur peine d'encourir nostre indignation, de perdre les deniers, dont leurs procureurs — seroyent trouvez saisis par bulles, lettres de change, ou autres pour porter et envoyer en ladite Cour de Rome à la cause dessusdite, et d'amende arbitraire envers nous. As to those who might already have received these *gratias expectativas*, the authorities were charged, qu'ils les contraignent à eux en desister et departir; et à revoquer, faire casser et annuler à leurs despens tout ce qu'ils auroyent fait au contraire. That this did not prevent the evil complained of is seen from the representation of the parliament to the king, A. D. 1465 (not 1461, see § 17, laquelle loy — the Pragmatic Sanction — a esté gardée jusques puis quatre ans, et par le tems de vingt-deux et vingt-trois ans a duré), given in a Latin translation by *Franc Duarenus* de sacris ministeriis et beneficiis. Paris. 1551. p. 332 seq., and thence by *Flacius* in the *Catal. test. verit.* no. 179, in the original French by *Jean du Tillet* in the *Mémoire sur les libertez de l'Eglise Gallicane* in his *Recueil des Roys de France*, à Paris. 1607. 4to. P. III. p. 339: In the introduction they speak of the cassation, que l'on dit avoir esté des decrets, constitutions et ordonnances appellées la Pragmatic Sanction, a proof enough that this was not acknowledged by the parliament. § 72: Et par experience, quæ est rerum magistra, soit advisé et considéré à l'evacuation, qui a esté si excessive depuis la cassation de ladite Pragmatic, que par experience l'on cognoisse et appare, comment ce Royaume est presque tary (drained) d'or principalement: tellement qu'il n'est demouré que monnoye. In the following sections follows a calculation of the immense sums which have been carried to Rome since the annulment of the Pragmatic Sanction, tempore Pii et de present for Annates, *gratias expectativas*, etc.; and an account of the ruin brought on the churches by these proceedings.

<sup>37</sup> Which see in *Æneæ Sylv.* Ep. 410, and in *Raynald*, 1461, no. 44 seq.

<sup>38</sup> dd. 22 Oct. 1463, see *Æn. Sylv.* Ep. 412, partly also in *Raynald*, 1463, no. 29 seq. e. g. Et quis erit Christianorum tam feri, tam lapidei, tam ferrei pectoris, qui audiens, Romanum Pontificem b. Petri successorem, Domini nostri Jesu Christi vicarium, æternæ vite clavigerum, patrem ac magistrum universorum fidelium cum sacro senatu Cardinalium Clerique multitudine in bellum pergere pro tuenda religione, libens domi remaneat? Et quæ poterit excusatio quemquam juvare: senex, debilis, ægrotus in expeditionem pergit, et tu juvenis sano ac robusto corpore domi delitescas? Summus sacerdos, Cardinales, Episcopi prælium petunt, et tu Miles, tu Baro, tu Comes, tu Marchio, tu Dux, tu Rex, tu Imperator, in adibus propriis otiaberis? Siccine perverti hominum officia patieris, ut quæ sunt Regum sacerdotes agant, quæ nobilitati conveniunt, subire Clerum oporteat? Necessitas ire nos urget, quia non possumus alio pacto pro divinæ legis defensione Christianorum animos commovere. Utinam hoc modo commoveamus! After announcing the full absolution accorded to all who shall accompany this crusade, or contribute to it, with the assurance: Non dubitantes, quin animæ illorum, quos ad hoc bellum proficisci bona mente contigerit, cum beatissimis ss. Patrum et Angelorum Dei spiritibus post hanc vitam in caelestibus sedibus collocentur, et consortes imperpetuum Christi factæ æterna felicitate fruantur; he says: In tanto Christianæ religionis discrimine, quantum a Turcis impræsentiarum cernitur imminere, nulli dubium esse debet, quin Christiani omnes, tam Reges et



which once would have arrayed all the sovereigns and nations of Christendom at his side, could now only bring together a useless rabble.<sup>39</sup> Pius determined to accompany the Venetian fleet, but died before he could embark at Ancona, Aug. 15, 1464. His successor, Paul II.,<sup>40</sup> began his career with the most flagrant desertion of the conditions prescribed before the choice.<sup>41</sup> He continued to amass

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Principes, quam alii potentatus, et privati homines ad defensionem catholicæ fidei et sanctæ legis evangelicæ juxta possibilitatem suam cum bonis et corporibus suis de necessitate salutis viriliter assurgere et indesinenter assistere teneantur. Ea-propter fideles ipsos Jesu Christi cultores universos et singulos, cujuscumque status et conditionis fuerint, sive pontificali, sive imperatoria, vel regali prafulgeant dignitate, harum serie monemus ac requirimus, et in vim promissionis factæ in sacri susceptione baptis-mi et in vim juramenti præstiti, cum dignitatum suarum infulas susceperunt, et per obedientiam nobis debitam, eis et eorum singulis mandamus, ut hanc sanctam expeditionem, ad quam profecturi sumus non sine maximo corporis nostri dispendio, modis quibus possunt quam celerime adjuvare, et promoverè festinent: ab illo, cujus causa agitur, exuberantia suscepturi præmia et in præsentî vita et in futura negligentes autem negligentur, et in extremo judicii die minime inter illos invenientur, quibus dicturus est Dominus: *venite, benedicti patris mei, percipite regnum*, etc.

<sup>39</sup> *Vita Pii II.* per *Joh. Anton.* Campanum Episc. Aprutinum (in *Muratorii* Scriptt. Rer. Ital. III. II. p. 990) relates that Pius was sick at his departure from Rome: Supra Oriculum maxime consternatus est obvia Crucesignatorum multitudinem, quos more impatientes retinere Carvajalium (the cardinal who had been sent for the purpose) minime poterat, et agmine quum revertentur, nec rapinis abstinebant: quocirca Medici aversari eo spectaculo illius oculos, obducere lecticæ velum perpetuo itinere, causati vento, jusserunt. *Jacobi Card. Papiensis* Comment. lib. I. (appended to *Gobellini* comm.) p. 357: Confluxerat eo loci turba multa ex variis gentibus: non satis considerate domo egressa. Etenim cum eos solos evocasset Pius peccatorum propo-ita venia, qui vel annum, vel anni dimidium suo stipendio in exercitu militarent: — illi tamen neseio quo inconsulto zelo compulsi veniendum statuerant, credentes stipendium ac victum ministrante Pontifice non defuturum. Cum autem non invenirent, quæ sibi animis finxerant, — venditis armis regrediebantur in patriam. Quorum nihilominus misertus ille, ne omnino frustra venisse se angerentur, decreti sui eos participes fecit (namely, according to *Platina*, p. 750: absolutos peccatis in patriam remisit). Erant vero inter hos, qui consideratius venientes tolerare ad diem præfinitam militiam possent. Horum ergo traducendorum causa naves Venetorum duas dies jam multos in horas singulas expectabat: sic enim illi facturos se ante receperant: sed eum ea diutius tardarent quam oporteret, qui superfluerant crucesignati moræ impatientes catervatim abibant, ita ut non multo post appulsis jam navibus miles non superesset, qui illis posset imponi. Ea res causæ quoque plurimum accelerandæ mortis Pio dedit, dolente eo ac supra modum tristante, quod retineri in eam horam non potuissent.

<sup>40</sup> *Platina*, whom he treated with severity, returns it in his *Vitis Pontiff.* — Besides him, Michael. Camericius de Viterbio and Gaspar Veronensis have written the life of this Pope (in *Muratorii* SS. Rer. Ital. III, II. p. 993 seq.). Important for the history of his reign are also *Jacobi Piccolominei Card. Papiensis* († 1479) *Rerum suo tempore gestarum commentarii*, libb. VII. (from 1464 - 1469) appended to *Gobellini* comm. Frf. 1614. p. 348 seq.

<sup>41</sup> To the conditions which had been imposed on Eugenius IV. (see § 131, note 3) various others had gradually been added; comp. the capitulation of Pius II. in *Raynald*, 1458, no. 5. Those sworn to by the cardinals previously to the choice of Pius II., see in *Jacobi Card. Papiensis* comm. lib. II. p. 371: Jurabat vovebatque Deo sanctisque Apostolis Petro et Paulo, quisquis Patrum ad Pontificatum esset assumptus, inchoatam expeditionem in Turcos, quantum Romanæ Ecclesiæ paterentur opes, continuare, proventumque aluminis ad eam rem integrum adhibere; lapsos etiam curialium nostrorum mores ad Patrum discipli-

money for the war with the Turks, but without taking any active steps. Germany was lamed, not only by the indolence of the emperor and the slowness with which the Diets assembled, but also by the calls of the Pope to war against the heretic king of Bohemia, George Podiebrad.<sup>42</sup> The adventurous pilgrimage of the emperor to Rome (1468) only added one to the number of useless negotiations.<sup>43</sup> In

nam restringere; Curiam porro ipsam de provincia in provinciam sine plurium ex Patribus — assensu — non transferre; Concilium generale Christianorum intra triennium cogere, in quo et Principes sæculi ad tuendam religionis causam accenderentur, agræque partes Ecclesiæ communi medicamento sanitatem reciperent; Cardinales non ante creare, quam ii qui creati jam haberentur, intra viginti quatuor essent reducti, majoremque hoc numero non pati in Ecclesia esse; neminem quoque assumere, qui non trigesimum annum excederet, quique non professus esset vel pontificium jus, vel civile, vel literas sacras; nec nisi unum eumque hujus generis hominem de cognatione sua eligere; in omnibus autem eligendis sententias Patrum non tacitas in aurem, ut ante, sed ex subselliis ad declinandos errores palam accipere; de majoribus insuper committendis sacerdotiis non nisi in Consistorio sententiis auditis decernere; jus ad ea nominandorum nulli omnino permittere; diplomata etiam non dare, quibus ad alienum arbitrium eadem se collaturum promitteret; si qua essent antea data, uno edicto adimere; non destituere sede sua Episcopum quemquam Abbatemve postulatione ulla principum, nisi et talionem ex juris forma in se ante recipient, auditiq; rei solenni judicio essent; non Cardinalem, remve suam apprehendere, nisi ex Patrum sententiis; non damnare etiam, nisi ex synodali constitutione, cujus est initium *Præsul*; nil porro ex omni Ecclesiæ patrimonio, quod paulo insignius esset, in quemquam distrahere, aut ejus censum minuire, nisi et assenserint Patres, et concessioni subscripserint; iisdem quoque non consulentibus nulli non subdito bellum inferre, aut ad inferendum fœdus quodquam inire; testamenta defunctorum Curialium libera sinere; portoria nova nulla inducere, nec vetera augere; Principi Potentatuique tributum de Clericis sine ratione nullum concedere; arcium custodes jurejurando, vadimoniisque adigere de iis vacante Sede Collegio reposeenti tradendis; eas, quæ essent momenti majoris, solis Clericis, qui tamen suæ cognationis non essent, committere; eundem vero et arcis eundem et præsidem civitatis non facere; Præsidibus provincia decedentibus administratorum omnium judices dare; ducem ecclesiastici exercitus ex suo genere non constituere; nil in diplomatibus factum dicere ex fratrum consilio, quod ad verum consulentibus eis decretum non esset; demum primo quoque mensium omnium Consistorio imperare has leges ad innovandam memoriam ex scripto præsentis se recitari. Additum et his est, ut bis quotannis per Calendas Decembres Majasque Patres seorsum a Pontifice convenientes cognoscerent inter se, an servatæ illæ judicarentur: id si minus factum intelligerent, charitate, quæ filiis in parentes est debita usque ad tertia rememorationis officia, transgressionis et perjuri illum monerent, ad servandumque precarentur. The flatterers of the Pope now persuaded him, indignum, vicariam Christi potestatem humanis conditionibus subdi; ipsumque non tam sui arbitrii, quam alienæ moderationis ministrum videri; quærendam libertatem esse, idque agendum, ut auctoritatem Ecclesiæ apud se, non Cardinales esse omnes agnoscerent. By their advice he adopted the following expedient; novæ quædam leges quasi ex persona Patrum scribuntur, quarum erat obtentus, quod priores illæ cognoscebantur inutiles, induxisse eos has novas, quibus tantum obnoxium esse Pontificem vellent. The cardinals were prevailed upon to subscribe, partly by persuasion, partly by force; only one, Carvajal, persisted in his opposition.

<sup>42</sup> He was excommunicated and deposed, December 23, 1466, and the German princes, together with the kings of Poland and Hungary, called upon to carry the sentence into effect, see Müller's *Reichstags-theatrum*, Th. 2, S. 263 ff. The war was at length begun by Matthias, king of Hungary, A. D. 1468, who had made peace with the Turks for the purpose. Müller, S. 311 ff.

<sup>43</sup> An account of it in *Jacobi Card. Papiensis* comm. lib. VII. p. 438 seq. Müller, Th. 2, S. 319 ff.

Italy the long negotiations with Ferdinand of Naples, who demanded an abatement of the customary tribute, ended in open war,<sup>44</sup> A. D. 1469. In France the efforts of the Pope to procure the formal annulment of the Pragmatic Sanction were foiled by the firmness of the Parliament (1467).<sup>45</sup>

### § 133.

SIXTUS IV. (9 Aug. 1471 to 12 Aug. 1484), INNOCENT VIII. (29 Aug. 1484 to 25 July, 1492), ALEXANDER VI. (11 Aug. 1492 to 18 Aug. 1503).

See *Stephanus Infessura* (Senatus Populique Romani Scriba s. Cancellarius about 1494) *Diarium Romanæ urbis* from 1294–1494 in *Eccardi Corpus. hist. med. ævi*, T. I. p. 1863, and in *Muratorii Scriptt. Rer. Ital.* III, II. p. 1109; in the last several passages are omitted which might have given offence.

*Johannes Burchardus* (of Strassburg, cæremoniarum Magister, from 1503 bishop of Horta, † 1506) *Diarium Curie Romanæ* from 1484–1506. Fragments of the work given by Leibnitz in the *Specimen hist. arcanae s. anecdote de vita Alex. VI. Papæ*. Hannoveræ. 1696. 4to. A fuller, but very inaccurate extract from the part relating to Alexander VI. *Eccard, corpus histor. medii ævi* T. II. p. 2017 seq. An account of the whole work in the *Notices et Extraits des Mss. de la Bibl. du Roi*. T. I. p. 68 seq. The best Ms. extract is that in Munich, see Paulus Sophronizon. Bd. 6. Heft. 1. S. 1. Mittheilungen aus dem Carlsruher Ms. ebendas. S. 6 ff. Bd. 8. Heft 6. S. 96 ff.

The state of morals amongst the cardinals may be judged of by the series of popes who now followed, and whose lives were marked by the most undisguised profligacy and wickedness. Sixtus IV. began indeed with urging on the war against the Turks, as energetically as his predecessor had done, and with as little success.<sup>1</sup> But his chief

<sup>44</sup> *Platina in vita Pauli*, p. 773. *Jac. Card. Pap. comm.* lib. IV. p. 393 seq. lib. V. p. 403 seq.

<sup>45</sup> The Cardinal Jean Balue, who was sent to France on this mission, obtained the wished for edict from the king without difficulty; but when he brought it to the parliament to be registered, it was openly opposed by Jean de saint Romain, Procureur général du Roi: the parliament rejected the edict, and the university appealed to a general council; comp. the *Chronique scandaleuse* in the *Mémoires de Phil. de Comines* ed. par Lenglet du Fresnoy. T. II. p. 66. *Preuves des libertez de l'église* Gall. chap. 13, no. 11. *Bulæi hist.* Univ. Paris. T. V. p. 684 seq.

<sup>1</sup> See the *Vita Sixti IV.* (probably by *Platina*) in *Muratorii Scriptt. Rer. Ital.* III, II. p. 1056: Celebrata coronatione ad rem ecclesiasticam, christianamque componendam animus adjicit. Concilio itaque tantam rem indigere arbitratus, ad Lateranum se id habiturum ostendit, quo bellum Turcis indici commodius posset, quemadmodum Pius Pontifex instituerat, si ei vivere licuisset. At vero dum hac de re maturius consultaretur, Imperator rem Christianam in magno discrimine cernens, Pontificem rogat, ut Utinum habendi Concilium locum idoneum deligat. Sed Pontifex, quum videret Mediolanensium Ducem, aliquotque populos et Italiæ Principes id nequaquam approburos: quumque etiam proventus suos, belli nervos, absente Curia, imminui videret, non sine suspicione tumultus, si ab urbe

ambition was to exalt his low-born family, and to this end he allowed himself to be led on by his nephew Girolamo Riario,<sup>2</sup> to steps which made still worse the distracted state of Italy, whilst they stained his own name, and hindered every undertaking against the Turks. He began with sanctioning the conspiracy of the Pazzi against the Medici at Florence, 1478;<sup>3</sup> and on its failure, in revenge for the death of certain ecclesiastics who had been engaged in it, he bent all the force of his spiritual arms against Florence, and, in conjunction with Naples, of his temporal arms also.<sup>4</sup> The universal feeling of

discederet, Mantuam primo, mox Anconam proponit, quo Imperator venire commode poterat. — Verum quum hac deliberatione rem in longum protrahi videret, Patrum consensu Legatos decernit, Bessarionem Nicanum in Galliam, Rodericum Borgiam Vicecancellarium in Hispaniam, Marcum Barbum in Germaniam Pannoniasque. — Oliverium Carafam Neapolitanum Cardinalem classi maritimæ in Turcas præfecit magna cum impensa. All without effect. The emperor, after many consultations, having desired a new one at the Diet in Augsburg, 1473, and requested that a papal legate might be appointed for the purpose, the Cardinalis Senensis said in the consistory (see *Jacobi Volaterrani* Diarium Rom. in *Muratorii* Scriptt. Rer. Ital. XXIII. p. 94), nullius sibi usus eam missionem videri: conventus illorum esse inanes: decem intra non multos annos habitos, quorum non sit fructus perceptus: hoc autem incommodi nunquam deesse, quod populorum de nobis innovantur lamenta: etenim magnis apparatibus Principes — ad illos accedere, eorumque sumtuum ferendorum causa tributa suis imponere, atque identidem dicere, imperio Romani Pontificis se proficisci, et adjuvari profectorem necessarium esse: ita miseram plebem non suorum Principum, sed nostras injurias lamentari.

<sup>2</sup> According to *Nicol. Machiavelli* hist. Florent. lib. VII. the two brothers, Girolamo Riario, count of Imola, and Pietro R., Cardinal, were the Pope's sons. Of them both see *Raph. Volaterranus* Anthrop. l. XXII. below.

<sup>3</sup> An account of the whole matter in the *Excusatio Florentinorum per D. Barthol. Scalam* dd. 10 Aug. 1478, in *Laurentii Medicis magnifici vita* auct. *Angelo Fabronio* (Pisæ 1784. 4to.) vol. II. p. 167, in which the confession of John Baptist Montesecco, one of the papal Condottieri who had had a part in the transaction, is given word for word. *Raphael Volaterranus* († 1521) *Commentariorum urbanorum Geographia*, lib. V. On the 26th of Apr. 1478, Giuliano de Medici was murdered in the church during the celebration of mass; Lorenzo escaped. The conspirators were put to death by the enraged populace, and the archbishop of Pisa hung at a window of the palace. Compare *Laurentii Medicis magnifici vita* auct. *Angelo Fabronio*, vol. I. (Pisæ 1784. 4to.) p. 58 seq. H. Leo's *Gesch. b. italienischen Staaten*. Th. 4. S. 381 ff. [*W. Roscoe's* Life of Lorenzo de Medici, l. 23 seq., 4th. ed. London. 1800. Tr.]

<sup>4</sup> The bull of excommunication, dd. 1 Jun. 1478 (see *Raynald*, ad h. a. no. 5 seq.) begins with various charges against Lorenzo de Medici, especially the murder of ecclesiastics; and then declares, *quavis* — a prædecessoribus nostris in magnos Principes ob minora facinora acriter sævitum esse conspiciamus, — iniquitatis filios Laurentium, Priores, Vexilliferum, octo de Balia antedictos, and all who had assisted in the murder alleged, to be criminis læsæ majestatis reos, sacrilegos, excommunicatos, anathematizatos, infames, diffidatos, instabiles. Further it orders, eorumdem ædificia in ruinam dari debere, — nullum eis debita reddere, nullumve in judicio respondere teneri, nulli quoque filiorum aut nepotum prædictorum — alicujus aperiri debere januam dignitatis aut honoris ecclesiastici vel mundani. — Quidquid in bonis tunc inveniebatur eorumdem, fisci et Reipublicæ dominio applicatum fore. The city and territory of Florence is put under the Interdict. — The Florentines on the other hand consulted all the most famous Canonists, who advised an appeal to a general council (see *Fabronius* l. p. 81. The opinion of *Franc. Accoltus Aretinus* in his *Consilia* s. *Responsa*. Venet. 1573, p. 174). A synod was then held of all the clergy of Florence, and an appeal

indignation, however, which such injustice called forth, the threats

made to a general council from the Pope (*Machiarelli* historia florent. lib. 8), whilst in a statement drawn up by the bishop of Arezzo, July 23, 1478, it is proved by an accurate account of the affair, and the confession of Giovan Battista Montesecco, that the Pope was a party in the conspiracy, and thereupon his excommunication and interdict declared null and void. This statement was printed at the time, see *Storia della Toscana di Lorenzo Pignotti*. T. IV. (Livorno, 1820. 12mo.) p. 122; published again, though imperfect, under the title *Synodus Florentina contra Sixtum IV.* 1770. 8vo. (the place not given, but somewhere in Italy), and is found with some errors in K. Malchiner's polit. Gesch. der i. J. 1478 zu Florenz gehaltenen grossen Kirchensynode u. des Zwistes dieser Republik mit. d. röm. Papste Sixt. IV. Rotweil. 1825. 8vo. S. 132 ff. *Fabronius* in *Laurentii Medicis* vita, vol. II. p. 136, has given it from the autograph. We read here, p. 139: Causam tam insolentis odii, et inexpectatæ retributionis in familiam de Medicis, quæ semper ei et sedi Apostolicæ servierat, nullam invenimus, nisi quandam perditam carnis et sanguinis revelationem, qua ob comitem illum suum Hieronymum, in cujus manibus nunc Ecclesia Dei est, delirat, furit, et insanit. Habet hic suus Imolam, s. Romanæ Ecclesiæ urbem, quam ejecto Thaddeo Manfredo se tenere post mortem sui Pontificis posse diffidebat, nisi vicinum dominium Florentinum aliquo federe amicitia obligaret. Major autem obligatio inveniri posse non videbatur, quam si suo beneficio præessent, qui in ea Republica primates essent: fieri autem id sine status mutatione non poterat, mutari autem status sine morte Laurentii, et Juliani de Medicis impossibile videbatur. — Hac igitur impellente rabie Comes oblitus omnis humani divinique juris, oblitus beneficiorum, oblitus conditionis suæ, qui cerdo fuerat, stirpem Cosmanam delere aggreditur, etc. p. 144: Sic se res habuit, Christiani lectores, hac de causa, hoc ordine, his mediis tentata everso Florentina est. Per hæc vestigia eum, qui venit, ut vitam habeant et abundantius habeant, Sixtus secutus est. Sanguis optime de Christiana religione meritus per Principem religionis fusus, violata per Pontificem Ecclesia, polluta per summum sacerdotem sacra sunt. Et hæc ne quis ignoret aut excusare possit, confirmat aperto bello, et promulgatis censuris captam conjunctionem sequitur. Eam mulierculam imitatur, quæ vento detectum calvitium ut posteriori veste retereget, nates detexit. In cubiculo suo, ut vidistis, tractata res est, suus Comes Pactios ad necem armavit, suus Cardinalis familiam cædi, præsentiam sceleri præstitit, suus exercitus fideles fines nostros pro Turcis ingressus est. Quis jam non videat, delirum senem his suis promulgatis censuris voluisse notam maculam, lutum stercore lavare? — Sed ad repellendam sententiam ejus — veniamus, etc. — Finally of the murder of the archbishop, p. 156: Suspensus leno, suspensus parricida, suspensus lusor, suspensus proditor, et id in ipsa enormitate criminis, dum fureret populus in proditores patriæ, quorum hic erat caput, dum cives primarii de salute patriæ trepidabant. Archiepiscopus non erat, quem popularis ille furor, dum palatium suum defendit, suspendit: Archiepiscopi enim talia non faciunt. Armatus scuto et ense captus est, invasor curiæ retentus: equis hunc pro Archiepiscopo cognovisset, aut cognitum sacerdotaliter tractasset? Noluissimus ipsum Sixtum sic inventum fuisse a Savonensibus suis. Quod si injiciens manum quocumque modo in Clericum excommunicandus sit, cur non hi, qui manus injecerunt, excommunicantur? Quid miser Laurentius vulneratus et confectus dolore interempti fratris, — de sua vita, de suo statu, de salute patriæ anxius impetitur? Quid additur afflicto afflicto, et pro medela illati vulneris vulnus adjungitur? Estne hæc illa manifesta et rationalis causa, pro qua tantam ferri censuram sacri Canones statuerunt? Est hic gladius ille bis acutus ex ore sedentis in throno procedens, ut laudetur peccator in desideriis animæ suæ, et iniquis benedicatur? Maledicatur innocens, qui pene occisus est: occisor, et proditor patriæ bonæ memoriæ filius appellatur! Hæcine memoria, Sixte Pontifex, tuæ bonitatis et justitiæ? Parricidarumne patrem te Cardinales isti creaverunt? — Perfidia fidem, noentia innocentiam, scelus bonitatem perdidit, et vis ad nomen censurarum benedictum maledictum existimemus? — Cæterum libenter hic intelligeremus ab eo, qui tot tam constanter proponit, unde nunc maledicat, quod modo benedixit. Nonne illa sua vox fuit, cum audivit suspensum fuisse ob proditorem Archiepiscopum et stipatores: *benedicti vos a Domino, qui hominem suspendistis: nunquam voluissimus profecisse eum illi Ecclesiæ!* Nonne etiam mentionem habuit de mittendo Florentiam Legato, qui

of Louis XI. of France,<sup>5</sup> taken in connexion with the peace con-

afflictos consolaretur? Et unde post tam repens exorta in contrarium sententia, tam subito mutata in crudelitatem commiseratio? Nondum erat forsan captus Joannes Baptista (Montesecco), qui sua confessione Sixti occultam voluntatem in apertam necessitatem converteret: vel pendet ab alio, et est Vicarius alicujus hostis nobis ignoti, et hominis, utinam boni, non ejus, qui Ecclesiam suam super firmam petram fundavit. — p. 162. Restat ut sententia nulla sit, quæ nullam habuit judicandi causam, falsum sit judicium, quod mendacio nititur, excommunicatus sit, qui alios excommunicare vult violenter et injuste. Aceperit Spiritum Sanctum, non simoniace sit creatus, qui vocem suam veri pastoris, non hæretici hominis vult haberi. — p. 164. Ad alterum igitur lumen, ipsum scilicet Cæsarem semper Augustum confuginus, id enim Dominus, ut huic nocti præsesset, creavit: Christianissimum Regem Francorum, in cujus tutela Christi Ecclesia est, — invocamus: omnes Principes et populos Christianos implorabimus, ut, quando jam vident, simoniace creatum Pontificem templa, Cardinales, Missas ad homicidia fidelium exercere, Concilium, ad quod appellavimus, amplius non differant, sponsum illius, in cujus sanguine baptizati sunt, a tanta turpitudine liberent. — Abeat itaque Ieno, casta erit mater, angularem lapidem non premat petra scandali, etc. On the 21st of July, 1478, the magistrates of Florence sent a letter to the Pope (first published by Francis Henry Egerton: *Lettre ineditte de la Seigneurie de Florence au Pape Sixte IV.* Paris. Mars, 1814. 4to., reprinted in *Millin Magasin encyclopédique*. April, 1814, see *Pignotti*, T. IV. p. 117. Walchner, S. 159), in which they refute the charges against Lorenzo de Medici. E. g. Ejicere vis nos e civitate Laurentium de Medicis: hujus autem voluntatis Tuæ duas in literis Tuis potissimum causis colligimus, et quod tyrannus noster sit, et quod publico religionis christianæ bono adversetur. Quo ergo pacto, ut primam causam primum diluamus, nos liberi erimus Laurentio ejecto, si tuo jussu erit ejectus? Contraria tuæ literæ loquuntur, quæ, dum libertatem pollicentur, imperando auferunt: et, ut isto te labore liberemus, ejicere nos malos cives Tyrannosque didicimus, et administrare rem nostram publicam sine monitoribus. Redi paulum ad te, beatissime pater, oramus: da locum affectibus, qui sacrosanctam istam sedem, istam gravitatem et sanctitatem pontificalem adeo decorant. Laurentium de Medicis tyrannum clamitas: at nos populusque noster defensorem nostræ libertatis cum cæteris, quos tu arguis, civibus experimur, et una omnium voce appellamus; parati, in quemcunque rerum eventum omnia ponere pro Laurentii de Medicis salute, et civium reliquorum, in qua quidem publicam salutem et libertatem contineri nemo nostrum dubitat. Quod invehuntur in Laurentium illæ literæ liberius, nihil est quod contradicamus in præsentia: veritas ipsa satis contradicet et tua conscientia: hoc tamen fatebimur, beatissime pater, movent risum omnibus nobis, tam inaniter, ne dicamus maligne, conficta audientibus. — Movet te fortasse, et de ea re Laurentium succenses, quod e furentibus populi armis Raphaelem Cardinalem, tuum nepotem, eripi curaverit, et saluum reddiderit! Movet, quod trucidato Juliano, fratre saucius ipse divina potius quam humana aliqua ope sceleratos gladios sacrilegosque parricidarum et mortem evitaverit! Si eadē se passus sit ab missis a vobis efferatissimis satellitibus, si arcem libertatis nostræ, publicum Palatium, captum dolis a proditoribus vestris, non recuperassemus, si trucidandos nosmet, ac magistratus nostros, et cives tradidissemus vobis? nihil modo tecum contentionis habebimus.

<sup>5</sup> See the credentials of the ambassador sent to the Pope, dated 20 Nov. 1478, in the *Preuves des libertez de l'église Gall.* Chap. 13, no. 12. The king complains that whilst they were all threatened by the Turks, the Pope and the king of Sicily were disturbing Italy with dissensions and wars. That he had therefore been induced to assemble the spiritual and temporal peers of his realms in Orleans, and that it had then been resolved, necessarium esse Concilium generale convocari, et sanctissimo Patri nostro Summo Pontifici fore supplicandum, ut — Concilium generale convocari et teneri faceret, — quodque ipse Summus Pontifex exemplo Christi vellet pacem prædicare, et cum dicta illustrissima Liga (Florence and its allies) pacis unionem inire. That therefore the king had sent this embassy, which was at the same time commissioned, casu quo ipse summus Pontifex præmissa facere denegaverit, seu plus debito distulerit, vel aliqua in contrarium præmissorum, aut aliquid contra nos, regnum et regnicolas nostros fecerit, seu in futurum attentare præsumperit, ad intimandum et appellationem ab ipso interjectam in con-

cluded with Florence by Ferdinand of Naples, 1480,<sup>6</sup> and the conquest of Otranto by the Turks (Aug. 4, 1480), at length compelled him to yield.<sup>7</sup> Girolamo next coveted the possessions of the house of Este, which ruled in Ferrara. Sixtus forthwith formed an alliance with Venice, war was declared in May, 1482, and Ferrara, though supported by Naples, seemed on the point of falling.<sup>8</sup> But Girolamo was gained over by Naples,<sup>9</sup> and Sixtus immediately turned round and excommunicated Venice.<sup>10</sup> But the arms of the Republic were

gregatione prædicta Aurelianis, et de novo si opus fuerit appellandum ab ipso summo Pontifice male consulto ad eundem summum Pontificem bene consultum, seu præfatum proximum futurum Concilium universalis Ecclesie. The embassy was admitted to the consistory, Jan. 7, 1479, see *Jacobi Volaterrani*, a contemporary Secretarius Apostolicus, *Diarium Romanum in Muratorii Scriptt. Rer. Ital. XXIII. p. 97 seq.*, and threatened distinctly, that if the Pope did not yield, nullæ vacationes, nullæ pecunie sinerentur ad Apostolicam sedem ex regno illo venire; or according to their declaration in writing, see *Raynald*, 1478, no. 19: quod si non fecerit (Papa), eo ipso petit (Rex) congregari generale Concilium in aliqua civitate regni sui, et illico Pragmaticam indicis Sanctionem, quam servari jubet in regno suo integerrime. Postremo Prælatos, et quasvis ecclesiasticas personas in Romana curia degentes, et in regno suo habentes beneficia ad ipsa beneficia revocat, et per subtractionem fructuum redire compellit. The Pope, it is true, did not yield to their representations (l. c. no. 20 seq.): but the emperor and Matthias of Hungary also recommended peace, whilst the Venetians sought a truce with the Turks in order to help the Florentines (l. c. no. 30).

<sup>6</sup> *Raph. Volaterranus* Geogr. lib. V.: Laurentius cum jam periculum imminere conspiceret, ultro decrevit ad Regis hostis misericordiam confugere. Itaque — itinere per mare Tyrhenum facto Neapolim celeriter adplicuit, ubi humaniter expectare supplex veniam petiit, ac cum Rege annui census pactione transegit, paucisque post diebus incolumis ad suos regressus est, ac bellum dissolutum (peace was made March 6, 1480). Quod factum Pontifex quamquam graviter tulit, quod se neglectum præteritumque viderit: auxiliis tamen destitutus pacem coactus est facere.

<sup>7</sup> The Pope was so much alarmed at the taking of Otranto, that he at first thought of flying to Avignon; he then began to exhort the Christian powers to peace amongst themselves, especially the Italians, and to call on them for help, see *Raynald*, 1480, no. 17 seq. Of the reconciliation of the Florentines with the Pope, see *Raph. Volaterranus*, l. c.: Quamobrem oratores XII. ad eum missi, qui veniam præteritorum peterent ac populum Florentinum communi causa expiarent. — Præsul caput legationis orationem in senatu habuit, veniamque petiit præteritorum. Die deinde dominico primo Adventus (the 3 Dec.) anno 1480 omnes mane in porticum basilicæ Petri conveniunt, Pontificem atque Patres præstolantes. Ibi Pontifex pro foribus templi procumbentes ad genua viritum de more virga converberatos terga expiavit. Ingressi deinde basilicam sacrificio interfuere, quo peracto domum reducti sunt omnium Patrum familiis comitantibus. Nam prius urbem nemine de more obviam procedente ingressi fuerant. This is more fully related by *Jacobus Volaterranus* *Diar. Rom. (Muratori XXIII. p. 113 seq.)*.

<sup>8</sup> *Leo* Gesch. b. ital. Staaten. Th. 3. S. 183 ff.

<sup>9</sup> Amongst the conditions of peace (see *Jacob. Volaterr. in Muratori XXIII. p. 181*) was a stipendium Hieronymo Comiti in annos tres XL. aureorum millia.

<sup>10</sup> *M. Antonius Sabellicus* (teacher of ancient literature in Venice, † 1506) *hist. rerum Venetiarum Decadis IV. lib. II.* (in the *Istorici delle cose Veneziane*, i quali hannî scritto per publico Decreto. in Venezia, 1718. 4to. T. I. p. 842): Percusso cum hostibus fœdere, tentavit Pontifex per literas Venetos ab armis revocare, atque eo suadendo hortandoque perducere, ut Ferrariensi bello omnino abstinerent, restituerentque Herculi Æstensi, quæcunque ad eam diem armis illi ademissent. (This letter, dd. 11 Dec. 1482, in *Raynald*, ad h. a. no. 19). Patres ea denunciatione moti, etsi certi erant, semipartam victoriam nolle abjicere, censuerunt tamen,

so successful that their opponents were forced to make peace without any reference to the act of excommunication (Aug. 7, 1484); and the vexation at this hastened the death of the despised and hated Pope (August 12, 1484).<sup>11</sup> He was succeeded by Innocent VIII.,

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Pontifici respondendum, ac per literas non illi magis, quam toti Italiæ, imo Europæ omnibus demonstrandum: — *Venetos ne injuria quidem lacessitos arma prius induere voluisse, quam belli, quod postea Herculi illatum esset, Pontificem non solum auctorem, sed impulsorem etiam habuissent: nec tum quidem eos a pace multum abhorreere, quin veteri civitatis instituto libenter eam complexuros fuisse, nisi alieno tempore proponeretur, tunc sane, quum jam prope debellatum esset, ac tam indignis conditionibus, ut nil aliud esset illam recipere, quam Venetum nomen omnibus gentibus irridendum exhibere. — Quod ad se attineret, statutum esse, bellum, quod semel summo Pontifice auctore suscepissent, bona ipsius venia ad exitum perducere: quem tam felicem sperarent, quam justa visa esset causa, propter quam illud suspicere debuissent.* Hæc et alia in hanc sententiam Venetus. Pontifex autem, priusini fœderis oblitus, ubi Venetum in sententia perstare vidit, interdicti spiculum in eum detorsit. The bull dd. 23 Maj. 1483, in *Raynald*, ad h. a. no. 8 seq. The interdict was not, however, regarded in Venice. The Franciscans, who attempted it were sent into exile, see *Marinus Sanutus* († about 1535) in his lives of the Doges in *Murator* Scriptt. rer. Ital. XXII. p. 1228. The Venetians went even further, see *Sixti* bulla dd. 15 Jul. 1483 (in *Raynald*, ad h. a. no. 19): accessit in eorum ducali Palatio nonnullis Prælatis ecclesiasticis tunc Venetiis commorantibus, coram eis, ut honestis personis, a monitionibus et mandatis hujusmodi nostris ad tribunal omnipotentis Dei, et ad id, quod de proximo celebrari debere temere affirmare non erubuerunt, futurum generale Concilium appellare, et ut appellatio ipsa per eosdem Prælatos reciperetur, laudaretur et admitteretur, ac tandem ad nostram deduceretur notitiam procurare, et Christifidelibus, Clero et populo — locorum eorum ditioni obtemperantium, quod pretextu appellationis hujusmodi — mandatis nostris obtemperare non tenerentur, — persuadere — non formidarunt. At the same time (*Sabellius*, l. c. p. 858) ad omnes Germaniæ et Galliæ Reges oratores miserant, qui illos ad publicum conventum ipsi Pontifici ac Christiano nomini indicendum impellerent, ubi fas esset de Pontificis injuria queri, fidemque Christianorum omnium adversus illum implorare.

<sup>11</sup> The conditions of peace see in *Sabellius*, l. c. p. 863 seq. The effect produced on the sick Pope, see *Jacobi Volaterrani* Diarium Rom. in *Murator* XXIII. p. 198 seq. *Stephani Infessura* Diarium urbis Romæ in *Eccardi* Corpus histor. medii ævi, II. p. 1938: Deinde undecima die (Augusti) accesserunt ad eum Ambasciatores Potentiarum, putantes forte afferre ei aliquid gaudium, et exposuerunt ei, qualiter conclusa esset pax per totam Italiam. — De quo ipse multum obstupuit, et miratus est, quare pax esset conclusa sine eo, attento, ut ipse dicebat, ipsum debuisset principaliter intervenire. Et cum hoc sapius interrogasset ab eis, et audivisset, quod dicta pax esset conclusa adeo, ut non posset amplius retractari, doluit valde. Et causa doloris communi omnium existimatione hæc fuit, quia semper in omnibus operibus suis animum ostendit suum in hunc finem et propositum, ut aliquem statum, potentiam sive dominium acquireret Comiti Hieronymo. — Putabat modo in hac pacis conclusione, se posse aliquid dicto Comiti acquirere. Et ista de causa intravit in talem confœderationem, et pecuniam Ecclesiæ expendit. Sed postquam vidit, se esse illum, et cecidisse ab hac spe; — doluit valde, ita ut tam ex primo dolore quam ex novissimo infirmatus sit febre. — et — XII. d. Aug. — mortuus sit Sixtus IV. In quo felicissimo die Deus ipse omnipotens ostendit potentiam suam super terram, liberavitque populum suum Christianum de manu talis impiissimi et iniquissimi regis, cui nullus Dei timor, nullus regendi populi Christiani amor, nulla caritatis et dilectionis affectio; sed solum voluptas inhonesta, avaritia, pompa, seu vana gloria semper et continue præcipue viguit, et in consideratione fuit. Hic, ut fertur vulgo, et experientia demonstravit, puerorum amator et Sodomitæ fuit. Nam quid fecerit pro pueris, qui serviebant ei in cubiculo, experientia docet, quibus non solum multorum millium ducatorum donavit redditus, verum Cardinalatum, et magnos Episcopatus largiri ausus est. Nam et non propter aliud, ut dicunt quidam, dilexit Comitem Hieronymum, et fratrem Petrum, ejus germanum, ac post Cardinalem s. Sixti, nisi propter Sodomiam. — Hic avarissimus:



who, in the face of the capitulation which he had signed before the choice,<sup>12</sup> sought chiefly to enrich and exalt his seven illegitimate

namque, ut notum est omnibus, nullum unquam contulit beneficium cujuscunque generis, nisi soluta pecunia. — Interdum etiam subhastabatur, ut nulla habita ratione peccati, bonus an malus, dignus vel indignus, literatus an illiteratus esset, qui plus offerret, beneficium consequeretur. Cardinalatus quoque et Episcopatus vendidit infinitissimos, de quibus hic narrare non expedit. Hic pecuniarum quærendarum causa, quas in bellis et pompis consumebat, multa et inexcogitata in Curia Romana officia adinvenit, et vendidit his, qui Scytharum vocabulo denominabantur Stradioti, Jannizari, et Mamaluchi. Hi officiales habebant varia exercitia in Curia, et ex his lucrabantur, et sine dubio ut ex illis pecunias, quas pro consequendis exposuerant, rehabere possent, citra modum lucrum extorquebant. Hic officia multa in urbe, non citra avaritiæ causam, perpetua et venalia fecit. — Hic gabellam novam imposuit, ut fornarii sive pistoris pro quolibet sacco grani, quod macinandum (to grind) mittebant, ultra consuetam solutionem unum grossum papale solverent. Hic Datium (*dazio*, tax) sub nomine decimæ immoderatum tam a Clericis, quam ab Officialibus exigebat, et quidem sine aliqua misericordia. Fiebat enim præceptum in ostio Ecclesiæ, ut intra certum brevissimum spatium sub excommunicationis et privationis pœna et ultra illam, alias centum, et alias quinquaginta Ducati solverentur: quod si ita, ut ponebatur, derepente non esset solutum, Ecclesia ipsa erat interdicta, et Canonici privabantur. Hic Romæ dum vixit, panis penuriam semper induxit pecuniarum quærendarum causa. Nam emebat granum de messibus per omnes ecclesiasticas regiones uno Ducato: — deinde penuria facta — quatuor vel quinque Ducatis revendebat. Aliquando ex regno Regis Ferdinandi granum fetidum et putridum parvo pretio comparabat, illudque in loco quodam, qui Abundantia vocabatur, — non minori quam tribus Ducatis pro rubio distrahebat. Et quia sæpe contingebat, quod tanta grani multitudo ibi consumi non poterat, inter fornarios distribuere, mandabatque illis, ut sub certa pœna non possent aliud quam dictum suum granum consumere seu operari, pro pretio tamen XL. Carlinorum pro quolibet rubio, quod nisi solverent, statim carcerabantur. Panis vero, qui ex dicto frumento fiebat, erat ater fetidus et abominabilis, et ex necessitate comedebatur, ex quo sæpenter in civitate morbus viguit. Hic pœnas omnes cujuscunque generis ad pecuniam reduxit, ita ut, si ignem quis meritis fuisset, soluta aliqua pecunia liberaretur. — Et tandem tantum vigeat in eo avaritiæ vitium, ut non puderet, nec erubesceret, si aliquando Camera esset debitor alicujus, et ipse debitum promiserit, denegare, et in sua fide deficere, et aliquando, quod clarissimum erat, denegare. — Hic literatorum et bonos mores habentium inimicus, solum illi grati erant mali, etc. *Raphael Volaterranus* Comm. urban. Anthropologia, lib. XXII.: Suorum imprimis amantissimus ac indulgentissimus fuit, quorum causa pleraque præter fas jusque et agebat et concedebat. Petrum ante omnes ejusdem Ordinis (Franciscani) ac patriæ, quem a puero una cum Hieronymo fratre sibi educaverat, ad Cardinalatum usque provexit, virum alioquin natum perduræ pecuniæ: nam biennio, quo tantum postea vixit, ducenta aureorum millia in luxu victitando solum absumpsit, LX. millia æris alieni, argenteorum item CCC. pondo dimisit. Decessit tabidus voluptate annorum XXVIII., opificibus maxime desideratus, quorum officinas novis semper lucris et opibus replebat. Hieronymus vero frater, Forolivii Forocornelique princeps factus, post eum rem omnem Ecclesiæ administravit, vir ingenio severiore ac voluptatibus præter unicam venationem minimum deditus. Xistus itaque post hos fratrum sororumque filios extulit: neque enim alter propinquis fecundior fuit. Enumeration of these advancements, and of the wars, which he carried on ad arma conversus, quibus magis quam religioni natus fuerat. Quum igitur tot tumultibus absumpta pecunia indigeret, nova Collegia primus excogitavit, quæ liceretur. Account of them. Verum hæc seu necessitati, seu verius proximis ac ministris tribuenda, nam eo Pontifice nullus nec animo munificentior, nec in dando hilarior, nec in promovendis hominibus promptior repertus fuit. Manner in which he received foreign princes, and adorned Rome with new edifices.

<sup>12</sup> Which see in *Raynald*, 1484, no. 28 seq. To prevent the Nepotism of the former Popes, no. 30: De parentela et consanguinitate sua non plures quam unum dumtaxat qualificatum (ad Cardinalatum) promovebit; and no. 33: quod arces S.

children.<sup>13</sup> With Ferdinand, king of Naples, he waged two wars till A. D. 1492, and set up Renatus, duke of Lorraine, as his rival for the crown.<sup>14</sup> Though he continued like his predecessors to urge both princes and subjects to arm against the Turks,<sup>15</sup> yet when the knights of Rhodes had given up to him Dschem (in the East called Zizim, or Zemes), the brother and rival of the Sultan Bajessid, A. D. 1489, he preferred, instead of sending him against the Turks at the head of an army, to keep him prisoner, and so extort tribute from the Sultan.<sup>16</sup> So, too, with Alexander VI., the most

Angeli, civitatis vetulae, Tiburis, Spoleti et Casena non concedet alicui de parentela sua, nec Prælato, nec sæculari; sed aliis Prælati et ecclesiastici personis; neque faciet eundem Castellanus et gubernatorem alicujus civitatis. — nec Capitaneatum generalem Ecclesiæ nepoti, nec alicui consanguineo suo concedet.

<sup>13</sup> *Infessura* (in *Murat*, III, II, p. 1189. *Eccard*, II, p. 1947) enumerates the endowments which Innocent was reported to have promised in return, pro habendis vocibus, adding: Quare negari non potest, quin considerata qualitate et vita Viri, qui juvenis et Januensis est, et ex pluribus mulieribus septem filios inter mares et fœminas habet, — ac considerata qualitate electionis, quæ multo deterior fuit electione Xisti, quomodo longe pejora et deteriora non sequantur? On the fourth day after the election Cardinales animo insatiabili et quadam voracitate inter se omnia officia sæcularia tam urbis quam extra urbem diviserunt. The promise, omnia officia et beneficia Romana concedere Romanis civibus, was not regarded. Et sic in ejus principio sequitur vestigia Xi-ti, etsi grave est unicuique fidem fallere, sed magis Principi. Sed non est mirum, si populum Romanum decepit, quia Deum omnipotentem, cui in promotione castitatem vovit et promisit, et tamen post septem filios habuit, turpiter fefellit atque decepit. *Raph. Volaterranus* Comment. urban Anthropologia, lib. XXI.: Xisti deinde secutus exemplum quæstus gratia Secretariorum collegium instituit pristinum numerum augendo; Pontificum etiam primum, qui novum et ipse exemplum introduceret palam liberos nothos jaectandi, ac soluta omni antiqua disciplina divitiis eos omnibus cumulandi. In the contemporary epigram,

Octo Nœcens pueros genuit totidemque puellas,  
Hunc merito poterit dicere Roma patrem,

the number 8 refers probably to Innocent, who was the eighth of that name.

<sup>14</sup> Ferdinand wished to have the annual tribute remitted as it had been by Sixtus IV. The Pope formed an alliance with the discontented Neapolitan barons, and Ferdinand with the Roman house of Ursini. The first war began 1485 (*Raynald*, h. a. no. 38, 1486, no. 1): on the 12th of August, 1486, a peace was concluded on terms favorable to the Pope (*Raynald*, h. a. no. 13), which, however, Ferdinand did not keep. Hostilities were soon recommenced (*Raynald*, 1487, no. 9 seq.), and in 1489 the Pope deposed the king from his throne (*Rayn.* h. a. no. 5 seq.): the peace of 1492 was a renewal of the former one (*Rayn.* h. a. no. 10 seq.), comp. Leo's *Gesch. d. ital. Staaten*, Th. 4, S. 611 ff. S. 617 f.

<sup>15</sup> *Raynald*, 1484, no. 60 seq.; 1485, no. 1 seq.; 1486, no. 60 seq.; 1488, no. 10 seq.

<sup>16</sup> See Jos. v. Hammer's *Gesch. des osmanischen Reiches*, Bd. 2 (Pesth. 1828. Svo.), S. 250 ff. Dschem had fled to Rhodes A. D. 1482, was kept prisoner in France by the knights, and in 1489 delivered over to the Pope, who, under the pretext of making use of him in an expedition against the Turks, had been very urgent to get possession of him. Thus he writes to the duke of Bourbon (*Raynald*, 1485, no. 12): Hortamur nobilitatem tuam, et quanto possumus studio per Redemptoris nostri sanctissimam passionem requirimus, ut pro religione animi tui, et pro communi omnium salute, — [nolueris] pati, ut idem Turci frater ad alias quam nostras manus deveniat: nam si in nostra fuerit potestate, modum et viam adveniēmus, quibus illo tanquam instrumento ad res magnas pro religione Christiana et Dei laude gerendas uti possimus. Of Dschem's entry into Rome, March 13, 1489, and his appearance in the Consistory, see *Infessura* in *Murat*, III, II.

profligate of all the popes (from Aug. 11, 1492),<sup>17</sup> the great object

p. 1224 seq. The Sultan immediately entered into negotiations. The king of Hungary said openly to the papal legate, Angelus Pechinolius (see his account sent to the Pope, June, 1489, in *Justus Fontaninus* de antiquitatibus Hortæ Coloniæ Etruscorum. Rom. 1723. 4to. p. 488): Orator Soldani, qui est Romæ, supplicavit Domino sanctissimo pro parte istius Turci, quod sua Sanctitas sit contenta recipere a Soldano ducenta millia Ducatorum, et quod eum det ad manus Soldani, et sua Sanctitas fuit contenta. Sic misit unum hominem ad Rhodum sub prætextu, quod pro aliquibus fratribus religiosissimis Rhodiensium vadat ad Rhodum: sed inde mutatis vestibus ibit ad Soldanum pro compositione istius pecuniæ et aliarum rerum. — Quantum autem deceat unum Papam ista facere, sua Sanctitas, quæ prudentissima est, potest melius considerare, et quid sint dicturi alii Christiani Princeps, quando ista audierint. The legate could only reply that the Pope would not of course give up Dschem for 200,000 ducats, since the Sultan had already offered 600,000. The king, however, persisted: Domine Legate, si non seit Paternitas vestra, scio ego: et forte, quod plus sunt: sed de ducentis millibus ego sum bene certus. The king had himself wished to get possession of Dschem to avail himself of his help in the wars with the Turks; but as it now appeared that the Pope was about to send him with a Venetian fleet, the king was on the point of making a treaty with the Sultan, being convinced (p. 484): Veneti non in bellum contra Turcum proficiscuntur, sed privata aliqua commoda et privatas eorum passiones ulcisci intendunt; and he said to the legate, without disguise (p. 482): sua Sanctitas vult decimas habere; vere non habebitis: — si portabitis illum Turcum per mare, ego portabo fratrem suum, Turcorum Imperatorem per terram in Italiam. In the mean time, however, the Sultan first made an attempt to poison both the Pope and Dschem, *Infessura*, p. 1232: and after this (*Infess.* p. 1234) an ambassador appeared at Rome in his name, November 30, 1490, with rich presents to the Pope (amongst them the lance, with which Christ's side was pierced, which the Pope received as genuine, notwithstanding it was represented to him that the same thing was already exhibited in Paris and in Nuremberg, see *Burcard* in the *Notices et extraits*, T. I. p. 94), and the offer, quod, si retineret dietum Turcum, pro censu se daturum quadraginta millia Ducatorum pro quolibet anno, quousque ipsum retinuerit. Item obtulit pacem et perpetuam securitatem inter Christianos et Turcas, et quod Christiani de cætero possent ire et redire in terras ejus libere et absque aliquo timore. He stipulated, however, to be admitted to audience with Dschem, declaring, se nolle solvere tributum prædictum, nisi eum oculata fide videret. Et ita dixit se habuisse in mandatis, ne forte diceretur vivus, et mortuus esset. See concerning Dschem, the abbot *Ludovicus Tubero* comm. de temporibus suis (from 1490–1522), lib. VI. § 6 and 7, in *Schwaudtner* Scriptt. rerum Hungaricarum. T. II. p. 214 seq. He relates, § 7, first, the unsuccessful attempts of the king of Hungary to get possession of the Saracen prince, sperans, si Genium in potestate haberet, non solum facile consecuturum, ut Bajazethes intra fines suos sese contineret, atque invalidior viribus fieret (certo enim sciebat, Genium a popularibus studio, ut fit, novarum rerum valde desiderari); verum etiam se bonam Imperii partem eo facto Turcis ademturum: quippe arbitrabatur, Bajazethem fraterno metu nullam pacis conditionem ab se dietam recusaturum. Then he continues: Non ita multo post Innocentius VIII. Pontifex Romanus et sibi amplum fore putans, Regem Turcum tributarium habere, et tanto auro, cujus quidem sacerdotes hac tempestate maxime avidi sunt, potiri cupiens, oblata Rhodiorum Principi dignitate, qua Cardinales sacerdotes Romanæ Ecclesiæ insigniti sunt, agit eum illo, ut Turcam sibi traderet. Rhodius, non parvum fortunæ suæ additamentum existimans, in collegium Cardinalium cooptari, accepta conditione hominem suæ fidei commissum hujuscemodi facile permutat magistratu. Itaque vidimus, si Deo placet, non pecunia modo, quod jam solemne est, sed etiam perfidia atque humano sanguine sacerdotia apud Christianos parari, si Christiani appellandi sunt, qui nihil præter nomen habent Christianorum.

<sup>17</sup> Notwithstanding the urgent admonitions of *Leonellus* Episc. Concordiensis (see *Raynald*, 1492, no. 24 seq.) and the *Bernardinus Carvajal* Episc. Paensis (in *Martene* thes. anecd. II. p. 1774 seq.), all the cardinals, except five, suffered

of his schemes was to heap honors and riches on his five illegitimate children, and especially on his favorite Cæsar Borgia.<sup>18</sup> Charles VIII. of France having undertaken to support the claims of the house of Anjou to the throne of Naples, Ferdinand, the reigning king, and after him († 25th Jan. 1494) his son Alphonso II. gained over the Pope by favors conferred on his sons,<sup>19</sup> so that he threatened Charles with excommunication,<sup>20</sup> and even sent for aid to the Turks.<sup>21</sup> But

themselves to be bribed by Rodericus Borgia to give him their votes, and he now ascended the papal throne under the name of Alexander VI., see *Infessura* in *Eccard* II. p. 2008 seq.

<sup>18</sup> Thus on the 10th of June, 1493, he married his daughter Lucretia to Alexander, lord of Pesaro, after separating her from her husband, whom he contented with a large sum; celebrating the nuptials with great festivities in the papal palace, and not, as it is said, with the greatest decorum; see *Infessura* in *Eccard* II. p. 2011 seq. *Infessura* remarks: Alexander consuetudinem jam ceptam per Innocentium de maritanda prole fœminina prosecutus est et ampliavit. Incumbit igitur Clerus omnis, et quidem cum diligentia circa sobolem procreandam. Itaque a majori usque ad minimum concubinas in figura matrimonii, et quidem publice attinent. Quod nisi a Deo provideatur, transibit hæc corruptio usque ad Monachos et Religiosos, quanvis Monasteria urbis quasi omnia jam facta sint lupanaria, nemine contradicente. *Raphael Volaterranus* comun. urb. Anthropologia, lib. XXII.: Alexander deinde nihil prius habuit quam Innocentii exemplo suos nothos honoribus, verum longe majoribus extollere, quando jam res hæc honori et gloria cupit esse. Itaque *Lucretiam* filiam prius Jo. Sfortiæ Pisauriensi Principi locavit, deinde abdicatam (forsaken by her husband, see *Machiavelli* hist. Fragmente, translated by Leo, S. 114) Aloisio Aragoni Alfonsi Regis filio notho, quo demum interfecto Alfonso Estensi Ferrariæ Duci, cum quo adhuc perseverat. Ex filiis vero alterum minorem natu in regno Siciliae Principem fecit (see note 19) alium *Cæsarem* Cardinalem (1493. *Ludov. Tubero*, lib. VIII. § 15: vix puberem Cardinalem designavit, ementitus, non ex se genitum esse, sed ex viro, cujus uxorem, quod satis constat, ipse adulteraverat), majorem quoque in Hispania ducem (John Borgia of Arragon, duke of Gandia, to whom he furthermore gave, 1497, the dukedom of Benevento, see *Burchardus* in *Eccard* II. p. 2081).

<sup>19</sup> Leop. Ranke's *Geschichte der romanischen u. germanischen Völker* from 1494 to 1535, Bd. I (Leipz. and Berlin. 1824), S. 30. Leo's *Gesch. v. Italien*. Th. 5, S. 71 ff. Thus Giuffredi Borgia married a natural daughter of king Alphonso, and received the principality of Squillace as her dower.

<sup>20</sup> Of the Pope's attempts to prevent Charles from interfering in the affairs of Italy, see *Raynald*, 1494, no. 15 seq. After Alexander had bestowed Naples on Alphonso, the French ambassador appealed in the Consistory to a general council; the Pope, on the other hand, maintained his right to decide the matter, l. c. no. 18, and threatened to follow the example of Pius II. in Mantua, who had punished a similar appeal with the anathema (l. c. no. 20).

<sup>21</sup> In July, 1494, the Pope had a meeting with Alphonso, king of Naples, in Vicovarium, after which both of them sent embassies to the Sultan (*Burchardi* Diarium in *Eccard* II. p. 2017, and *Raynald*, 1494, no. 21). The papal ambassador was taken, however, and the instructions found upon him. These, with five letters of the Sultan to the Pope, see in *Burchardi* Diarium in *Eccard* II. p. 2053 seq., and in the *Mémoires de Phil. de Comines*, nouvelle édition par Messieurs Godefroy, augmentée par M. l'Abbé Lenglet du Fresnoy. T. IV. P. II. (Londres et Paris. 1747. 4to.) p. 47 seq. The five letters of the Sultan are also in the *Fundgruben des Orients*, Bd. 5 (Wien. 1816. fol.), S. 183 (all these editions from different Mss.). The papal instructions, dated June, 1494, encharge the Nuntio, George Boccardo, Magnus Turca, to explain to the Sultan Bajazet, qualiter Rex Franciæ properat cum maxima potentia terrestri et maritima — huc Romam veniens eripere e manibus nostris Gem Sultan, fratrem Celsitudinis suæ, et acquirere Regnum Neapolitanum, — sed etiam in Græciam transfretare, et patrias Celsitudinis suæ debellare. — Et cum nobis opus sit resistere, — cogimur

on Charles' appearance at Rome (Dec. 31, 1494), the Pope at once deserted to him, delivering into his custody the prince Dschem, whom, however, he soon after provided for by poison, that he might

ad subsidium præfati Sultan Bajazet recurrere, sperantes in amicitia bona, quam ad invicem habemus, quod in tali necessitate juvabit nos: quem rogabis, et nomine nostro exhortaberis, ac ex te persuadebis cum omni instantia, ut placeat sibi quam citius mittere nobis Ducatos quadraginta millia in auro Venetos pro annata anni præsentis, quæ finiet ultimo die Novembris venturi (the annual sum paid for Dschem). As the help of the Venetians was very important, persuadebis et exhortaberis Majestatem suam, quam tenemur certiores reddere ob veram et bonam amicitiam, quam habemus ad invicem, ne patiatur aliquod interesse, ut statim mittat unum Oratorem ad Dominium Venetorum: — quos exhortetur et adstringat, quod pro quanto cari pendant amicitiam suam, debeant esse adjumento et defensionis nostræ et Regis Alfonsi terra marique. — Denotabis pariter magno Turco adventum Oratoris magni Soldani (the Sultan of Egypt) ad nos cum litteris et muneribus, quæ transmisit nobis, — et promissiones, quas nobis fecit de magno thesauro, ac de multis aliis rebus (for the delivery, namely, of Dschem): significabis Majestati suæ intentionem nostram, in quantum sibi promisimus, firmiter tenebimus, et nunquam contraveniemus in aliqua re: imo nostræ intentionis est accrescere et meliorare nostram bonam amicitiam. Bene gratum nobis esset, et de hoc multum precamur et hortamur D. Serenissimum, quod pro aliquo tempore non impediatur Hungarum, neque in aliqua parte Christianitatis, et maxime in Croatia et civitatibus Ragusiæ et Leguæ: quod faciendo et observando nos faciemus, quod Hungarum non inferat ei aliquod damnum, et in hoc Majestas sua habeat compassionem complacendi nobis, attento maxime motu Francorum, et aliorum Principum. Quodsi in bellando perseveraret, habeat pro comperto sua Magnitudo quod in ejus auxilio essent quam plures Principes Christiani, et doleret Majestatem suam non fecisse secundum consilium nostrum, quod damus sibi primo ex officio, quando simus pater et dominus omnium Christianorum, postea desideramus quietem Majestatis suæ ad bonam et mutuam amicitiam: quoniam si aliter Majestas sua statueret prosequi et molestare Christianos, cogremur rebus consulere, cum aliter non possemus obviare maximis apparatus, qui fiunt contra Majestatem suam. In the answers of the Sultan, all dated September 15 and 18, 1494, the following remarkable things are found. In the fourth: Notum sit Tuo supremo Pontificio, quemadmodum Rev. Dominus Nicolaus Cibo Archiepiscopus Arelatensis est dignus et fidelis homo. — Hujus igitur rei causa justum est a vobis decerni, majori in ordine ipsum esse debere: unde et rogavimus dictum supremum Pontificem (Innocentium VIII.), ut faceret illum Cardinalem, et assensus est nostræ petitioni. — Verum quia non erat tempus, id est Septembris mensis, non sedet in ordine suo. — Ea de causa scribimus et rogamus Tuam Magnitudinem, — ut adimpleat ipsi Tuum Pontificium, videlicet ut faceret ipsam perfectum Cardinalem. In the fifth: Inter alia mihi retulit (*Georgius Bussardus*), quomodo Rex Franciæ animatus est habere Gem fratrem nostrum, qui est in manibus vestræ Potentiæ; quod esset multum contra voluntatem nostram, et vestræ Magnitudini sequeretur maximum damnum, vosque et omnes Christiani paterentur detrimentum. Idcirco una cum prædicto Georgio cogitare cœpimus: pro quiete, utilitate et honore vestræ Potentiæ, et adhuc pro mea satisfactione bonum esset, quod dictum Gem meum fratrem, qui subjectus est morti et detinetur in manibus vestræ Magnitudinis, omnino mori faceretur, quod, si vita careret, esset et vestræ Potentiæ utile, et quieti commodissimum, mihi que gratissimum. Et si in hoc Magnitudo vestra contentabit complacere nobis, prout in sua prudentia confidimus facere velle, debet pro meliori Suæ Potentiæ, et pro majori nostra satisfactione, quanto citius poterit, illo meliori modo, quod placebit Vestræ Magnitudini, dictum Gem levare facere de angustiis istius mundi, et transferri ejus animam in alterum sæculum, ubi meliorem habeat quietem. Et si hoc adimplere faciet Vestra Potentia, et mandabit nobis corpus suum in qualicumque loco citra mare nostrum; promittimus Nos Sultan Bajazet superscriptus in quocumque loco placuerit Vestræ Magnitudini Ducatorum trecenta millia ad emenda filijs suis aliqua dominia, quæ Ducatorum trecenta millia consignare faciemus illi cui ordinabit Vestra Magnitudo, antequam sit nobis dictum corpus datum, et per vestros meis consignatum. Adhuc promitto Vestræ Potentiæ, quod vita mea comite et quamdiu vixero, habe-

not forfeit the promised price of his death from the Sultan.<sup>22</sup> In March, 1495, the Pope again formed an alliance with the emperor and the king of Spain, in order to drive the French out of Italy.<sup>23</sup> It was not long, however, before he quarrelled with the new king of Naples, Frederick, the brother of Alphonso II., on account of his refusal to comply with the insolent demands of Cæsar Borgia,<sup>24</sup> and once more made overtures to the king of France, Louis XII. Nothing was now impossible at Rome. The cardinal Cæsar Borgia was released from clerical vows,<sup>25</sup> and Louis XII. divorced from his queen.<sup>26</sup>

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binus semper bonam et magnam amicitiam cum eadem Vestra Magnitudine sine aliqua deceptione, et eidem faciemus omnia beneplacita et gratias nobiles. The Sultan promises also to molest the Christians no further, and confirms all these promises by a solemn oath.

<sup>22</sup> *Burchardus* in *Eccard* II. p. 2666, more correct in *Raynald*, 1495, no. 12: Feria quarta, vigesima quinta Februarii Gem, frater Magni Turcæ, qui nuper Regi Francorum per sanctissimum Dominum nostrum ex pacto et conventionem inter eos stipulatis fuerat consignatus, in civitate Neapolitana et castro Capuano ex esu sive potu naturæ suæ non convenienti vita est functus, cujus cadaver deinde ad instantiam et preces magni Turcæ eidem magno Turcæ cum tota defuncti familia missum est, qui propterea dicitur magnam pecuniarum summam persolvisse seu donasse, et familiam ipsam in gratiam recepissee. *Ludovicus Tubero* (see note 16), lib. VI. § 7, in *Schwaadtner* II. p. 216: Mortuo Innocentio Alexander, Pontificatum pecunia adeptus, Gemium in Caroli VIII. Francorum Regis, tunc Neapolitanum regnum petentis, coactus — permisit potestatem, dato ei prius veneno haud quidem præsentaneo, sed quod ad occultandam facinoris invidiam aliquot diebus mortem protraheret. Ferunt autem, hunc Pontificem adeo deplorata vita, atque ad extremum perditum fuisse, ut omnia sacra pretio venderet. Quosdam insuper Cardinales divitiis notos veneno sustulisse dicitur, quo eorum pecuniis liberorum suorum ex adulterio susceptorum fortunam augetet. Quare ejus ætate per totum fere Christianum orbem hi versiculi passim decantabantur:

Vendit Alexander claves, Altaria, Christum:  
Emerat ista prius, vendere jure potest.

Unde omnibus persuasum est, ipsum Pontificem, qui verius Carnificis nomen obtinere debuit, Venetis quoque non solum consciis, sed etiam internuntiis, propter simultatem, quam cum Rege Carolo habebant, ingentis pecuniæ pactione ad hoc seclus a Bajazethæ esse inductum, qui quidem in securitatem suam — fratrem e medio tolli magnopere optabat. Atque in hunc maxime modum Christiani, Turcis præsertim finitimi, a quibus minime oportuit, pene prodiiti sunt. Nam Bajazethes, domestico metu liberatus, statim animo consilia volutare cœpit Christianos aperte oppugnandi, atque opportunitate rerum gerendarum, quæ ad illam diem haudquam patnerat, uti. Comp. *Hammers*'s *Gesch. des osman. Reiches*. Bd. 2, S. 277.

<sup>23</sup> L. Ranke's *Gesch. der roman. u. german. Bölker* v. 1494 — 1535, Bd. 1, S. 62 ff. Leo's *Gesch. v. Italien*. Th. 5, S. 96 ff.

<sup>24</sup> John Borgia was murdered four weeks after he had been made duke of Benevento (see note 18), as is expressly related by *Lud. Tubero*, lib. VIII. § 15, *Machiavelli* († 1527. *Hist. Fragmente von Nicolo di Bernardo dei Machiavelli*, translated by H. Leo, Hannover. 1828. Svo. S. 115) and *Guicciardini*, lib. III., by order of his brother, Cæsar Borgia, whose object it was, from this time forward, to free himself from the trammels of his ecclesiastical character, and to take his brother's place. Thus he demanded of king Frederick his eldest daughter to wife, and the principality of Tarentum as her dowry; see *Machiavelli*, l. c. S. 159. *Guicciardini*, lib. IV. Ranke, S. 169 ff.

<sup>25</sup> *Burchardus* in *Eccard* II. p. 2096: Feria sexta, decima tertia Augusti (1498), in secreto Consistorio Dominus Cardinalis Valentinus proposuit, se ab ineunte ætate inclinatum semper fuisse statui sæculari, sed Sanctissimum Dominum nostrum voluisse, ut se daret statui ecclesiastico, et ad Ordinem se promoveri

In gratitude the latter created Cæsar, duke of Valentinois (1498), and furnished a large army to enable him to subdue one by one the powerful vassals of the territories of the church, and from their possessions to form for himself a principality.<sup>27</sup> At the same time Naples was conquered

Diaconatus, ejus voluntati se opponere visum non est. Cum autem omnis ejus voluntas et inclinatio sit adhuc ad statum sæcularem, supplicavit, S. D. N. dignaretur cum singulari clementia prosequendo secum dispensare, ut dimissis habitu et dignitate ecclesiastica liceat ei redire ad sæculum, ac matrimonium contrahere. Et Reverendissimos Dominos Cardinales rogavit, quatenus hujusmodi dispensationi consentire vellent, et cum eo S. D. N. supplicare. — Cardinales omnes communiter concorditer voto remiserunt dispensationem hujusmodi arbitrio et voluntati ejusdem S. D. N. *Lud. Tubero*, lib. VIII. § 15, in *Schwaudtner* II. p. 282: Hoc parricidio (the murder of his brother, see above, note 24) admissio Cæsar Cardinalatu, quem a patre ultro oblatum non religionis studio, sed spe, ut plerique faciunt, opulentioris fortunæ acceperat, sese sponte abdicavit, palam professus, se a Pontifice progenitum, et ob id tanto nequaquam idoneum sacerdotio: aequè ac majus flagitium esset, illegitime natum summum sacerdotium obtinere, quam sacris Deoque dicatis pecuniis, ac in hospitalitatem absumentis abuti, atque his ipsis regna, pulsus justis regibus, per nefas parare. Immediately after, A. D. 1500, the Pope appointed him Capitaneus Generalis et Confalonarius S. Romanæ Ecclesiæ, *Burchard*, p. 2115.

<sup>26</sup> Louis, duke of Orleans, succeeded his cousin, Charles VIII., in April, 1498. *Ludov. Tubero*, lib. VII. § 14, in *Schwaudtner* II. p. 254: Qui (Ludovicus Aurelianensis) quidem una cum regno uxorem etiam ipsius Regis in matrimonium accepit, prima conjuge novo inter Christianos exemplo repudiata, apud quos sane conjugium non nisi morte alterius dirimitur. Ferunt autem, Aurelianensem hoc consilio tantum facinus Alexandro VI. Romano Pontifice annuente admisisse, ne scilicet a Francorum regno Armoricæ civitates, quas gentes nunc Britones vocant, ad imperium et jus Aure uxoris Caroli spectantes, deficerent, si illa alium virum sibi matrimonio adjungeret. Hæc enim mulier, nulla in domo paterna virili sobole superstitè, Britonum regionem hæreditario jure obtinebat. Nec mirum, si tales nuptiæ ab Alexandro VI. Romano Pontifice permissæ sunt; cum et ipse Alexander filiam suam, ex quadam adultera susceptam, atque cum Principe Pisaurienisum matrimonio conjunctam (see note 18), e viri thalamo adversus leges pontificias abripuerit, atque alii in matrimonium, sola fortunatoris conjugii spe, dedit. — The pretended grounds for the divorce, and other circumstances of the transaction, see in *Machiavelli's* hist. Fragmente, translated by Leo, S. 154.

<sup>27</sup> *Raph. Volaterrani* comm. urb. Anthropologia. lib. XXII.: Post ejus (John Borgia) mortem Cæsar Cardinalis spreto sacerdotio ejusque ordine, cupidus domnandi se ad Ludovicum Galliæ Regem cum magna vi auri ac suppellectilis contulit, ejusque propinquam de Lebreto (Charlotte d'Albert, sister of the king of Navarre) in matrimonium una cum oppido Valentia accepit. Regis deinde auxilio perpetuoque fœdere multum in Italia sibi ditiosis paravit, Æmiliam imprimis omnem præter Bononiam ejectis partimque necatis antiquis familiarum possessoribus (from which the Pope formed for Cæsar the dukedom of Romagna, A. D. 1501), in Etruria Populinum, in Piceno Camerinum, Senogalliam, Urbinum, quod ex omnibus per conditionem cepit. Nam cum ut hospes et amicus a Guidone Duce cum exercitu apud Callium exciperetur, extemplo dato signo urbem eam corripuit: inde prope Urbinum invadi mandat. Guido vero cum non satis virium improvisus ad resistendum haberet, ne in manus hostis perveniret, statim relictis omnibus nocte sequenti paucis comitibus ad sororium suum Mantuam aufugit. Pontifex interim Roma supplementa res agentis mittebat, una tantum cogitatione occupatus, quoniam modo eum maximum Principum constitueret: eapropter in animum induxit proceres urbi finitimos alia atque alia de causa prorsus omnes extinguere: cepitque a Cajetanis, vetusta familia, qui nonnulla apud Volcos oppida possidebant, Jacobum Protonotarium ex ea gente Honorati filium carcere inclusum necavit, adolescentemque unicum Colæ filium familiæ superstitem absentem trucidari jussit, Coluaniensium deinde Gallorum auxilio expulso imperium omne invasit. Quod reliquum erat cum ad Ursinos anhelaret, nec satis causæ

by the combined forces of France and Spain, with the connivance of the Pope (1501),<sup>28</sup> but in 1507 fell to Spain exclusively.<sup>29</sup> During all this Alexander's aim was, by the sale of benefices, and of absolution, by the exercise of the right of spoil, and the tribute from the Turks, also by the murder of wealthy individuals and others who stood in his way, to get together as much as possible for the support of his luxurious court, and for his children.<sup>30</sup> At last his career was

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haberet, occasionem est nactus, quam optanti hominum promittere nemo potuisset, ipsa dies jam obtulit ultro. Contigit nempe, ut ipsimet Ursini tantos Cæsaris successus tantamque imperandi cupiditatem adspicientes sibi quamque amicis timerent, ne cunctis jam sublatis ipsi quoque delerentur. Itaque cum his, qui pari formidine adiciebantur una conspirant. Erant autem hi Joannes Bentivolius, Joannes Paulus Balio Perusinus, Vitellocius Tifernas, Liberocetus Firmanus, Pandulfus Petrucius Senensis, Baptista Cardinalis et Paulus Ursini. Qui omnes prope Perusiam concilio facto contra Cæsarem conjurant, e vestigioque irruptione facta Urbium recipiunt et Camerinum, cohortesque Cæsarianas quæ ad succurrendum mittebantur in itinere adligunt, aliaque Æmiliæ oppida tentare continuo festinant. Pontifex hoc accepto nuntio magnopere commotus omni studio placare sibi Ursinos imprimis conabatur, quod facile cunctos ipsorum sperabat auctoritatem secuturos. Itaque omni pollicitatione, humanitate, conditioneque delinitis in suam sententiam adduxit. Illi conciliati jam capta restituerunt, de novoque Senogalliam Cæsari acquirunt, ubi Paulus et Gravina dux Ursini, Vitellocius et Liberocetus una convenerunt. Cæsar igitur, qui Forocornelii se continebat, opportunum tempus se vindicandi ratus, eo cum exercitu Vasconum de improvviso proficiscitur; illi obviam inermes procedentes veniam petunt præteritorum: humaniter excepti sunt, custodiæque interim clam adhibitæ, ne fugere possent. Itaque jam deducendi officio functi cum discedere vellent, simulatione simul colloquendi restare jussi sunt. Cum in conclave venissent, extemplo clausa janua, et a militibus ad hoc ordinatis capti Vitellocius et Liberocetus eodem die strangulati, paucis post diebus reliqui (Dec. 1502, Jan. 1503). Nec mora, Perusia Tifernumque ejectis Vitelliis ac Balionibus Pontifici sese dederunt. Pontifex interea Romæ ubi per nuntium celerem noctu captos hos esse accepit, Cardinalem Ursinum, quem multa prius blanditiæ speque securum reddiderat, mane hortatur ad Palatium venire, fingitque Columnenses prope urbem adesse, pontesque cepisse. Ille credulus ubi obtemperavit, capitur et in molem Hadriani conjicitur cum Abbate Alviano Ursinarum paritum. Præsul vero Florentinus et Jacobus Sanctacrucius eadem hora capti in Palatio sunt custoditi. Sanctacrucius postera die dimissus vadibus datis, consentiente Cardinale, ad oppida Ursinorum Pontifici adsignanda: ipse vero Cardinalis paucis post diebus est elatus, causa mortis omnibus facile judicata (*Burchardus* in *Eccard* II. p. 2150: biberat, ut vulgo aestimabatur, calicem ordinatum, et jussu Papæ sibi paratum. — Papa commisit socio meo, ut haberet curam funeris defuncti. Ego nolui interesse: nolui enim sapere plusquam oportet). *Comp. Guicciardini*, lib. IV. *Ranke's* *Gesch. der roman. und german. Völker*. Bd. 1, S. 173 ff. 201 ff. *Leo's* *Gesch. v. Italien*. Th. 5. S. 133 ff. 147 ff.

<sup>28</sup> *Ranke*, S. 179. *Leo*, Th. 5. S. 141 ff.

<sup>29</sup> *Ranke*, S. 195 ff. 207 ff. *Leo*, Th. 5. S. 157 ff.

<sup>30</sup> In 1502 a letter was sent from Germany to Rome, addressed to Sylvius de Sabellis, who had been plundered by the Pope, which is given by *Burchardus* in *Eccard*. II. p. 2144 seq. Sylvius is exhorted to make no more applications to the Pope. Hæc tibi in publicis Principum conventibus enarranda, hæc committenda pluribus exemplis atque per omnium manus tradenda sunt et disseminanda: frustra queri Christianam religionem de Mahometo antiquo ejus hoste, — cum iste novus Mahometus omni criminum fœditate illum longe superaverit: — venisse tempora, quibus jam Antichristus — appareat, neque enim ullum omnino unquam nasci aut excogitari potuisse, qui apertior Dei hostis, Christi oppugnator, fidei et religionis subversor inveniretur. Jam beneficia et dignitates ecclesiasticas — publica venditione dissipari, et illis solummodo cedere, qui aperta emptione plus pecuniarum quam cæteri largiuntur. — Omnia jam apud Pontificem esse venalia, dignitates, honores, matrimoniorum



worthily closed by poison which he had destined for a cardinal, on whose fortune he had designs (18 Aug. 1503).<sup>31</sup>

copulas, eorundem solutiones, divortia et repudia uxorum. — Nihil esse jam scelerum aut flagitiorum, quod non Romæ publice et in Pontificis domo committatur: superatos esse Scythas latrocinii, Pœnos perfidia et sævitia Neronis et Cajos: nam cædes, rapinas, stupra, et incestus referre, innumeri et infiniti prope operis foret. — Longum esset prosequi, — qui vel interfecti, vel vulnerati, vel vivi in Tiberim dejecti, aut veneno consumpti sunt: quorum cum sit infinitus numerus, et in dies crescat perniciēs; — nemo in urbe est etiam privatæ fortunæ, qui sibi et suis jam non timeat. Quis horrenda libidinum monstra enarrare non formidet, quæ aperte jam in illius domo et spreta Dei atque hominum reverentia committuntur; quot stupra, quot incestus, quot filiorum et filiarum sordes, quot per Petri Palatium meretricum, quot lenonum greges atque concursus, prostibula atque lupanaria. FERIA NOVEMBRIS solemnibus omnium sanctorum ceremoniis dedicata quinquaginta meretrices urbanæ ad convivium in Palatium vocatæ sædissimum et detestabilissimum spectaculum præbuere: et ut ad irritandum exemplum non deessent, acuitata est sequentibus diebus in publicum spectaculum equa, quæ spectante cum filiis Pontifice intronissos admissarios nimio Veneris ardore concitatos in furorem et rabiem converteret (see an account of these enormities by *Burchardus*, p. 2134). Nihil esse jam auri, quod non ex omnibus populis Christianis ad filiorum luxum summa aviditate conquiratur. Propositum est in Turcas bellum publicare: ob eam speciem per omnes urbis basilicas preces indictæ, et venditæ exteris civitatibus erratorum indulgentiæ: ut scilicet ex hac conquisitione largos sumptus suppeditarent, ut esset, unde filia Pontificis gemmis atque auro onerata, pompam et Romanæ Ecclesiæ tributa secum trahens, luxu inaudito ad maritum accederet; unde bellum antiquis civitatibus et veris Dominis inferretur. Pulsos esse sedibus veteres incolas, maximam urbis nobilitatem proscriptione atque exilio ablegatam, antiquos Latii dominos suis fortunis et possessionibus privatos, ut ex eorum cladibus Pontificis idem filii et nepotes, ex incestuoso partu adhuc in cunis vagientes, ad regna et opes promoverentur.

<sup>31</sup> *Guicciardini*, lib. VI. *Ludov. Tubero*, lib. VIII. § 15, in *Schwandtner* II. p. 283. *Petrus Bembo* (cardinal, † 1547) hist. Venet. lib. VI. p. 218. Comp. *Paulus* in *Sophronizon*, Bd. 8. Heft. 5. S. 8 ff. Of Alexander's character, see *Raph. Volaterranus* Anthropol. lib. XXII.: In Alexandro, ut de Annibale Livius scribit, æquabant vitia virtutes. Inerant namque ingenium, ratio, cogitatio, memoria, diligentia, eloquentia vero quædam naturalis, et ad persuadendum apta, ut nemo rem cautius propeneret, aut acrius defensitaret, seu quovis cuperet impelleret, sese unum omnium animis adcommodando: cum jucundis de remissione, cum severis de disciplina, cum patribus de republica loquebatur. Suos adversarios placabilitate ac patientia devinciebat: nam eorum, qui de numero Patrum exulabant, quosve suspectos habuerat, nihil de pristina dignitate detraxit; Gallorum animos contumacissimos ita sedavit, ut amicissimi discederent; in tanta procerum Romanorum vastatione, quod sane incredibile, nullum in urbe tumultum, nulla sensimus arma: omnia ipse obire, parum in rebus arduis cuiquam fidere. — Idem in otio solutissimus, in metu constantissimus: nunquam negotia seu legationes audiendas voluptate prævertit, res in multam noctem protrahebat, brevissimi somni cibique. Artes liberales, si non colebat, admirabatur, juris præsertim scientiam ubi esse contingeret. Salaria doctoribus, stipendia militibus, mercedem operariis nunquam est differre, nedum auferre, visus, cujus rei gratia exercitum, quem magnum sæpe nutriebat ductore filio, fidelissimum habuit: brevique tempore ac negotio totam fere Æmiliam, quæ tributa non exsolverat, ei subegit. In annonæ difficultate, quæ bis contigit, advecta e Sicilia magna vi frumenti ita diligenter urbi providerat, ut plebes nullum fere sentiret incommodum. Has igitur animi dotes magnis obruerat vitiis, quæ narrare non attinet: tantum referam, quæ vulgus adspexit. Si quando rerum fascæ non premeretur, omni se remissionis generi sine discrimine dedit: quapropter comœdias Plautinas, cæteraque ludicra libenter spectavit, frequenterque in Hadriani molem ventitabat, ut palam personatos per eorum ferias, ac omnes dies festos si quid elegantius in hominum genere per viam præteriret, propius adspiceret. In nuptiis filiæ, quæ ad virum Ferrarium profectura erat, equestres ludos et venationem in Vaticano extra ordinem dedit. In urbe gladiatorum nunquam licentia major, nunquam populo Romano libertas

## § 134.

PIUS III. (22 Sept. to 18 Oct. 1503), JULIUS II. (31 Oct. 1503 to 21 Feb. 1513), LEO X. (11 March, 1513 to 1 Dec. 1521).

*Paris de Grassis* (from 1504 Magister ceremoniarum, from 1513 bi-hop of Pesaro, † 1528) *Diarium curiæ Romanæ* from 1504–1522. (Excerpta therefrom in *Raynald* and *Roscoe*; from 1517 in *Mabillon Museum Ital.* II. p. 587; from 1518–1522 in *Hofmanni nova Scriptorum ac Monument. collectio.* T. I. p. 395 seq. Description of the whole in *Notices et extraits des Mss. de la Bibl. du Roi.* T. II. p. 546 seq. Perfect Mss. also in Wolfenbüttel and Munich, see *Sophronizon* VI. 1. S. 3 ff.)

The Life and Pontificate of Leo the Tenth, by *William Roscoe.* 4 vols. Liverpool. 1805.

After Alexander's death the newly formed principality of Cæsar Borgia was at once dissolved; the states of which it had been composed submitting again to their former masters, or acknowledging the rule of the Pope. At the same time the Venetians began to make incursions into the Romagna.<sup>1</sup> The warlike Julius II. resolved to restore the ancient papal sway in full. He first wrested Perugia and Bologna from those who held them (A. D. 1506). Finding it less easy to compel the powerful republic of Venice to give up its conquests, he at length resolved, though unwillingly, to call in foreign aid, and joined himself to the League of Cambray concluded between France and the emperor,<sup>2</sup> assisting them both with spiritual and tem-

minor. Delatorum magna frequentia, brevissimo maledicto pœna mortis erat. Grassatorum in-super omnia plena; nec noctu tutum per urbem iter, nec interdiu extra urbem. Roma, gentium refugium, et arx populorum omnibus sæculis, nobilibus jam carnificina facta erat. Quæ quidem omnia suorum causa, quibus omnia indulserat, permittebat. Ipse quoque Cæsar, dum hæc ei licere, ea fuit indole, ut si ab initio in bonos incidisset vitæ monstratores, perpetuam sibi rei que Romanæ gloriæ peperisset: nam et in ea adolescentia, quantum perspicere potuimus, nec deliberanti consilium, nec ductanti exercitum majorum disciplina, neque sermonem habenti facundia defuere: eaque demum a natura liberalitate, ut patris avaritiam sæpe palam detestaretur: a justitia quoque, uti videbatur, minime abhorrens; quin in Æmilia jam adepta summa aequitate populos regebat, ac judicem gravissimum Antonium Montanum juri dicundo præposuit, tanta subditorum probatione, ut illi vel defuncto Alexandro, quod minime putabatur, in officio persistent. Verum ut sterile solum et intemperies cæli bona frugum semina præcipitant, sic et hunc prava institutio, ac proximorum libido a recta virtutis semita detorserunt, ex quo seque ac omnem Italiam variis calamitatibus involvit.

<sup>1</sup> Ranke's *Gesch. der romanischen u. germ. Völker* from 1494–1535. Bd. 1. S. 216, 221 ff. Leo's *Gesch. d. ital. Staaten.* Th. 5. S. 163 ff.

<sup>2</sup> Ranke Bd. 1. S. 273 ff.; 302 f. The Pope, the emperor, and the kings of France and Arragon, allied themselves here against the Venetians (*Raynald*, 1509, no. 4.) pro recuperatione seu reintegratione omnium deperditorum. — Nec prius a prædicta invasione, seu guerra, aut armis per aliquem eorum desisteretur, quam omnino et integre Apostolica sedes recuperaverit Ravennam, Cerviam, Faventiam, et Ariminum, — ac omnia alia, quæ de statu et juribus Ecclesiæ Romanæ dicti Veneti occupant et detinent; et — Imperator recuperaverit Roveretum, Veronam, Paduam, Vicentiam, Tarvisium, Forumjulium, — necnon Patriarchatum Aquilegiensem, — omniaque alia loca et dominia per ipsos Venetos in hoc ultimo bello capta et occu-

poral arms in the war against Venice.<sup>3</sup> To divide where they could not hope to conquer, or even resist, the Venetians made the desired concessions to the Pope. Julius, already concerned at the progress of the French arms in Italy, readily listened to their overtures (Feb. 20, 1510),<sup>4</sup> and immediately commenced hostilities against the French and their ally, the Duke of Ferrara. On the 3d of July, 1510, he deprived the king of France of Naples, bestowing it on Ferdinand, the Catholic,<sup>5</sup> whilst against the duke of Ferrara he issued a sentence of condemnation on the 9th of August.<sup>6</sup> It was in vain that Louis XI. attempted to intimidate him by a national council at Tours, Sept. 1510,<sup>7</sup> and Germany by weighty *gravamina*, as well as the threat

pata ex terris et dominiis domus Austriae; et pari modo ipse Christianissimus Francorum Rex recuperaverit totaliter Brixiam, Bergomum, — et generaliter omnia ea, quæ fuerunt antiquitus de ducatu et dominio Mediolani; — et similiter ipse serenissimus Rex Aragonum recuperaverit ea omnia, quæ ipsi Veneti de regno Neapolitano — quovis modo abstulerunt, — videlicet Traunum, Bruudusium, Otrantum et Gallipolim. An account of the attempt made by Julius, notwithstanding the treaty to effect a reconciliation with Venice, see in *Petrus Bembo* (of Venice, Cardinal, † 1547) hist. Venetæ lib. VII. in the *Istorici delle cose Veneziane*, i quali hanno scritto per publico Decreto. T. II. p. 260: Confecto iudere Julius tametsi cupiditate ferebatur Arimino Faventiaque potiundi, quia tamen et Gallorum Regem magnæ per se potentia multo majorem suo permissu fieri notebat, et cum illam nationem, tum Germaniæ populos in possessionem Italiae venire, optimaque ejus partis atque populosisimæ dominos fieri, sibi reliquisque Italis detrimentosum existimabat futurum, ut ab illis Venetos opprimi sineret, adduci prope non poterat.

<sup>3</sup> *Bembo* hist. Venet. lib. VII. p. 273: Julius — præter quod exercitum in fines reipublicæ introduxisset, ad illud etiam pertinaciter descendit, ut Lauredano Principi, Senatuique omni Veneto, et civibus singulis aqua et igni interdiceret, ejusque rei literas omnibus hominibus vulgandas proponeret maledictorum et execrationum plenas, nisi die præstituta non Faventiam modo atque Ariminum, sed Ravennam quoque Cervianique sibi tradiderint: quæ quidem oppida centum ferme annos in reipublicæ imperio fuerant, neque ullus ea Pontifex Maximus in dubium revocaverat, quin jure a republica possiderentur. (The bull dated 27 Apr. 1509, in *Raynald*, ad h. a. no. 6, threatens, after 24 days' interval, not only the Anathema and Interdict, but further (which *Raynald* omits, but which we find in *Guicciardini*, lib. VIII. p. 737 seq.), that the possessions of the Venetians in all countries shall be seized, and they themselves sold for slaves.) Qua intellecta re ne plebs ejusmodi literis, plus quam tempora et reipublicæ difficultates postulerent, permoveretur, Senatus cavuit, ne reciperentur, neve, qui afferrent, admitterent: appellavit etiam de eo futurum Concilium, missis Romam affixisque in templorum foribus publicæ expostulationis literis, missis etiam in Pannoniam ad Thomam Cardinalem Strigoniensem: nam ei propter Patriarchatum Constantinopolitanum, cui præerat, una cum tribus Episcopis Concilium cogendi jus potestasque antiquitus erat attributa.

<sup>4</sup> *Bembo*, lib. VIII. p. 285, 291, 294; lib. IX. p. 350; lib. X. p. 358. *Ranke* Bd. 1. S. 322 ff. *Leo* Th. 5. S. 217 ff.

<sup>5</sup> The document in *Raynald*, 1510, no. 25.

<sup>6</sup> See *Raynald*, 1510, no. 15.

<sup>7</sup> Of which see the account of the imperial ambassador sent to Margaret of Austria, in the *Lettres du Roy Louis XII. et du Cardinal George d'Amboise* (à Brusselle, 1712. 4 T. 12mo.) T. 2. p. 29. The chancellor was ordered to open the council (p. 32), narrant tous les biens et grans plaisirs, que ledit Seigneur Roy avoit fait au Pape avant et après sa Papalite et mesmement pour le faire eslire Pape, narrant aussi l'ingratitude et la mécongnissance dudit Pape envers ledit Seigneur Roy, et comme sans cause ny raison il avoit rompue l'alliance faicte à Cambray entre si nobles Princes de Chrestienté, aussy l'emotion qu'il avoit fait des Suisses, et ce qu'il avoit voulu faire contre Gennes, et la ligue qu'il avoit faite avec les

of a Pragmatic Sanction 1510:<sup>8</sup> even a general council summoned

Venitiens, et semblablement ce qu'il fisoit contre le Duc de Ferrare son alié : et leur a fait donner aucuns articles per e-script, sur lesquels il demandoit leur advis et conseil. Of these articles, or questions, and the answers of the council, there are three texts, the first in the collections of the Acts of Councils (e. g. *Harduin* IX. p. 1555), the second in the French translation in *M. Gilles Croniques et Annales de France* (Paris, 1566, fol.) vol. II. fol. 133 b., the third in J. E. Kappens *Nachlese einiger zur Erläuterung der Reformation-gesch. nütsslichen Urkunden*, Th. I. S. 490, all three given by Kapp S. 470 ff. The council decides that the king has a right in self-defence against the Pope as his known enemy, to invade the territory of the church, and deny the authority of such a pontiff; to the question, what shall be his course afterwards, the first text has: *servandum esse jus commune antiquum et pragmaticam sanctionem regni, ex decretis sacrosancti Concilii Basileensis desumptam*; in the third: *appellare in omnibus ad futurum Concilium*. Finally to the question: *si Pontifex injuste, ordine juris non servato, procedens de facto, et manu armata, pronunciet — aliquas censuras contra Principes sibi resistentes, — an ei parendum sit, et quod remedium adhibendum?* the first text replies: *conclusum est unanimiter per Concilium, talem sententiam nullam esse, nec de jure, vel alio quocumque modo ligare*; the third: *non esse parendum, sed appellandum ad futurum Concilium*. At the close follow in the third text certain *Conclusiones* (see Kapp, S. 493), the contents of which are given also in the account of the imperial ambassador (*Lettres du Roy Louis XII.* T. II. p. 47). They contain first complaints of the oppressiones et indebitas exactiones contra solum in Romana Curia Ecclesie Gallicane impositas, quibus nulla provisio adhibetur per S. D. N. nec per ejus officiales, et quod deterius est, nulli licet libere de hujusmodi gravaminibus quarelam facere in dicta Curia Romana; — et quasi in cunctis ita oppressa est dicta Ecclesia Gallicana, ut nunquam antea. Then the enmity of the Pope to the king is shown, and the conclusion drawn, Oratores instituendos ad ipsum S. D. N. Julium secundum — et Reverendissimos Cardinales, qui qua decet reverentia supplicent, — ut Sanctitas sua velit congregare Concilium Ecclesie in loco tuto et convenienti ad determinationem ultimum Conciliorum generalium, quatenus fieri poterit; idemque procuret Christianissimus Rex apud Imperatorem et alios Principes Christianos, ut sibi adsint et opem ac auxilium ferant pro eodem Concilio generali congregando ad reformationem Ecclesie universalis in capite et in membris: et supplicare etiam eidem S. D. N., — ut interim — durantibus dissensionibus, quae nunc sunt inter S. D. N. et eundem Regem suoque subditos, det Penitentiarium in regno Francie — cum potestate dispensandi et providendi in omnibus casibus, votis, absolutio-nibus ab excommunicationibus, irregularitatibus, et aliis censuris intervenientibus, et dispensationibus in gradibus consanguinitatis et affinitatis, et universaliter cum plenaria potestate providendi in omnibus casibus concernentibus forum penitentiae et salutem animarum: in casu quo S. D. N. recusaret Concilium generale vel nimis differret, — vel recusaret Penitentiarium deputare, cum protestatione expressa nominibus Christianissimi Regis et Ecclesie Gallicane contra praefatum D. N. Papam et suos Cardinales ad omnia juris remedia.

<sup>8</sup> See the Acta in *Orthuini Gratii* fascic. rerum expetendarum et fugiendarum fol. 167 seq.; and thence in *Flacii* catal. test. verit. no. 186 (ed. Francf. 1666, p. 467 seq.). *Georgii* imperatorum totiusque nationis germ. gravamina adv. sedem Romanam. Francof. et Lips. 1725, 4to. p. 279 seq. *Münch's* Concordate Th. I. S. 96 ff., and in various other collections. From their agreement with *Jac. Wimpfelingii Replica contra Aeneae Sylvii tract. de Germania* (see § 132, note 19) *Tentsel* (hist. Bericht vom Anfang u. ersten Fortgang der Reform. Lutheri S. 64 Ann.) justly concludes that they were drawn up by Wimpfeling. The Gravamina perhaps were written in the name of the States-general, but hardly the following Acta: in the *Avi-samentis* it is the most distinctly seen that they must have been the work of an individual, and by him presented to the emperor. First come X. Gravamina nationis Germanicae: I. Quod ad servandas bullas, pacta, privilegia et literas, ab antecessoribus absque omni derogatione concessas, successores Pontifices teneri se non arbitrantur: imo per crebras dispensationes, suspensiones, revocationes ad cujuscunque (etiam vilis) personae instantiam contraveniunt.

by both princes at Pisa, A. D. 1511, had no power to move

II. Quod electiones Prælatorum quandoque rejiciuntur. III. Quod electionibus Præpositurarum, quas quarundam Ecclesiarum Capitula multo ante impetrarunt, contravenitur. — IV. Quod beneficia et dignitates majores Cardinalibus et Honorariis reservantur. V. Quod expectativæ gratiæ absque numero conceduntur, et multæ interdum ad unum collatorem. Unde surgunt quotidiana lites, et pecuniæ dilapidantur. — VI. Quod annata absque dilatione et sine misericordia, etiam Episcopis intra paucos annos mortuis, exiguntur. Interdum plus, quam debeatur, extorquetur propter nova officia et novos familiares. — VII. Ecclesiarum regimina minus dignis (Romæ videlicet) committuntur, qui ad multos magis, quam homines pascendos et regendos essent idonei. VIII. Indulgentiæ novæ cum revocatione aut suspensione veterum, laicis contra Clerum murmurantibus, ad corradendas pecunias conceduntur. IX. Decimæ sub prætextu expugnandorum Turcarum exiguntur, nulla expeditione subsequuta. X. Causæ, quæ in Germania, in qua etiam docti et justî judices sunt, terminari poterant, ad tribunalia Romana indistincte trahuntur. Then follows Remedium contra gravamina nationis Germ., representations to be made to the Pope, drawn partly from the greatness of the evil and its injustice, and partly from the situation of the country. For instance, it is to be represented to him that the diocese of Mayence paid formerly only 10,000 florins, and that this had by him been increased to 20,000, and then even 25,000, 27,000, and 24,000 had been wrung from them. Non sine causa Jacobus Archiepiscopus Moguntinus jam fere moriens dixit, se de morte sua non adeo dolere, quam ob id, quod subditi sui pauperes iterum pro pallio gravem exactionem dare cogentur. Mitius ergo summus Pontifex, velut pius pater, filiorum suorum amator, et fidelis ac prudens pastor, cum filiis suis Germanicæ nationis agat, *ne propediem vel in universos Christi sacerdotes persecutio suboriat, vel instar Bohemorum plerique ab Ecclesia deficiant Romana.* In the *Remedium pro civitatibus Imperii et animarum salute* follow their representations against a plurality of benefices in one individual, and a petition that the lower places might be more worthily filled. These are succeeded by *Avisamenta ad Cæsaream Majestatem*: in which a Pragmatic Sanction, similar to that of France, which indeed had formerly been proposed, though in vain (see § 132, note 19) is suggested. Sicut regnum Franciæ pragmaticam habet sanctionem, cui in conferendis beneficiis innititur, sic Imperium Romanum habet concordata Principum, utque ea illæsa conserventur, interest Cæsareæ Majestatis. — Posset etiam Cæsarea Majestas per literas aut oratores facile in regno Franciæ experiri, quomodo illic beneficia conferantur, et quam auctoritatem in conferendis beneficiis habeat summus Pontifex. Secundum hoc posset moderamen fieri in Imperio Romano, et frenum inexplebili avaritiæ Curtisanorum adhiberi. Si præclaræ universitates, præcipue facultas theologia Parisiensis approbaverit modum illum, qui de disponendis et conferendis beneficiis in Francia servatur: nemo dubitet, Cæsaream Majestatem et Principes Germanos, si se isto modo conformaverint, apud Deum tutos fore et excusatos. Præsumentum enim est, quod tanti Prælati, tanti doctores, tam probati viri, qui in regno Franciæ ac in Studio Parisiensi vivunt, nihil approbent, quod contra Deum aut justitiam committeretur. Provideat tamen Cæsarea Majestas, ne Archiepiscopi Electores in hoc sancto instituto a se dissentiant — propter censuras Apostolicas quas timebunt: et populus interdictum diu non sustinebit. Provideat etiam Cæsarea Majestas, ne fratres mendicantes contra ipsam prædicent, qui sedi Apostolicæ libenter deferunt, timentes perdere privilegia sua. — Timeat Cæsarea Majestas, ne Papa mandet Electoribus, ut ad electionem novi Regis Rom. procedant, sicut contra Fridericum secundum Lantgravium Thuringiæ et Guillelmum Hollandiæ comes jubente Papa fuerunt electi. Timeat Cæs. Majestas omnes Prælatos Ecclesiarum, præcipue Præpositos (who were appointed by the Pope, see § 132, note 4), qui ex juramento tenentur avisare Papam, etc. *The Conclusio et pia exhortatio ad Cæs. Majestatem* closes the whole. Its effects are seen in the imperial edict annexed, dd. Ceniponte 1510, against a plurality of benefices, and the obtaining them by Simony, which is forbidden sub pœna criminis læsæ Majestatis et gravissimæ nostræ offensæ. The emperor then commissioned Jacob Wimpheling, according to the counsel given in the *Avisamentis*, to arrange the *Sanctio Pragmatica* of the French for Germany. Maximilian's letter to Wimpheling, with his answer, and a sketch of the *Sanctio* so altered, see in *Flacii Catal. ed. Francof. 1666. p. 474. Georgii, p. 315 seq.*

him.<sup>9</sup> On the contrary, he summoned an œcumenical council at the Lateran on the 18th of July, 1511, to April, 1512 (Conc. Lateranense V.),<sup>10</sup>

<sup>9</sup> Immediately after the Council in Tours, Matthew Lang, bishop of Gurk, appeared in France as ambassador of the emperor to renew the league of Cambray (Lettres du Roy Louis XII. T. II. p. 67 seq.), and then repaired to Italy to arrange affairs with the Pope. But the Pope not being able to corrupt the bishop (l. c. p. 107), nor the bi-hop to overcome the obstinacy of the Pope (p. 168, pour mettre le Pape hors de la obstin e et dyabolique pertinaxit e ou il est), (see the letter of the bi-hop of Gurk to the bi-hop of Paris, p. 160 seq.), this last returned at the end of April, 1511, without having effected his purpose (p. 205). *Paris de Grassis in Raynald, 1511, no. 57.* Comp. Leo's *Gesch. v. Italien.* Th. 5. S. 229 ff. In the mean time many French prelates assembled at Lyons in April, to arrange preliminaries for a council (Lettres II. p. 145): at the same time negotiations were begun in Milan with three cardinals, who had deserted Julius, and in their name and that of six other cardinals, letters were issued on the 16th of May, 1511, for a general council at Pisa on the 1st of September, according to the *Convocatio Concilii in Richerii* hist. Concill. lib. IV. P. I. cap. 3. considerantes quantum reipublica Christiana utilitatem Concilia generalia universalis Ecclesie attulerint, quantumque detrimenti ex eorum intermissione Christiana respublica sit passa: cumque impresentiarum conspiciant clare, magnam instare necessitatem universalis Concilii congregandi pro vera pace Christianorum fundanda, et sufficienti bello contra infideles stabiliendo: necnon potissime pro reformatione morum universalis Ecclesie in capite et in membris plurimum collapsorum, ac emendatione criminum gravissimorum notiorum, continuorum ac incorrigibilium universalem Ecclesiam scandalizantium; — quumque tempus decenniis post ultimum universale Concilium jamdudum sit effluxum, et saluberrima decretali Constantiensi constitutione edita, quae incipit *Frequens*, singulis decenniis universale Concilium congregari debeat, et S. D. N. Dominus Julius P. II., cui primo curae esse deberet illud convocandi, tanto tempore hoc neglexerit, maxime cum voverit et juraverit post biennium a creatione sua illud tenere, et nedum negligens in praecepto Ecclesie et Concilii, sed et voti et juramenti hujusmodi transgressor, illud non tenuerit, tempusque interpellet pro homine, cumque numquam sua auctoritate aut voluntate futurum Concilium credatur celebrandum: et cum de gravibus Ecclesie scandalis in capite agendum sit, quo casu — ad summum Pontificem congregatio Concilii non attinet, sed secundo loco ad Revv. DD. Cardinales. The Pope is then called upon, abstinere a creatione novorum Cardinalium, et a publicatione creatorum, — et processu contra antiquos Cardinales, aliosque Praelatos et personas ad Concilium ipsum accedere volentes, — necnon ab impediendo hujusmodi convocationem Concilii directe vel indirecte, publice vel occulte quovis quæsito colore, et ab alienatione feudorum seu terrarum S. R. E. In quibus omnibus causis cum omni humilitate protestamur de nullitate actus, etc. See two letters of the cardinals to Charles, prince of Spain and archduke of Austria, and to Margaret, archduchess of Austria, in the *Lettres du Roy Louis XII. T. II. p. 235 seq.*

<sup>10</sup> See the bull announcing it in *Raynald, 1511, no. 9 seq.* In this Julius answers the allegations brought against him by the cardinals who had deserted his cause, declares the convocationem schismatica: conventiculae, synagogae Satanae et Ecclesie malignantium, per Dathan et Abiron, auctores schismatum eorumque null; forbids it under penalty of every kind of ecclesiastical punishment, not excepting infamy; and passes a decree of interdict on the place where such council should assemble. Et nihilominus bonam intentionem nostram exequi volentes, ut antiquae haereses, quae in diversis Christianorum partibus nondum extinctae sunt, et pessimum noviter pullulas schisma extinguantur, reformationique morum tam ecclesiasticorum, quam saecularium personarum, quae de jure vel consuetudine reformationi vel determinationi Concilii subjiciuntur, bellorumque imminentium seditioni consulatur, unicuique quod suum est reddatur, — Christie fideles — congregati ad faciendum expeditionem contra infideles, jam regnum Siciliae infestantes, meliora ac nobiliora loca Christianorum occupantes, praesertim Jerusalem matrem nostram antiquam, et ex antiqua Christianorum negligentia deperditam, facilius et promptius intendant: in nomine sanctae et individuae Trinitatis, P. et F. et S. S. — œcumenicum, universale ac generale Concilium in alma urbe nostra, communi omnium

and joined himself in close alliance to France and Spain (October, 1511).<sup>11</sup> The Synod of Pisa was destitute of authority, being attended only by French prelates, and their measures against the Pope a mere show of imitating the Fathers of Basil.<sup>12</sup> After the French had been driven from Italy by the help of the Swiss, and the emperor had declared for the Pope and the Council of the Lateran,<sup>13</sup> the Synod of Pisa soon disappeared, whilst the Council of the Lateran continued to thunder excommunication against it, as

patria, loco aptissimo et tutissimo, apud Lateranum, ubi plurima Concilia per antiquos patres nostros habita fuerunt, et Altissimus Petri sedem collocari voluit,—inchoandum A. D. MDXII. die lunæ XIX. mensis Aprilis—denuntiamus, convocamus, etc.

<sup>11</sup> The articles of the league in the *Lettres du Roy Louis XII.* T. III. p. 65 seq.

<sup>12</sup> Their Acta in *Richerii* hist. Concill. gener. lib. IV. P. I. cap. 3. In the Sessio I. on the 5th of November, 1511, all the papal decrees against the council are declared of no effect. Sess. III. on the 12th of November, the decrees of the Council of Constance concerning general councils (see § 130, note 8), are renewed, and it was then resolved absque ulla sui dissolutione to remove to Milan. An attempt was made to concert a council with the Pope: but their ambassadors not even being admitted to audience, a sentence of suspension was passed on him, Sess. VIII. on the 21st of April, 1512, accompanied by the declaration, ipsam papalem administrationem, propter gubernationis defectum, ne Ecclesia discrimen aliquod patiatur, ad ipsam sacrosanctam Synodum fuisse, esse et fore ipso jure devolutam. This, however, was the last session: soon after this, the fathers who composed the council were, most of them, scattered, for fear of the Swiss: an insignificant remnant removed to Asti, and soon after to Lyons. In Pisa as well as in Milan, the council was considered wrong, and the interdict was observed, *Guicciardini*, lib. X. The council was defended by Philippus Decius, Canonist in Pisa, then in Pavia, Consilium pro Ecclesiæ auctoritate supra Papam and Apologia sacri Pisani Concilii moderni (both in *Richer.* lib. IV. P. I. c. 2), and Zacharias Ferrerius Vicentinus Abb. Subastensis (see *Raynald*, 1513, no. 51): against it Thomas de Vio Cajetanus de potestate Papæ supra Concilium, Franciscus Poggius and Angelus Anachoreta Vallumbrosanus (see *Raynald*, 1511, no. 31, and *Mansi* ad h. l.). To the time of this council belongs the gold medal of Lewis, with the inscription: Perdam Babilonis nomen (see *Le Blanc traité hist. des monnoyes de France* ad p. 263, N. 3, Tab. 46), which Harduin (*Supplément du Journ. des Scavans* Janv. 1707. p. 194) attempts to refer to Cairo: see *Ch. S. Liebe* Roma Babylon ex numis. Lips. 1714. 4to. *Deyling* observatt. sacr. P. III. p. 498 seq.

<sup>13</sup> During Julius' last sickness, 1511, the emperor seems to have conceived the idea of becoming his successor, cf. ejus epist. ad Baronem Paulum a Lichtenstein dd. 16 Sept. 1511 (in the *Lettres du Roy Louis XII.* T. III. p. 324 seq.): nihil nobis honorabilius, nihil gloriosius, nihil melius obtingere posse, quam si præfatum Pontificatum, ad nos proprie pertinentem, Imperio nostro recuperaremus. He commissioned the bishop of Gurk to negotiate with the Pope to appoint him his coadjutor, and furnished him with money to bribe the cardinals; also to his daughter Margaret, queen of the Netherlands, he writes dd. 18 Sept. (probably 1511) (*Lettres* T. IV. p. 1 seq.), de avoir le Papat et devenir Prester et après estre Saint, et que yl vous sera de necessité, que après ma mort vous serés contraint de me adorer, dont je me trouveré bien glorioyes. See *E. S. Cyprianus* de Maximiliano I. Imper. Pontificatum maximum affectante in his *Dissertationes varii argumenti*. Coburg. 1755. Through the agency of Ferdinand the Catholic, he was drawn over to the League, April, 1512 (*Ranke* Gesch. der roman. u german. Bolker. Bd. 1, S. 371 f.): at the third Session of the Council of the Lateran, December 3, 1512, Matthew Lang, bishop of Gurk, appeared in the name of the emperor formally to join the council (*Paris de Grassis* in *Raynald*, 1512, no. 92, the document in *Labbei et Cossartii* Concil. T. XIV. p. 80 seq.).

well as the Pragmatic Sanction, and France.<sup>14</sup> On the succession of Leo X., the relations with France became at once more pacific, and Louis XII. even sent deputies to the Council of the Lateran;<sup>15</sup> still the difficulties were not all settled, when the young king Francis I. advanced into Italy (1515).<sup>16</sup> Leo, however, had the address to convert the threatened defeat into a victory by making peace at once with Francis,<sup>17</sup> and in a personal interview at Bologna (Dec. 1515) prevailing upon him, by the assistance of the chancellor of France, du Prat, to abolish the Pragmatic Sanction; in place of which a concordat was agreed upon between them, placing the ecclesiastical affairs of France mostly on the old footing.<sup>18</sup> The Council

<sup>14</sup> The council was opened on the 10th of May, 1512. Sess. II. on the 17th of September, the Council of Pisa was condemned. Conciliabuli Pisani (*Labbeus et Cossart XIV. p. 63*). Sess. III. December 3, (l. c. p. 82 seq.) a papal ordinance of August 13 was renewed, in which regnum Franciæ, et præsertim Lugdunum, ducatu Britannia excepto, — ecclesiastico subjecimus interdicto, nundinasque Lugduni fieri solitas in Lugduno extunc de cetero fieri inhibuimus, dictasque nundinas in civitate Gebennensi (Geneva) faciendas transtulimus. Sess. IV. December 10 (l. c. p. 97 seq.) the attack upon the Pragmatic Sanction began, First the letter of Louis XI. was read, in which he promises to annul it (see § 132, note 35), then a Monitorium contra Pragmaticam et ejus assertores: Dudum displicenter per nos pluries accepto, per multa temporum spatia per nonnullos Prælatos Gallicæ nationis, et nobiles laicos, — præsertim cujusdam sanctionis prætextu, quam ipsi pragmaticam vocant, Apostolicæ sedi, sanctæque Romanæ universalis Ecclesiæ capiti, libertati et auctoritati enormiter detractum, canonibusque præfatis derogatum fuisse; rem adeo perniciosam, in Dei offensam, et Ecclesiæ præfate vilipendium et evidens detrimentum, amplius ferre nequeunt, cum sanctio ipsa ab omni ad id potestate carentibus — facta, sed quodam abusu tantum in illis partibus introducta et observata fuerit, — quam etiam clara memoriæ Ludovicus undecimus Francorum Rex abrogavit: — Gallicos Prælatos, Capitula Ecclesiarum et Monasteriorum, Parliamenta, et laicos illis faventes, cujuscunque dignitatis, etiamsi regalis existerent, sanctione præfata abutentes, seu illam approbantes — per edictum publicum — moneri et citari — ad comparandum coram nobis et Concilio præfato, causasque dicendas, quare sanctio præfata illiusque corruptela et abusio — nulla et invalida declarari, decerni et abrogari non deberet, — statuimus.

<sup>15</sup> Sess. VIII. the 17th of December, 1513, see *Labbe. et Coss. Conc. XIV. p. 177 seq.*

<sup>16</sup> Leo's *Gesch. v. Italien. Th. 5, S. 274 ff.*

<sup>17</sup> In Viterbo the 13th of October, 1515. Leo, S. 286

<sup>18</sup> The circumstances of this interview are very accurately described by *Paris de Grassis in Reynald, 1515, no. 29 seq.*; but he says nothing of the negotiations. Its results were first made known by Leo X. at the 11th Session of the Council of the Lateran, December 19, 1516, by the bull *Primitiva illa ecclesia* (*Labbei et Cossartii Concill. XIV. p. 292 seq.*): Sane inter arcana nostræ mentis revolventes, quot tractatus inter piæ memoriæ. — Romanos Pontifices, prædecessores nostros, et clara memoriæ Reges Franciæ Christianissimos super abrogatione certæ constitutionis in dicto regno Franciæ vigentis, quæ Pragmatica vocatur, habitū fuerunt; et licet Pius II. præfatus, nuntiis ad el. m. Ludovicum XI. Franciæ Regem Christianissimum destinatis, tantis eidem persuaserit rationibus, ut Rex ipse pragmaticam sanctionem hujusmodi, tanquam in seditione et schismatis tempore natam, suis patentibus literis abrogaverit; tamen hujusmodi abrogatio, nec etiam literæ apostolicæ præfati Sixti super concordata, cum oratoribus præfati Regis Ludovici ad præfatum Sixtum prædecessorem destinatis habita, expeditæ per Prælatos et personas ecclesiasticas dicti regni receptæ fuerunt, nec ipsi Prælati et personæ ecclesiasticæ illis parere, nec monitis Innocentii et Julii prædictorum aures præbere, sed eidem pragmaticæ constitutioni inhærere voluerunt. Unde — Julius — in præsentī Concilio Lateranensi — abrogationis pragmaticæ



of the Lateran was now made to pass a formal sentence of condem-

sanctionis hujusmodi negotium — congregationibus — commisit, Gallicosque Prælatos, etc. — citari — ad comparandum coram eo — jus-sit. — Et cum super his in forma juris — procederetur, — nosque — ad summi Apostolatus apicem assumpti fuisset, et contra Prælatos, Capitula, conventus, et personas hujusmodi ad nonnullos actus processissemus: tandem considerantes, pacem esse vinculum caritatis, — matura deliberatione cognovimus, non per nuntios aut legatos nostros, sed in præstatione obedientiæ filialis, quam carissimus in Christo filius noster Franciscus, Francorum Rex Christianissimus, personaliter nobis præstitit, hæc cum Majestate sua coram discutere, eamque paternis hortari monitis, ut ad laudem Dei et sui honorem prompto animo libens ac volens dictæ pragmaticæ sanctioni abrenuntiare, et secundum canones et constitutiones s. Romanæ Ecclesiæ, quemadmodum cæteri Christiani, vivere, mandatis apostolicis et provisionibus, quæ a sede apostolica pro tempore emanarent, parere et obedire vellet: et cum ex electionibus, quæ in Ecclesiis cathedralibus et metropolitanis ac Monasteriis dicti regni a multis annis citra fiebant, grandia animarum pericula provenirent, cum pleræque per abusum sæcularis potestatis, nonnullæ vero præcedentibus illicitis et simoniaci pactionibus, aliæ particulari amore et sanguinis affectione et non sine perjuri reatu fierent, cum electores ipsi, etiamsi ante electionem per eos faciendam magis idoneum, et non eum, quem promissione aut datione alicujus rei temporalis, seu prece vel precibus per se vel alium interpositis electionem procurare didicissent, eligere sponte jurarent, juramentum hujusmodi non servarent, sed contra proprium hujusmodi juramentum in animæ suæ præjudicium venirent, ut nobis notorie constat ex crebris absolutioibus et rehabilitationibus a nobis et prædecessoribus nostris petitis et obtentis: idem Franciscus Rex nostris paternis monitis, tanquam verus obedientiæ filius parere volens — in locum dictæ pragmaticæ sanctionis — constitutiones infrascriptas — cum præfato Rege concordatas — accepit. — (1. *De electione*): quod cathedralibus et metropolitanis Ecclesiis in regno, Delphinatu, et comitatu Diensi ac Valentinensi, — etiamsi per cessionem in manibus nostris et successorum nostrorum — sponte factam vacantibus, illarum Capitula et Canonici ad electionem seu postulationem inibi futuri Prælati procedere non possint: sed illarum occurrente hujusmodi vacatione Rex Franciæ — unum gravem Magistrum seu Licentiatum in theologia, aut in utroque seu in altero jurium Doctorem aut Licentiatum in Universitate famosa, et rigore examinis, et in vigesimo septimo suæ ætatis anno ad minus constitutum, et alias idoneum, infra sex menses a die vacationis — nobis et successoribus nostris — nominare, et de persona per Regem hujusmodi nominata per nos et successores nostros — provideri; et si contingeret, præfatum Regem personam taliter non qualificatam ad dictas Ecclesias sic vacantes nominare, per nos — de persona sic nominata eidem Ecclesiis minime provideri debeat, sed teneatur idem Rex infra tres alios menses — alium — qualificatum nominare: alioquin — Ecclesiæ tunc sic vacanti per nos et successores nostros — de persona, ut præfertur, qualificata, necnon Ecclesiis per obitum apud sedem prædictam (apostolicam) vacantibus semper, nulla dicti Regis præcedente nominatione, libere provideri possit; decernentes electiones contra præmissa attentatas, ac provisiones per nos et successores nostros — factas nullas et invalidas existere. Consanguineis tamen præfati Regis ac personis sublimibus ex causa rationabili et legitima, — necnon religiosis mendicantibus reformatis, eminentis scientiæ et excellentis doctrinæ, qui juxta sui Ordinis regularia instituta ad gradus hujusmodi assumi non possint, sub prohibitione præmissa minime comprehensis. In like manner with the Monasteriis et Prioratibus conventualibus et vere electivis vacantibus. Per præmissa tamen non intendimus in aliquo præjudicare Capitulis Ecclesiarum, et Conventibus Monasteriorum, et Prioratum, hujusmodi privilegia a sede apostolica proprium eligendi Prælatum obtinentium, quo minus ad electionem — juxta privilegia eis concessa libere procedere possint: — dummodo de privilegiis sibi concessis hujusmodi per literas apostolicas seu alias authenticas scripturas docuerint, omni alia specie probationis eis in hoc adempta. (2. *De reservationibus*.) Volumus quoque et ordinamus, quod in Regno, Delphinatu et Comitatu prædictis de cætero non dentur aliquæ gratiæ expectatiæ, ac speciales vel generales reservationes ad vacatura beneficia per nos et sedem prædictam non fiant: et si de facto per importunitatem, aut alias, a nobis et succes-

nation on the Pragmatic Sanction and the principles which it taught ;

soribus nostris et sede prædicta emanaverint, illas irritas et inanes esse decernimus. In cathedralibus tamen — et collegiatis Ecclesiis, in quarum statutis caveretur expresse, quod nullus ibidem dignitatem — obtinere possit, nisi in illis actu Canonicus existat, Canonicos ad effectum dumtaxat inibi obtinendi dignitatem — creare posse intendimus. (3. *De collationibus.*) In every cathedral church at least one Canonicatus et præbenda theologalis shall be bestowed on a Magistro, seu Licentiato, aut Baccalaneo formato in theologia, qui per decennium in Universitate studii generalis privilegiata studuerit, ac onus residentie, lectione et prædicationis actu subire voluerit. Furthermore every collator shall bestow the third part of the benefices viris literatis, graduatis et per Universitatis nominatis, namely, such as fall vacant in the 1st, 4th, 7th, and 10th months. Also it is required of them to show that they have been in the university for a certain time, which, however, is for the nobility much shorter. (4. *De mandatis apostolicis.*) Statuimus quoque et ordinamus, quod quilibet Romanus Pontifex semel dumtaxat tempore sui Pontificatus literas in forma mandati, juxta formam inferius annotatam, et non ultra dare possit hoc modo; videlicet unum collatorem habentem collationem decem beneficiorum in uno, habentem autem collationem quinquaginta beneficiorum et ultra in duobus beneficiis gravare possit. — (5. *De appellationibus.*) Statuimus quoque et ordinamus, quod in Regno, Delphinatu et Comitatu prædictis omnes et singulæ causæ, exceptis majoribus, in jure expresse denominatis, apud illos iudices in partibus, qui — illarum cognitionem habent, terminari et finiri debeant. Et ne sub umbra appellationum, quæ nimium et nonnunquam frivole interponi consueverunt atque etiam in eadem instantia ad prorogationem litium sæpe multiplicari, injustis vexationibus materia præbeatur: volumus, quod si quis offensus coram suo iudice justitiæ complementum habere non possit, ad immediatum superiorem per appellationem recursum habeat, nec ad aliquem superiorem, etiam ad nos et successores nostros — omisso medio. Nec a gravamine in quacunque instantia ante definitivam sententiam quomodolibet appelletur, nisi forsitan tale gravamen extiterit, quod in definitiva reparari nequiret, et eo casu non nisi ad immediatum superiorem liceat appellari. Si quis vero immediate subjectus sedi Apostolicæ ad eandem sedem duxerit appellandum, causa committatur in partibus per rescriptum usque ad finem litis, videlicet usque ad tertiam sententiam conformem inclusive, si ab illis appellari contigerit; nisi propter defectum denegatæ justitiæ, aut justum metum; et tunc committi debeat in partibus convicinis. — Processus autem contra præmissa attentatos nullos et irritos esse volumus. — Statuimus etiam et ordinamus, quod iudices causas, quæ in partibus terminari debent, — infra biennium terminare debeant. (6. *De pacificis possessoribus*) against disturbing unlawfully the holders of benefices. (7. *De publicis Concubinariis.*) Such priests shall be suspended for three months a perceptione fructuum omnium beneficiorum, and in case of their persisting, their benefices shall be taken from them. Quia vero in quibusdam regionibus nonnulli, jurisdictionem ecclesiasticam habentes, pecuniarios quæstus a Concubinariis percipere non erubescunt, patientes eos in tali fœditate sordescere; sub pœna maledictionis æternæ præcipimus, ne deinceps sub pacto, compositione, aut spe alterius quæstus talia quovis modo tolerant aut dissimulent. (8. *De excommunicatis non vitandis.*) Ad vitandum scandala et multa pericula, subveniendum quoque conscientiis timoratis it is ordered, that no one is to be shunned prætextu — censuræ ecclesiasticæ — ab homine vel a jure generaliter promulgatæ, but only when the sentence has been pronounced specially against an individual or a community. (9. *De interdictis non leviter ponendis.*) The interdict is to be passed on a place only culpa ipsorum locorum, aut Domini seu Rectoris, vel officialium; and for the fault of a private person only, when the Magistrates, after having been called upon by the ecclesiastical court, refuse to drive forth the excommunicated person. (10. *De sublacione Clementinæ literæ.*) — The resignation of benefices is only then to be considered regular, when it shall be proved per publica instrumenta vel documenta authentica. (11. *De firma et irrevocabili Concordatorum stabilitate.*) After having established this it was provided that this Concordat, if not ratified within six months, and accepted by the French prelates and parliament, shall not be valid. Et nihilominus præfato Francisco — in virtute sanctæ obedientiæ mandamus, quatenus — præsentem literas —

asserting on the other hand the unlimited power of the Pope.<sup>19</sup>

publicari, et ea inviolabiliter observari faciat, contradictores, cujuscunque dignitatis et præminentie fuerint, per censuras ecclesiasticas et pecuniarias penas, aliaque juris et facti quævis opportuna remedia (appellatione qualibet omnino postposita) compescendo. Besides this Concordat some other matters were settled at Bologna, Comp. *Ce que le Pape octroya au Roy* and *Capita tractatus circa Concordata in Leibnitii Mantissa* Cod. jur. gentium I. p. 158 seq. and *Munchs Concordate*, Th. I. S. 219 ff. The Pope remitted a debt contracted by Louis XII. and bestowed various privileges and indulgences on the king, une decime and la croisade (*Cap. tractatus*, § 10. De Decima Papa concedit, ut, si quæ pars debeat dari Papæ pro fabrica basilicæ Principis Apostolorum de urbe [*cætera sit*] relicta libertati ipsius Regis. De Crucia Papa est paratus concedere, dummodo pecuniæ dependantur penes idoneos mercatores, convertendæ pro sancta expeditione contra Turcas). The king on his part was obliged to approve the revival of the Annates, though this is passed over in silence in the Concordats (*Cap. tractatus*, § 6, quod Papæ mittat unum Legatum in Regnum Franciæ, qui una cum aliquibus Prælati, deputandis per Regem Franciæ, taxas Ecclesiarum et Monasteriorum omnium moderetur augendo vel minuendo, etiam apud Monasteria, qua: in libris Cameræ apostolicæ taxata non reperiuntur: et interim servetur taxa libri dictæ Cameræ hactenus servata).

<sup>19</sup> In this same 11th Session, in the bull confirmed by the council, *Pastor æternus* (*Labbeus et Cossart* XIV. p. 309): Pastor æternus — migraturus ex mundo ad Patrem, in soliditate petra: Petrum ejusque successores vicarios suos instituit, quibus ex libri regum testimonio ita obedire necesse est, ut qui non obedierit, morte moriatur. Et ut alibi legitur, in Ecclesia esse non potest, qui Romani Pontificis cathedram deserit. — Sane felicius recordationis Julius Papa secundus — provide considerans cum eodem sacro Lateranensi Concilio Bituricensem regni Franciæ corruptelam, quam illi pragmaticam sanctionem vocant, cum maximo animarum periculo et scandalo, ac dignitatis sedis Apostolicæ detrimento et vilipendio retroactis temporibus viguisse et adhuc vigere, — quamquam sanctio præfata ex multis nullitati notorie subjaceret, — ex abundanti tamen cautela — Gallicos Prælatos, etc. — monuit et citavit, ut — coram eo et Concilio comparerent, causasque dicerent, quare sanctio præfata — nulla et invalida declarari non deberet. — Nos — ad summi Apostolatus apicem assumpti — terminum citationis — ad alium tunc expressum terminum jam diu efluxum in diversis sessionibus pluries prorogavimus. Cum autem moniti et citati prædicti — coram nobis et dicto Concilio non comparerint, nec comparere curaverint, — possintque merito contumaces reputari: — nos mature attendentes, pragmaticam sanctionem, vel potius, ut dictum est, corruptelam, schismatis tempore a non habentibus potestatem editam, — et a claræ memoriæ Ludovico XI. Francorum Rege Christianissimo revocatum, cassam, atque abolitam, auctoritatem, libertatem ac dignitatem dictæ sedis violare ac diminuere, — ipsamque notorie nullitati subjacere, nulloque nisi alicujus temporis seu potius tolerantie cujusdam adminiculo fulciri; — ab ejusdem improbæ sanctionis extirpatione et totali annullatione, sine nostra et tantorum patrum in præsentis Concilio congregatorum nota, ac nostræ et dictorum illa utentium animarum periculo, abstinere seu desistere non posse, Augustino teste, judicamus atque censemus. — Nec illud nos movere debet, quod sanctio ipsa et in ea contenta in Basileensi Concilio edita, et ipso Concilio instante a Bituricensi congregatione receptata et acceptata fuerunt, cum ea omnia post translationem ejusdem Basileensis Concilii, per fel. mem. Eugenium P. IV. — factam, a Basileensi conciliabulo — facta extiterint, ac propterea nullum robur habere potuerint: cum etiam solum Romanum Pontificem pro tempore existentem, tanquam auctoritatem supra omnia Concilia habentem, tam Conciliorum indicendorum, transferendorum, ac dissolvendorum plenum jus et potestatem habere, nedum ex sacre Scripturæ testimonio, dictis ss. Patrum ac aliorum Romanorum Pontificum, — sed propria etiam eorumdem Conciliorum confessione manifeste constet. — Cupientes quoque hujusmodi negotium ad debitum finem perduci, — de apostolicæ potestatis plenitudine, eodem sacro approbante Concilio tenore præsentium præfata pragmaticam sanctionem seu corruptelam — nullius roboris vel momenti fuisse et esse decernimus et declaramus. — Necnon ad abundantiore cautela eandem Bituricensem sanctionem sive corruptelam — revocamus, cassamus, — annullamus ac damnamus. — Et cum de necessi-

Great as was the indignation excited by this in France, there seemed no chance of resisting successfully the alliance of the highest temporal with the highest ecclesiastical power.<sup>20</sup> Thus the papal power

tate salutis existat, omnes Christi fideles Romano Pontifici subesse, prout divinæ Scripturæ et ss. Patrum testimonio edocemur, ac constitutione fel. mem. Bonifacii P. VIII. — quæ incipit *Unam sanctam* declaratur: pro eorundem fidelium animarum salute, ac Romani Pontificis et hujus sanctæ sedis suprema auctoritate, et Ecclesiæ sponsæ suæ unitate et potestate constitutionem ipsam sacro præsentè Concilio approbante innovamus et approbamus, sine tamen præjudicio sanctæ memoriæ Clementi P. V., quæ incipit *Meruit* (see § 95, note 2): inhibentes in virtute sanctæ obedientiæ, ac sub pœnis et censuris infra dicendis omnibus et singulis Christi fidelibus — in præfato regno Franciæ, Delphinatu, et ubicunque prædicta pragmatica — vigeret, quomodolibet existentibus, — ne de cætero præfata pragmatica sanctione, seu potius corruptela, quomodolibet — uti — præsumant, — nec præfatam pragmaticam sanctionem, aut in ea contenta capitula seu decreta ulterius in donibus suis, aut aliis locis publicis vel privatis teneant: quinimo illam ex quibusvis archivis, etiam regiis, seu capitularibus, et locis prædictis infra sex menses a data præsentium computandos deleant seu deleri faciant, sub majoris excommunicationis latæ sententiæ, necnon quoad ecclesiasticas — personas — omnium — dignitatum aut beneficiorum ecclesiasticorum sæcularium, et quorumvis ordinum regularium privationis, et inhabilitatis ad illa in posterum obtinenda; quo vero ad sæculares præfatæ excommunicationis, necnon amissionis quorumcunque feudorum, tam a Romana quam alia Ecclesia — obtentorum, — inhabilitatisque ad omnes et singulos actus legitimos quomodolibet faciendos, infamesque ac criminis læsæ majestatis in jure expressis pœnis eo ipso — incurrendis: a quibus — nisi a Romano Pontifice, — præterquam in mortis articulo constituti, absolvi nequeant.

<sup>20</sup> Comp. Relation de ce qui se passa sur la publication et l'enregistrement du Concordat au Parlement de Paris (in Münchs Sammlung aller Konkordate, Th. 1. S. 255, translated into Latin in Richerii hist. Concill. lib. IV. P. II. cap. 4, § 13). In February, 1517, the king convened a great assembly of the prelates, the parliament, and the learned men from the university, and laid before them, through his Chancellor, a history of the Concordat he had made with the Pope. He speaks first of the hostility of the Popes to the king and to the Pragmatic Sanction, and of the summons to the king and the French church to appear before the Council of the Lateran. It was plain to all that an attempt to defend the Sanction in Rome would end in its being condemned, parceque l'assemblée de Latran n'étoit composée que de courtisans de la cour de Rome, qui à cause de leur extrême avarice, et de leur ambition avoient la pragmatique en horreur, et étoient résolus de l'anéantir à droit ou à tort. Il paraissoit donc plus avantageux de se laisser condamner par défaut et sans que la partie fût entendue. Mais comme le Roi savoit que, s'il vouloit s'opposer à l'abolition de la pragmatique, Léon X. avec son assemblée de Latran procéderait contre lui et contre son Royaume par des censures et par des interdits, et que si ces interdits et ces censures subsistoient une année entière, il s'en suivrait contre l'église gallicane une condamnation de schisme et d'hérésie, et que le Pontife Romain, ayant recours à la ruse et aux ligués, à l'exemple de Jules II., livrerait en proie le Royaume de France. Il voyoit aussi, qu'il n'avoit aucun moyen d'empêcher l'abrogation de la pragmatique, et il n'ignoroit pas, que, s'il n'y consentait, la France seroit bientôt livrée au trouble et à la confusion, qui y régnoient avant le Concile de Constance et de Basle à cause des abus insupportables des réserves et des grâces expectatives. Enfin, pour remédier à tous ces inconveniens, pour s'assurer ainsi qu'aux princes du Royaume et à toute son armée un retour facile et tranquille en France, pour dissiper les ligués faites contre lui, le Royaume de France, et ses principautés d'Italie, François Ier fut forcé de traiter avec le Pape Léon X.; et malgré tous ses efforts il ne put le faire, qu'en consentant à l'abolition de la pragmatique et à l'institution des Concordats. In an edict of May 12, 1517 (in Leibnitii Mantissa cod. jur. gent. P. I. p. 161 seq., and in Münch, Th. 1, S. 224), the king then published the concordat. In this he says again that as the Pragmatic Sanction could not be retained, he was obliged to take measures to prevent the recurrence of the disorders which prevailed before its introduction. This he had effected by means of the concordat,

seemed at length completely to have vanquished the hostile spirit which had appeared at the Councils of Constance and Basil, and had found a refuge chiefly in France; and yet at this very moment it was on the brink of its deepest fall.

namely, so ut pleraque pragmatice sanctionis capita firma nobis posthac rataque futura sint. — Quod vero ad electiones pertinet, minime quod optabamus obtinere potuimus, causis in dictis conventis latissime insertis. The parliament, however, refused to register and publish the concordat, and issued two successive remonstrances against it, addressed to the king (in *Leibnitii* Mantissa, P. II. p. 335 seq., and in Münch, Th. I. S. 268 ff.). In these the revival of the Annates in particular is protested against, which was likely évacuer en peu de temps ce Royaume d'or, d'argent et de finances, and which ne se pourroit practiquer sans commettre le peché de Simonie. In like manner against the provision, que les grandes causes, les causes des Cardinaux et officiers de Cour de Rome ne seront traitées en ce Royaume, mais en la dicte Cour, the dangerous consequences of which are shown; further against the provision that the Pope is to fill up those places, qui vacqueront par mort en Cour de Rome; that nothing was given up but the reservation of the beneficia vacatura, which could therefore be reserved post illorum vacationem. Then follow remonstrances against the abolition of the elections of bishops and abbots, a right which is affirmed to be moult ancien, et fondé en droit divin. Finally, the dangers are set forth which lie in the bull abolishing the Pragmatic Sanction. The two remonstrances close with the declaration, que les dicts Concordats sont contre l'honneur de Dieu, les libertés de l'Eglise, l'honneur du Roy et le bien public de son Royaume. Still the king persisted in his desire to have it confirmed, and became more and more positive therein. The parliament appealed on the 19th of March, 1518 (see the *Relation* in Münch, Th. I. S. 267) au Pape mieux conseillé, et au premier concile général legitiment assemblé, and the king nevertheless having caused the concordat to be published in parliament on the 22d of March, the appeal was repeated on the 24th (see the appendix to the *Relation* of this day, which in Münch is wanting, in the Latin translation in *Richer.*). The example was followed by the university of Paris on the 27th of March, 1518 (stylo gall. 1517), which also appealed a Domino nostro Papa non recte consulto, et jam dicti sacri Basileensis Concilii et ei adhaerentis pragmatice sanctionis statutorum abrogatione, novorum statutorum editione, consensus præstatione, et attentata illorum quadam publicatione, et omnibus inde sequitis et sequentibus — ad futurum Concilium legitime ac in loco tuto [congregatum], et quod libere et cum securitate — adire poterimus, et ad illum vel ad illos, ad quem seu ad quos de jure — vel alias nobis provocare et appellare licet. (The text of this appeal in *Leibnitii* Mantissa, T. II. p. 358 seq., and thence in Münch, Th. I, S. 307, is incorrect, and, in many passages, unintelligible: a purer text in *Richerii* hist. Concill. lib. IV. P. II. c. 4, § 14, and in the *Preuves des Libertez de l'Eglise gallicane*. chap. XIII. no. 18). Both appeals were made ineffectual by the power of the king: still the feeling against the concordats continued long to exist. Thus *Gilbertus Genebrardus* (professor of the Hebrew language in Paris, from 1593, archbishop of Aix, † 1597) *Chronographia*, Paris. 1580. fol. ad ann. 1515, says of Leo X.: Pragmaticam sanctionem sustulit, Concordata quæ vocantur cum Rege Francisco agitant de nominatione Episcoporum et Abbatum, specioso prætextu, ut Rex propter electionem abusum — nominare teneretur: revera autem ageretur mysterium illud iniquitatis, quo perditam Ecclesiam Gallicanam cernimus, and further on: Anno 1516 abrogata est in Galliis pragmatica sanctio, et Concordata, ut vocant, substituuntur, fremente universo clero, scholasticis, populo, bonis denique et doctis omnibus. He wrote also *De sacrarum electionum jure et necessitate ad Ecclesie Gallicane redintegrationum*, which work, however, was condemned to be burned.

## § 135.

## GENERAL VIEW OF THE STATE OF PAPACY.

From the time of the Councils of Constance and Basil a new view of the papal power began to establish itself in the church, according to which it was regarded as a limited monarchy, checked and restrained by an ecclesiastical aristocracy, instead of an absolute monarchy, as it had hitherto been considered.<sup>1</sup> These two opposing

<sup>1</sup> Of the various theories of the time, see *Gerson de potest. ecclesiastica* (written in Constance during the council) consid. XII. (Opp. ed. *du Pin*, II. p. 246): Potestas ecclesiastica papalis non ita habent dominia et jura terreni simul et cœlestis imperii, quod possit ad libitum suum de bonis Clericorum et multo minus laicorum disponere; quamvis concedi debeat, quod habet in eis dominium quoddam regitivum, directivum, regulativum, et ordinativum. Declarationem hujus considerationis, quam discretio moderatrix atque mediatrix ponit inter errores oppositos, dum facere meditarer, occurrere visa est protinus in ipso meditationis meae secreto duplex improba pestis. Nomen unius Detractio livida, nomen alterius Adulatio subdola: prima potestatem ecclesiasticam deprimens subjiciebat temporali; altera sustollebat in immensum, velut ad similitudinem Altissimi, confundens jura cujuslibet alterius potestatis. Tolle, tolle, clamat Detractio, temporalitatem omnem, jus vel dominium ab Ecclesiasticis. Quare? quia sic instituit Christus, cujus ista vox est: *Nisi quis renuntiaverit omnibus, quæ possidet, non potest meus esse discipulus* (*Luc.* xiv. 33). — Addit Detractio, quod Ecclesiastici nequaquam capaces sunt jurisdictionis temporalis, etiamsi Principes illis conferre voluerint. Inducit Apostolum, quia Nemo militans Deo implicat se negotiis sæcularibus (*2 Tim.* ii. 2). Addit Detractio, nihil habere Ecclesiasticos, neque decimas neque oblationes, quantumvis alias donationes vel possessiones, nisi ex pura elemosyna donantium: et quod ab Ecclesiasticis peccantibus, saltem habitualiter, possent per sæcularem potestatem optimo jure tolli; quia data est potestas hæc sæcularis in vindictam malefactorum, neque sine causa gladium portat (*Rom.* xiii. 4). Addit quarto innitens Apostoli verbis: habentes alimenta et quibus tegamur, his contenti simus (*1 Tim.* vi. 8), quia quicquid habent Ecclesiastici ultra simplicem victum et vestitum, totum illud est pauperum, cujus retentio nedum furtum vel rapina simplex est, sed sacrilegium. — Vult tandem Detractio Ecclesiasticos omnes ad illam Apostolorum et discipulorum primam paupertatem sine equis, sine thesauris, sine calcamentis, sine possessionibus de necessitate salutis redigere, execrans in Ecclesiasticis pompam omnem. — Consurgit ex adverso blandiens et subdola Adulatio, et ad aures Ecclesiasticorum, præcipue summi Pontificis, insusurrans: o quanta est, quanta sublimitas ecclesiasticæ potestatis tuæ! o sacer Clere, quam nihil est sæcularis auctoritas tuæ comparata! Quoniam, sicut Christo collata est omnis potestas in cœlo et in terra, sic eam Christus omnem Petro suisque successoribus dereliquit. Unde et nec Constantinus quidquam Sylvestro Papæ contulit, quod non esset prius suum, sed reddidit injuste detentum. Porro sicut non est potestas nisi a Deo (*Rom.* xiii. 1), sic nec aliqua temporalis vel ecclesiastica, imperialis vel regalis, nisi a Papa, in cujus femore scripsit Christus: Rex Regum, Dominus Dominantium (*1 Tim.* vi. 15). De cujus potestate disputare instar sacrilegii est: cui neque quisquam dicere potest: cur ita facis? si etiam temporalia omnia, si ecclesiastica bona atque dominia mutaverit, diripuere, distraxerit. Mentior, si non inveniuntur hæc scripta, ab illis etiam, qui sapientes sunt in oculis suis; si præterea non inveniuntur fuisse per aliquos summos Pontifices hæc credita. Notum est illud Satyrici: Nihil est quod credere de se non possit cum laudatur diis aqua potestas; et illud Comici de adulate: hic profecto ex stultis insanos facit. Sentiens autem Adulatio quandoque nimis se cognosci, studet quasi modestiori sermone depressius uti, ut credibilior appareat. Concedit sæculari potestati possessiones et jurisdictiones proprias, quas tollere nequit pro libito Papa; recognoscit, Constantinum, vel alios Principes aliquid Ecclesiæ noviter contulisse: nihilominus tradit, quod sum-

views gave rise to incessant controversies; general councils against general councils, and writer against writer. On the one side were the Councils of Constance and Basil; on the other, those of Florence and the fifth Lateran Council.<sup>2</sup> The most remarkable controversy between writers is that between Thomas de Vio Cajetan, and the doctor of the Sorbonne, James Almainus, at the close of this period.<sup>3</sup> The leading principles of the new system were, that

mus Pontifex supremus est Monarcha, nedum in spiritualibus, sed temporalibus, habens potestatem hanc immediate a Christo, sed alii Reges omnes et Principes suam recipiunt dominationem ab eo, et solum mediate a Deo. Alioquin, ait, monstrosus esset hic mundus, si haberet tot capita, quæ non sub unico regerentur, rediretque Manichæi deliramentum, ponentis duo principia, unum bonorum et spiritualium, aliud malorum et temporalium. Unde et sicut corpus est propter animam, et ab anima vivit et regitur; sic potestas secularis propter spiritualem, a qua recipit summum esse legitimum. Quam auctoritatem spiritualem qui negant vel impugnant, sint intus, sint foris Ecclesiam, possunt gladio, vel spirituali excommunicationis, sicut Catholici, vel debellationis, sicut infideles, ferri, et eorum dominia vel bona in alios transferri. — Rursus animadvertens Adulatio, durum esse multis hunc sermonem, et ideo minus credibilem, studet loqui restrictius, concedens, quod, sicut ante Petrum fuerunt apud infideles vera dominia, quemadmodum irrefragabilis auctoritas sacræ Scripturæ et evangelicæ narrationis testis est, sic non oportet nunc post Petrum, ut omnis potestas imperialis, regalis, vel altera secularis sit immediate robur habens a summo Pontifice, sicut Rex Francorum Christianissimus superiorem hoc modo non habet, nec recognoscit in terris. Ideo transfert verbum suum Adulatio loqui de dignitatibus, officiis, et bonis Ecclesiasticorum, quæ omnia sic subjicit summo Pontifici, ut quiddam circa ea placuerit disponere mutando, transferendo, appropriando, hoc possit, hoc teneat, et ratum sit, licet hoc sine causa, licet cum peccato suo peregerit: quamvis peccatum circa hoc vult Adulatio longe a Papa sic facere, ut eum simoniam posse neget committere, quoniam sua sunt omnia ecclesiastica bona, concedit insuper quod super jus est, potens ab altero jus suum tollere; et quod nec ab eo appellari, neque eum judicialiter evocari, nec obedientiam ab eo subtrahi, præsertim extra casum hæresis, sit aliquatenus possibile. Hic solus symbolum fidei condere, hic solus causas ejusdem fidei, et majores cæteras tractare potest; solus, ut jam tactum est, definitiones, regulas, leges et canones condit: alioquin quiddam per alios definitur, decernitur, conditur, statuitur, irritum est et inane; nec aliquid ex eis quæ statuerit potest, nisi per ipsum, quomodolibet cassari vel infringi: ipsum vero aliena qualiscumque constitutio ligat nulla. Fallor, si non ante celebrationem hujus sacrosanctæ Constantiensis Synodi sic occupaverat mentes plurimorum, literalium magis quam literatorum, ista traditio, ut oppositorum dogmatizator fuisset de hæretica pravitate vel notatus, vel damnatus. Hujus rei signum accipe, quia post declarationem ex theologiæ principiis luce clariorem, et quod urgentius est, post determinationem et practicationem ejusdem sanctæ Synodi inveniuntur, qui talia palam asserere non paveant: tam radicaum, et ut cancer serpens tam medullitus imbibitum fuit hoc prisca adulationis virus letiferum.

<sup>2</sup> In the Definitio s. œcumenicæ Synodi Florentiæ (*Labbei et Consartii Concilia*. T. XIII. p. 515) we read: Item diffinimus, — ipsum Pontificem Romanum successorem esse b. Petri, principis Apostolorum, et verum Christi vicarium, totiusque Ecclesiæ caput, et omnium Christianorum patrem ac doctorem existere; et ipsi in b. Petro pascendi, regendi, ac gubernandi universalem Ecclesiam a domino nostro Jesu Christo plenam potestatem traditam esse.

<sup>3</sup> In opposition to the Synod of Pisa *Cajetan* wrote his tract. de comparatione auctoritatis Papæ et Concilii (also in *Rocaberti* biblioth. max. Pontificia. T. XIX. p. 443), A. D. 1511, in which he defends the papal system in the most unscrupulous manner. The Synod of Pisa sent his work, 10 Jan. 1512 (see in *Richerii* hist. concill. lib. IV. P. I. c. 2. § 9), to the university of Paris, with a letter, calling upon the university to answer it. On this, *Jac. Almainus* wrote his tract. de auctoritate Ecclesiæ et Conciliorum generalium (in *Gersonii* Opp. ed. du Pin II. p. 976) in June, 1512. Cajetan wrote again de comparata auctoritate Papæ et

the temporal power was independent of the ecclesiastical,<sup>4</sup> that the highest power in the church was that of the general councils,<sup>5</sup> which

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Conciliū Apologiae Partes II. (in *Rocaberti* XIX. p. 493), and later still, A. D. 1521, de Romani Pontificis institutione et auctoritate (l. c. p. 526). Almainus was hindered from answering by death (A. D. 1513). Cajetan was answered also by the doctor of the Sorbonne, Johannes Major, a Scotchman, in various writings printed in *Gersonii* Opp. ed. du Pin II. p. 1121 seq.

<sup>4</sup> See *Nicolai Cusani* de concord. cathol. (see § 131, note 12) lib. III. in *Schardii* Syntagma tractatum, p. 356 seq. *Joannes Major* comm. in Sentent. lib. IV. dist. 24 (reprinted in *Gersonii* Opp. ed. du Pin II. p. 1121), and *Scholia* in *Evang. Matthæi*, cap. 16, written A. D. 1518 (under the title: disp. de potestate Papæ in rebus temporalibus. *ibid.* p. 1145). *Jac. Almaini* Expositio circa decisiones *M. Guil. Occam* super potestate summi Pontificis (*Gersonii* Opp. II. p. 1013).

<sup>5</sup> *Gerson*. de potest. eccl. consid. XI. (Opp. II. p. 243): Potestas ecclesiastica in sua plenitudine est in Ecclesia, sicut in fine, et sicut in regulante applicationem et usum hujusmodi plenitudinis ecclesiasticæ potestatis per se ipsam, vel per generale Concilium, ipsam sufficienter et legitime representans. Constat itaque, datam fuisse Petro plenitudinem ecclesiasticæ potestatis a Christo ad edificationem Ecclesiæ suæ, sicut conformiter ad Apostolum ponit descriptio. Propterea loquitur Augustinus cum aliis quibusdam, quod *claves Ecclesiæ datæ sunt non uni, sed unitati*, et quod *datæ sunt Ecclesiæ*. — Potest etiam dici in Ecclesia vel in Concilio hæc plenitudo ecclesiasticæ potestatis nedum in se formaliter, sed aliis duobus modis, videlicet quoad applicationem ad hanc vel illam personam, et quoad usum regulandum, si fortassis in abusum verti quereretur. — Cum igitur summus Pontifex habens eam subjective sit peccabilis, et possit hanc potestatem in destructionem Ecclesiæ velle convertere; similiter sacrum Collegium, quod ei datum est et coassistit quasi communitas aristocratica, non est in gratia vel fide confirmatum: superest, ut aliqua sit relicta inobliquabilis et indeviabilis regula ab optimo legislatore Christo, secundum quam possit abusus hujusmodi potestatis reprimi, dirigi atque moderari. Hæc autem regula est vel Ecclesia, vel generale Concilium. — Hic fundantur ea multa, quæ per hoc sacrum Concilium (Constantiense) et constituta et practicata sunt: ut quod Papa judicari potest et deponi per Concilium, etc. *Nicolaus Cusanus* de concord. cathol. lib. II. c. 34, in *Schardius*, p. 349: Si universalis catholica Ecclesia infallibiliter per Christi assistentiam dirigitur; tunc concurrente omnium Christianorum consensu ad quancunque conclusionem necessitatem salutis includentem, necessario sequitur, illam christianam, fidelem et veram. Universale vero Concilium dictans talem conclusionem consensu et legatione omnium fidelium, necessario ex Christi assistentia et Spiritu Sancto inspirante vere et infallibiliter dictat eandem. — Omnes autem provinciales Synodos, ac etiam Romanos Pontifices hoc privilegium non attingit. p. 351: Nec fuit Petrus ex illo primatu Ecclesiæ major: quoniam ipse ab Ecclesia et propter eam nominatur secundum Augustinum. — Quare illa Petri majoritas non fuit majoritas supra, sed infra Ecclesiam. Unde licet os sive caput esset Apostolorum ac Ecclesiæ, — tamen nihilominus tamquam membrum subfuit. — Unitas fidelium est illa, ad cujus servitium et observantiam præsentia est super singulos. Hinc unitas fidelium, quam nos Ecclesiam dicimus, sive universale Concilium catholicæ Ecclesiæ ipsam representans est supra suum ministrum ac singulorum præsidem. *Andreas* Episc. Megarensis Gubernac. Concill. (see § 131, note 19) in *v. d. Hardt* Conc. Const. VI. IV. p. 147: hæc plenitudo potestatis papalis non fuit data Petro, ut Petro, sed fuit data universali Ecclesiæ. p. 162: quando Petrus claves accepit, has potius tota Ecclesia suppositaliter accepit in ipso Petro, sive per ipsum Petrum, et ipse Petrus claves accepit in typo, mystice; et ministerialiter ab ipsa Ecclesia universali. Claves enim, quas Ecclesia non poterat per omnes exercere universaliter, voluit quod exquerentur per Petrum et ejus successores particulariter. p. 155: potestas universalis Ecclesiæ seu Synodi generalis convocata canonice est major, quam potestas Papæ: — quia potestas Concilii est a Deo, Christo Jesu immediate, duntaxat; et potestas Papæ est a Christo et Concilii. *Alphonsus Tostatus* (teacher in Salamanca, then Episc. Abulensis and counsellor to the king. † 1454) comm. in Numer. c. 15, quæst.



for the most part were supposed to be infallible;<sup>6</sup> that the Pope was

48: Claves Ecclesiæ datæ sunt a Christo toti Ecclesiæ: quia tamen non poterat tota Ecclesia dispensare illas, cum non esset aliqua persona, tradidit eas Petro nomine Ecclesiæ. Si tamen intelligeretur, claves traditas esse Petro specialiter, non solum sequeretur inconveniens commune, quod alii Apostoli non habuissent aliquam auctoritatem clavium, quod falsum est, quia illis data est potestas remittendi peccata, ut patet Joannis 20, cap. scil. *accipite Spiritum Sanctum, et quorum remiseritis peccata, remissa erunt, et quorum retinueritis, retenta erunt*: ista tamen est sola potestas clavis: ergo alii Apostoli susceperunt claves. Sed aliud inconveniens majus erat, scil. quod defuncto Petro non mansissent claves, quod necesse erat, si soli Petro datæ fuissent, et non solum si ipsi soli, sed etiam si omnibus Apostolis datæ fuissent claves specialiter tanquam determinatis personis, defunctis illis non mansissent claves in Ecclesia, quia isti non habebant potestatem dandi aliis claves, faciendo eos successores suos, cum nemo posset Prælatum successorem sibi facere. Et tamen omnes successores b. Petri et aliorum Episcoporum habent claves, sicut habuit Petrus et alii Apostoli: ergo non fuerunt datæ claves illis tanquam determinatis personis, sed tanquam ministris Ecclesiæ, et tunc magis dabantur claves Ecclesiæ, cum Ecclesia, quæ habet ipsas radicaliter, nunquam moriatur. Quæst. 49: Ecclesia suscepit claves a Christo, et Apostoli tanquam ministri Ecclesiæ; et nunc Ecclesia illas habet, et Prælati etiam, sed aliter Ecclesia quam Prælati: nam Ecclesia habet secundum originem et virtutem, Prælati autem habent secundum usum earum. Dicitur Ecclesiæ habere secundum virtutem claves, quia potest illas conferre Prælato per electionem: — Ecclesia autem a nullo suscipit, postquam semel a Christo suscepit, ideo illas per originem et virtutem habet. *Præf. ad Evang. b. Matthæi* in referring to the Council of the Apostles: Hoc factum est Spiritu S. dictante, ut recognosceretur per hoc auctoritas et potestas Concilii generalis, qua nulla est major super terram, et non potest errare in pertinentibus ad fidem, nec errat in pertinentibus ad mores. Quilibet autem homo, quantumcunque sanctus et quantumcunque potestatis potest errare in fide et effici hæreticus. Sicut de multis summis Pontificibus legimus, ut de Liberio, de Joanne XXII., et aliis quibusdam. *Dionysius Carthusianus* (properly de Leewis of Ryckel, a Carthusian in Ruremonde, † 1471) de auctoritate Papæ et Concilii, lib. I. art. 31: Concilium generale nonnisi propter causas singulariter magnas et arduas, utputa quæ aliter congrue expediri non queunt, congregandum celebrandumque esse omnes fatentur. Porro hæ causæ sunt extirpatio hæreticæ pravitate ac schismatis, declaratio fidei atque editio symboli ejus, universalis reformatio Ecclesiæ in capite et in membris. Itaque in expeditione istorum major dicitur potestas Concilii generalis quam Papæ, quoniam Christus promisit Ecclesiæ seu Concilio ipsam representanti infallibilem directionem et gloriosam assistentiam incessantem; ita quod errare non potest in fide, neque in his, quæ ad bonos pertinent mores, eo quod in talium determinatione regatur immediate a Spiritu Sancto. Unde et Papa in talibus tenetur stare determinationi Ecclesiæ, seu statuto Concilii, tanquam ordinationi et sententiæ Spiritus Sancti. Cumque Papa possit errare in fide et moribus et cæteris, quæ sunt de necessitate salutis; ejus judicio non videtur ultimate et certitudinaliter standum in istis, cum non sit infallibilis regula, neque indeviabile fundamentum. *Jac. Almainus* de auct. Eccl. et Concil. generall. c. 7 seq. (Opp. *Gersonii* II. p. 989 seq.).

<sup>6</sup> The infallibility of general councils was presented to the Council of Constance only as a disputed opinion of the schools, and therefore was denied without offence by *Petrus de Alliaco*, see above, § 130, note 4. After that time the doctrine was carried out more completely, see (Blau's) *krit. Gesch. der kirchl. Unfehlbarkeit*, Frankf. a. M. 1791. S. 240 ff., and maintained by John Gerson, Alphonso Tostatus, Dionysius Carthusianus, Nicolas Cusanus. Others again considered the church infallible, but not particular councils, thus *Joannes Breviscoxa* (Doctor Paris, from 1420 bishop of Paris, from 1422 bishop of Geneva) tract. de fide, Ecclesia, Romano Pontifice et Concilio. Art. 3 in *Gersoni* Opp. ed. *du Pin* I. p. 898; *Thomas Netterus Waldensis* (Carmelite in England, † 1430) doctrinale antiquitatum fidei cathol. adv. Wiclevitas et Hussitas. T. I. lib. II. c. 19, 27; *Nicolaus de Tudesco*, Archiep. Panormitanus (celebrated as a member of the Council of Basil, and as a writer on the canons under the name of Abbas or Panormitanus) comm. in Decretal. lib. I. Tit. 6, c. 4; *Antoninus* Archiep. Flo-

inferior to these as only the *caput ministeriale Ecclesiæ*, and having no power to make laws,<sup>7</sup> and that appeals could be made from him to such a council;<sup>8</sup> finally, that the episcopal powers do not flow from that of the Pope, but that both rested on the same foundation.<sup>9</sup> But

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rentinus Summa theol. P. 111. Tit. 23. c. 2. § 6, see Blau, l. c. S. 241 ff. By degrees, however, the doctrine of the infallibility of general councils as opposed to that of the infallibility of the Pope, became general amongst the more liberal theologians. See *Jac. Almainus* de auct. Eccl. et Conc. gen. c. 10 (*Gersonii* opp. II. p. 1001): *Papa potest errare errore judiciali, de errore personali omnibus notum est. Probatur ista propositio: duo summi Pontifices determinaverunt contraria, etiam in his, quæ fidem tangunt, ergo alter eorum erravit errore judiciali. Antecedens patet de Joanne XXI. et Nicolao, quorum unus determinavit judicialiter, Christum et Apostolos nihil habuisse in communi, nec in proprio; alter oppositum, ut videre est in eorum extravagantibus. Secundo Innocentius III. et Celestinus determinaverunt contraria super ista propositione: uno conjugum ad hæresim transeunte, alter qui remanet in fide potest ad secunda vota transire. Determinatio Innocentii III., quod non potest, ponitur in cap. *Quanto, De divortis*. Determinatio Celestini, ut dicit Glossa in eodem Cap. olim ponebatur in Decretalibus *de conversione conjugatorum* in fine. Tertio, aliqui statuerunt contra Evangelium, ut Pelagius, qui fecit constitutionem, quod omnes Subdiaconi Siciliæ a suis uxoribus abstinerent, quas in minoribus Ordinibus duxerant, aut ab officio cessarent: quam (quia erat iniqua et contra Evangelium) retractavit Gregorius I., ejus successor, ut patet 31 Dist. Can. *Ante triennium*, in textu et in glossa. — Ex his satis patet, quod summus Pontifex potest errare, sententiando in materia fidei. — Sequitur secundo, quod ultima resolutio in his quæ fidei sunt, non spectat ad summum Pontificem. — Concilium universale in his quæ fidei sunt errare non potest, et sic ad ipsum ultima fidei decisio spectat.*

<sup>7</sup> See note 5. *Gerson*. de modis uniendi ac reformandi Ecclesiam in Conc. univ. c. 2, see § 130, note 1. Responsio synodalis Conc. Basil. ann. 1432 (see § 131, note 14), in *Mansi* XXIX. p. 249: *Etsi sit caput ministeriale Ecclesiæ, non tamen est major tota Ecclesia. The question how far the papal ordinances are binding, discussed in Gerson. de potest. eccl. consid. IV. (Opp. II. p. 232): Ecclesia potest condere leges obligantes, et regulantes etiam ipsum Papam, tam quoad personam, quam respectu usus potestatis. Non sic e contra potest Papa judicare totam Ecclesiam, vel usum suæ potestatis limitare: immo si Papa condat leges et canones, videtur observandum illud quod dicit Augustinus: *leges instituuntur cum promulgantur, firmantur autem cum moribus utentium approbantur*. Hoc enim dicitur ad reprimendam præsumptionem quorundam summorum Pontificum vel eis adulantium, etc. *Nicolaus Cusanus* de concord. cath. lib. II. c. 9: *Ecclesiastici canones non possunt nisi per ecclesiasticam congregationem, quæ Synodus vel cætus dicitur, statui. Et ideo nisi, quicumque ille fuerit, aut Papa, aut Patriarcha, decreta secundum canones ecclesiasticos promulgaverit, non possunt illa statuta, canones, sive ecclesiastica statuta vocari; et nihil habent firmitatis, cujuscunque particularis statuta, nisi in quantum per acceptionem et usum seu consensum confirmantur, seu canonibus consentiant. Almainus* de auct. Eccl. et Conc. gen. c. 12 (*Gersonii* opp. II. p. 1008): *Summus Pontifex non solum deponi potest ab Ecclesia seu Concilio pro hæresi, verum etiam et pro alio crimine notorio Ecclesiam scandalizante.**

<sup>8</sup> This was one of the points that was most loudly and most frequently discussed between the two parties. Martin V. had condemned such appeals at Constance, which had called forth Gerson's work, see § 130, note 23. Pius II. condemned them anew, see § 132, note 26, but likewise was opposed, namely, by Gregory of Heimbürg, see *ibid.* note 29.

<sup>9</sup> *Gerson* de potest. eccl. Epilogi Conclus. 2 (Opp. II. p. 256): *Nec tamen plenitudo potestatis papalis sic intelligenda est immediate super omnes Christianos, quod pro libito possit immediate jurisdictionem in omnes per se vel alios extraordinarios passim exercere: sic enim præjudicaret Ordinariis, qui jus habent immediatius, immo immediatissimum super plebes eis commissas, actus hierarchicos exercendi. Extenditur igitur plenitudo potestatis Papæ super omnes inferiores solum*

although the arguments for this view were drawn chiefly from such of the older church rules as had been retained in the usual collections, and this circumstance might well have led to a more thorough historical investigation; the defenders of the new theory rested their cause almost entirely on dogmatical grounds. Some individuals, it is true, went further on the true path; the fraud of the Pseudo-Isidore, and of the investiture by Constantine, was acknowledged by many, and this last loudly proclaimed by Laurentius Valla:<sup>10</sup> still these discoveries were confined to a few, and were made no use of by those few; and thus the most powerful weapon that could be wielded against the popes, that of history, lay as yet untouched.

Whilst this new system, which was carried furthest in France, was considered the foundation of all true freedom in the church, the old papal system found defenders enough, who, attached to the Pope either by favors received or hoped for,<sup>11</sup> and excited by opposition,

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dum subest necessitas ex defectu Ordinariorum inferiorum, vel dum apparet evidens utilitas Ecclesiæ. *Nicol. Cusanus* de concord. cath. lib. II. c. 13: Pro investigando veritatem illius, an scilicet de jure positivo omnes Prælati inferiores Papa derivative, scil. ab ipso Papa, jurisdictionem habeant; — oportet primo, si hoc verum foret, Petrum alicuius a Christo singularitatis recepisse, et Papam in hoc successorem esse. Sed scimus, quod Petrus nihil plus potestatis a Christo recepit aliis Apostolis. — Nihil enim dictum est ad Petrum, quod etiam aliis dictum non sit. — Ideo recte dicimus, omnes Apostolos in potestate cum Petro æquales. — Unde cum potestas ligandi et solvendi, in qua fundatur omnis ecclesiastica jurisdictione, sit immediate a Christo; — et quia ab illa potestate ligandi et solvendi est divinæ jurisdictionis potestas; patet, omnes Episcopos, et forte etiam Presbyteros æqualis potestatis esse quoad jurisdictionem, licet non executionis. Quod quidem exercitium executivum sub certis positivis terminis clauditur et restringitur propter melius et causam cum majori parte perduciendi omnes homines ad finem suum, scil. Deum: ob quem finem finaliter omnis potestas, et jurisdictione, et statuta humana per media proportionata temporis et loco tendere debent. Unde cessante causa statuti illius, — puta vel ob negligentiam inferiorum, vel necessitatem, tunc cessant illa positiva jura. — Quare dicimus, — quod omnes Episcopi unius sunt potestatis et dignitatis: quæ supra sunt, scil. Archiepiscopalis, Patriarchalis, et Papalis sunt administrationes. — Quare hoc solum singularitatis in Petro invenimus, quod ipse fuit major in administratione, ad quam volentibus Apostolis a Christo est electus, quia senior. — Sicut principatus Petri a legatione Christi dependebat, ita et omnium Episcoporum: — quare qui eos audit, Christum audit. — Apostolicum præceptum habent omnes Episcopi regendi se et gregem. — Si dicis, Papam subditos Episcoporum absolvere et ligare, dico idem in aliis, quando consensus propriorum intervenit. Actus enim, aliter nullus, per consensum aut gratificationem proprii sacerdotis in hac materia validus efficitur. — Cum ergo usu communi sit hoc introductum, et ex usu consensus elicitur, patet quod efficacia hujus vigorem ex consensu recipit. — Igitur non legitur, antiquos Romanos Pontifices se de his intronississe, et talia confessionalia et alia consimilia concessisse, et forte non fuisset permissum. Unde si Concilium Africanum, cui se subscripsit s. Augustinus, non admisit appellationem a Synodo ad Papam (see vol. I. § 92, note 53), — quomodo tunc admisissent ista, et ea quæ hodie exorbitanter fiunt? Sed quia consensus ex usu longævo hoc nunc introduxit, valida illa sunt quoad animarum salutem, quam diu patiuntur: tolli autem possent per Concilium, et hoc reformatio deposcit. — Et dum hanc partem defendimus, quod Papa non est universalis Episcopus, sed super alios primus, et sacrorum Conciliorum non in Papa, sed in consensu omnium vigorem fundamus: tunc quia veritatem defendimus, et unicuique suum honorem reservamus, recte Papam honoramus.

<sup>10</sup> See Div. I. § 20, note 15.

<sup>11</sup> *Thomas de Corsellis* says in an oration delivered at Basil (*Æneas Sylvius* de Conc. Basil. lib. I. ed. Cattopoli. 1667. p. 19): Sunt aliqui, sive avidi gloriæ,

were ready to go any lengths in its support, without shrinking from any consequences of their arguments, however revolting.<sup>12</sup> They maintained that the papal power was above all powers on earth;<sup>13</sup>

sive quod adulando præmia expectant, qui peregrinas quasdam et omnino novas prædicare doctrinas cøperunt, ip-sun-que summum Pontificem ex jurisdictione sacri Concilii demere non verentur. Excœcavit namque illos ambitio, a qua non solum hoc modernum, sed omnia usque in hanc diem schismata suborta reperiuntur. — Alius clamat, subditorum facta judicari a Papa, Romanum vero Pontificem solius Dei reservari arbitrio. Alius dicit, quia primam sedem nemo judicabit. — Alius vero asserere non veretur. Romanum Pontificem, quanvis animas catervatim secum ad inferos trahat, nullius reprehensioni fore subjectum. Nec considerant miseri, quia quæ prædicant tantopere verba aut ipsorum summorum Pontificum sunt, suas fimbrias extendentium, aut illorum, qui eis adulabantur. *Jacobi de Paradiso* (a Carthusian and Doctor of Theology at Erfurth) collectum de septem statibus Ecclesiæ in Apocalyp-si mystice descriptis (written 1449, in *Walchii monim. medii ævi*, vol. II. fasc. 2, p. 43 seq., see below, note 31. *Joannes Major* (see note 2) comm. in Matth. c. 18, in *Gersonii Opp.* II. p. 1144: Quod vero plures Pontificem extollant quam Concilium, non miraberis. Concilium raro congregatur, nec dat dignitates ecclesiasticas, Papa dat eas: hinc homines ei blandiuntur, dicentes, quod solus potest omnia quadrare rotunda, et rotundare quadrata, tam in spiritualibus quam in temporalibus.

<sup>12</sup> The most conspicuous of these writers, in the fifteenth century, is Joannes de Turrecremata, a Dominican, Magister s. Palatii, who was sent as papal ambassador to the Council of Basil, was very active at the Council of Florence, from 1439 Cardinal, † 1463. In opposition to the Council of Basil he wrote his *Summa de Ecclesia et ejus auctoritate* libb. IV. (Lugd. 1496. Venet. 1561), of which lib. II. de potestate Papali, and lib. III. de Conciliis are given in Recaberti biblioth. max. pontificia, T. XIII. p. 281, where also we find, p. 575, ejusd. de summi Pontificis et generalis Concilii potestate, ad Basileensium Oratorem in Florentina Synodo responsio, viva voce exhibitæ. Of Cajetan, see above, note 3.

<sup>13</sup> *Jo. de Turrecremata*, Lib. II. c. 52, gives the following view of the plenitude of the power of the Pope. Namely, primo ostenditur ex his, ex quibus excellentia papalis dignitatis sive principatus nobis figuratiter describitur. — Secundo ostenditur — in extensione principatus sui: extenditur enim in totum orbem terrarum, nullus enim fidelis in toto orbe christiano eximitur ab ejus principatu. — Tertio — ostenditur in potestate clavium in foro conscientia. Extenditur enim potestas clavium in eo ad omnia loca, ad omnes personas, ad omnes casus. — Quarto — ostenditur in clavibus judiciariæ potestatis in foro exteriori. Valet enim de omnibus personis orbis christiani, cujuscumque status aut conditionis existant, judicare: est enim judex totius Ecclesiæ. — Cum enim Romanus Pontifex caput totius Christianæ communitatis princeps existat; ejus non tantum est promovere ea et ordinare, quæ ad bonum reipublicæ, et consecutionem supernæ beatitudinis, quæ finis ultimus Christianorum est, conferunt, sed ea tollere et submovere prohibendo et corrigendo, quæ ad motionem ad talem finem fideles impediunt. — Quinto plenitudo potestatis Romani Pontificis ostenditur in depositione Episcoporum. — Sexto — in hoc, quod ejus potestas a nulla potestate humana exceditur, vel superatur; sed ipsa omnem aliam excedit et superat. — 7. in hoc, quod non arctatur ejus potestas ad hoc, ut semper servato ordine inferiorum potestatum operetur, sed potest mediantibus illis, vel illis intermissis, immediate in quemcumque Christianum operari, ut immediatus ordinarius Pastor et Prælatus, quando viderit expedire. — 8. in exemptione inferiorum Prælatorum a superiori. — 9. in hoc, quod non ligatur legibus a se factis, aut etiam sacrorum Conciliorum canonibus, sed potest ex plenitudine potestatis super jus et leges positas facere, et in canonibus Conciliorum juxta temporum opportunitatem aut locorum, et personarum condiciones dispensare. — 10. in dispensatione actionum humanarum, puta votorum et juramentorum. — II. in administratione et dispensatione rerum ecclesiasticarum. Alii autem Prælati et Collegia habent potestatem coarctatam in administrando et dispensando res suas, et transferendo dominium ipsarum; obligando, et alienando, quia non nisi ex certis causis et cum certis solemnitatibus jure possunt res Ecclesiæ alienare. — Papa vero in istis solus sine consensu etiam cujuscumque, et sine solemnitatibus potest res quascumque

that the Pope was not only lord of all princes,<sup>14</sup> but likewise the

cujuslibet Ecclesiæ alienare, et alienando dominium transferre, dum tamen hoc faciat ex justa causa. — 12. in hoc, — quod quædam sunt superiorum Ordinum, quæ potest Papa committere inferioribus quibusdam: sicut Presbyteris concedit conferre minores Ordines, quod pertinet ad potestatem Episcopalem: — 13. in dispensatione thesauri Ecclesiæ, quoniam ipse solus, utpote Christi principalis vicarius et dispensator, dat plenariam indulgentiam, et omni homini fideli de toto mundo. — 14. in hoc, quod dispositio totius ecclesiastici ordinis quoad dignitates ecclesiasticas, — et dispensatio beneficiorum, tanquam ad servum, quem constituit Dominus super familiam, ut det illis tritici mensuram, pertinent ad Romanum Pontificem. — 15. in canonizatione Sanctorum. *Rodericus Sancius Episc. Zamorensis et Refeendararius, P. Pauli II.*, Speculum vitæ humanæ (Romæ 1468, many times published, e. g. Argent. 1507. fol.) lib. II. c. 1: Summi Pontificatus excellentiam, dignitatem et auctoritatem, — illiusque necessitatem et utilitatem ostendere, hodie munus suscepti, grande quidem negotium, sed parvum ingenium. Cujus tanta est sublimitas et eminentia, tanta immensitas, ut nullus mortalium nedum comprehendere, aut satis exprimere, sed nec cogitare posset. Obtundit enim omnem humanum intellectum illius sacratissimi et omnium eminentissimi status majestas et excellentia, quia scriptum est: *scrutator majestatis opprimitur a gloria*. Si — nihil in hoc sæculo excellentius — inveniri potest statu et dignitate simplicium sacerdotum, — quid cogitandum est de eo summo Pontifice, qui vices veri Dei gerit in terris? qui ad plenitudinem status, qui ad apostolicum thronum, qui ad culmen omnium dignitatum assumitur, ex qua certe, ut rivuli a fonte, rami ab arbore procedunt. Qui non ad humanum tantum principatum, sed ad divinum: non ad principandum solum mortalibus, nec modo hominibus, sed angelis; non ad judicandum vivos, sed mortuos; non in terra solum, sed in cælo; non ad præsidendum solis fidelibus, sed infidelibus: et (ut paucis agam) qui ad eam ipsam dignitatem, ad eandem jurisdictionem et coactionem, ac universalem toto orbe supremum principatum a summo Deo et ejus loco super cunctos mortales institutus et erectus est. De quo per Job scriptum est, quod coram eo curvantur, qui portant orbem, et Reges sæculi atque tyranni ridiculum sunt, qui solus omnem potestatem ambit. Et, sicut Scriptura commemorat, unus est, et secundum non habet. — Cujus, teste propheta, suæ sunt justitiæ, potestas et imperium. Quem iterum David signat inquis: dedit ei potestatem et regnum, et omnes populi et linguæ servient ei, etc.

<sup>14</sup> On this point *Jo. de Turrecremata* is somewhat more moderate. He points out, II. c. 103, two extremes, the opinion quod Romanus Pontifex ratione sui principatus in solis spiritualibus consistat, ita quod nullo modo jure Papatus ad temporalia se extendat, et quod R. P. jure sui Principatus, sive Vicariatus Christi habeat in toto orbe terrarum plenam jurisdictionem, non solum in spiritualibus sed etiam in temporalibus, quod omnium Principum sæcularium jurisdictionalis potestas a Papa in eos derivata sit. He maintains on the contrary, quod spirituali potestati potestas sæcularis in Papa conjungitur, qui utriusque potestatis apicem tenet, but that he has jurisdictionem in temporalibus in toto orbe christiano only so far quantum necesse est pro bono spirituali conservando ipsius et aliorum, sive quantum Ecclesiæ necessitas exigit, aut debitum pastoralis officii in correctione peccatorum exposcit. Hence the Pope is not orbis Dominus or Rex aut Imperator orbis; so that it cannot be said, ut quemadmodum omnes dignitates ecclesiasticæ a sede Apostolica pendere dicuntur ab ea jurisdictionem sumentes, — ita principatus et jurisdictiones Regum et Principum sæcularium dependent ab ea. Nor, quod de feudis Principum sæcularium, aut de possessionibus directe se intronittere aut judicare valeat regulariter; and quod a quocunque judice sæculari passim et regulariter ad eum possit appellari. Further, Papa non habet potestatem, sive jurisdictionem in temporalibus, ut Reges in bonis temporalibus habent dominium, nec ita ut sit regulariter eorum dispensator: — non habet ita plenam jurisdictionem in temporalibus, sicut in spiritualibus, ita quod sicut deponere potest Prælatum ecclesiasticum, etiam sine culpa sua, ita possit deponere Principem sæcularem, sive laicum. On the other hand, cap. 114: potestatis spiritualis, et maxime Papæ, qui est universalis dux et rector populi Christiani, est dirigere et regulare, præcipere atque leges dare potestati sæculari, quibus in administratione sui officii dirigatur in finem ultimum felicitatis æternæ. Et secundum hoc Romanus Pontifex se habet

source of all episcopal power;<sup>15</sup> that he was above all councils,

ad Reges et Principes, tanquam architectonicus ad artifices: ille enim propter quid et regulas iudicandi scit: isti autem, scilicet artifices mechanici, tanquam experti in multis ipsum quia sciunt, propter quid autem ignorant: propter quod debet illis Papa leges dare, secundum quas debent jurisdictionem suam exequi, et populum regere in ordine ad beatitudinem supernaturalem. — Ex cura ergo pastoralis, quam Romanus Pontifex habet super omnes fideles, ejuscumque status, dignitatis vel conditionis existant, statim datur intelligi, quod apicem non tantum spiritualis potestatis, sed etiam temporalis aliquo modo habere dicendus sit. — Sine ulla dubitatione ad Prælatus Ecclesie, et maxime ad Prælatum Prælatorum pertinet jure sibi a Deo collato recognoscere, et judicare de peccato quocumque. — Non solum Principes sæculares circa usum suæ jurisdictionis delinquentes potest per censuram ecclesiasticam coercere, verum etiam eos notabiliter negligentes a dignitate deponere. This moderation of Torquemada, by which no one usurpation of the Pope was really made impossible, is to be attributed to the course of affairs at the Council of Basil. At a later period the Pope's party spoke more plainly. Thus *Dominicus Venetus* (Episc. Torcellanus, afterwards Brixiensis, about 1465) in *Marci Antonii* de Dominis de republ. eccles. lib. VI. c. 10. § 3): Papa est verus Dominus mundi, et verus Monarcha, et apud ipsum est utraque monarchia. Papa potest tollere Imperium, præsertim si videatur sibi, quod aliter mundus melius gubernaretur: et quod nullus esset Monarcha præter ipsum, et quod Reges immediate ipsum recognoscere, et nullum alium superiorem. Papa temporalem jurisdictionem habet universaliter in omni loco, et potest eam exequi. Papa non solum potest deponere Imperatores et Reges, verum etiam Imperium et Regnum extinguere in laicis, etiam sine causa, et Principatus supprimere, et nova regna aut Principatus erigere. *Rodericus Sancius*, bishop of Zamorra (see note 11) in his work de origine et differentia Principatuum (in *Le Bret's Magazin f. Staaten- u. Kichengesch.* Th. 4. S. 520): Est vero naturaliter, moraliter et divino jure cum recta fide tenendum, Principatum Romani Pontificis esse verum, unicum, immediatum Principatum totius orbis, nedum quoad spiritualia, sed quoad temporalia; et principatum imperialem esse ab ipso dependentem et mediatum, ministerialem et instrumentalem, eidem subministrantem et deservientem, foreque ab eo ordinatum et institutum, et ad jussum Principatus papalis mobilem, revocabilem, corrigibilem et punibilem. Especially remarkable in this way the rebuke of an imperial ambassador in the papal consistory, A. D. 1473, see *Jac. Volaterrani* diarium Romanum in *Muratorii* Scriptt. rer. Ital. XXIII. p. 94: Thomas quidam, vir acris ingenii, quum Imperatoris Federici nomine assumi ad dignitatem Cardinalatus Dominicum Episcopum Brixiensem contenderet, eamque ob causam postulato Senatu ac dato fervidius loqueretur, sæpe inter agendum Monarcham orbis Imperatorem appellabat. Tum Cardinalis Rotomagensis, qui etiam causæ Dominici minus favebat, paulo commotior factus: *male*, inquit, *agis, Thoma; non tuus Imperator, sed hic noster Pontifex Monarcha est orbis: pati non possum, Romanæ amplitudini detrahi.* Tum ille: *non omnium*, inquit, *Monarcham Imperatorem ajo; temporalium tantum intelligo.* Et Rotomagensis; *nec temporalium quoque illi est Monarchia: jure divino et pontificio tota Romani est Præsulis.* Idem qui ex Patribus jus didicere, uno judicio confirmarunt.

<sup>15</sup> *Jo. de Turrecremata* summa de Ecclesia II. c. 32: solus Petrus inter Apostolos immediate a Christo factus et ordinatus fuit Episcopus: — alii vero Apostoli a Petro immediate, vel immediate, solo, vel eum alio, vel cum aliis sunt Episcopi facti vel ordinati. c. 54: dicimus cum s. Thoma, — quod tota jurisdictionis potestas aliorum Prælatorum de lege communi derivatur a Papa. — Apostoli alii — non susceperunt potestatem jurisdictionis immediate a Christo, sed mediante Petro. Ergo sequitur, quod etiam nunc Prælati, qui sunt in Ecclesia, jurisdictionis potestatem suscipiant immediate a Papa, et non a Christo. c. 65: Romanus Pontifex immediatus Prælatus et judex est omnium Christianorum, potestque facere in toto orbe terrarum, quicquid inferiores Prælati agere possunt. — In quocumque ordine quando tota potestas inferiorum dependet et originatur a potestate superioris, ad quæcumque se potest extendere potestas inferiorum, ad omnia illa se potest extendere immediate potestas superioris: sed potestas jurisdictionis, de qua est sermo, omnium aliorum Prælatorum in Ecclesia a potestate Papæ derivatur; ergo sequitur,

which had their consequence only from him;<sup>16</sup> and that himself infallible, he could prescribe what was to be believed by others.<sup>17</sup> So

quod summus Pontifex potest in toto orbe omnia facere immediate, quæcumque possunt alii Prælati. *Thom. Cajetanus* de auct. Papæ et Conc. c. 3 (*Rocaberti* XIX. p. 449): In Petro et a Petro inchoat omnis Ecclesiæ potestas, et derivatur in totam Ecclesiam via ordinaria.

<sup>16</sup> *Jo. de Turcremata* II. c. 80: Romanus Pontifex superior, ac major jurisdictionis auctoritate est tota ipsa residua universali Ecclesiæ. — Omnis pastor — superior est grege, cujus est pastor, sed Rom. Pont. est pastor Ecclesiæ universalis, ergo ipse est — superior universali Ecclesiæ. Lib. III. c. 28: universaliter Conciliorum auctoritas a Rom. Pont. pendet et emanat. c. 32: ea, quæ in universalibus Conciliis statuuntur, sententiantur, aut deliniuntur, aut interpretantur, auctoritate Romani Pontificis principaliter regulariter fiunt. c. 44: Rom. Pontifex superior est jurisdictionis auctoritate universali Concilio. c. 47: appellare non licet a Romano Pontifice ad Concilium universale, sed magis e converso, puta a sententia Concilii, quam Apostolica sedes nondum approbavit, ad Papam licet appellare. c. 51: Rom. Pontifex nec ligatur, nec subjicitur necessitate quorumcumque Conciliorum, — nec universalium statutis, legibus, aut canonibus, quæ sub juris positivi genere comprehenduntur. c. 55: Rom. Pontifex non solum auctoritatem in canonibus sacrorum Conciliorum, etiam universalium, et decretis suorum prædecessorum dispensandi habet, verum etiam tollendi, aut revocandi, aut mutandi, prout temporum aut causarum necessitas exposcit. c. 62: Quemadmodum ad Romanum Pontificem, ut ad Ecclesiæ Principem, pertinet, Concilia universalia, si bene processerint, approbatione et auctoritate sua confirmando honorare; ita ipsius est, ea Concilia, quæ in perniciem fidei, aut totius Ecclesiæ perturbationem celebrata reperta fuerint, corrigere, reprobare, ac cassare, ea, quæ minus juste, minusque bene acta sunt, retractando et condemnando. *Thom. Cajetanus* de auctor. Papæ et Concilii, c. 7 seq. (*Rocaberti* XIX. p. 455) c. 20. p. 474, it is granted, quod Papa factus hæreticus subest potestati ministeriali Ecclesiæ, et non auctoritativæ super Papam: on the other hand decidedly denied, c. 24. p. 482 seq., quod Papa propter incorrigibilitatem in quocumque notorio crimine scandalizante Ecclesiam subjiciatur Concilii potestati, ita quod possit deponi: and the reason given c. 26. p. 487 is, because we read, *Matth.* 18, quod pes, manus, vel oculus, non tamen caput scandalizans amputaretur. *Apologia*, P. I. c. 1. (l. c. p. 494): Natura ecclesiastici regiminis ab ipsa sua nativitate est, non ut in communitate ad unum vel plures derivetur, quemadmodum accidit in regimine civili humano; sed ut in uno certo Principe suapte natura sit. Et cum Princeps iste unus atque idem Dominus Jesus heri, hodie, et in sæcula vivat et regnet; secundum naturalis juris consequentiam oportet, ut ad ipsum Principem, non ad communitatem Ecclesiæ spectet in sua absentia ordinare de Vicario, non communitatis Ecclesiæ, quæ utpote *serva nata* principandi jure caret, sed ipsius Principis, naturalis Domini communitatis Ecclesiæ. Et hoc ipsum Salvator noster per semetipsum exequi dignatus est, dum Petrum Apostolum solum instituit suum Vicarium post resurrectionem, antequam cælos ascenderet, ut patet *Joan.* ult.

<sup>17</sup> *Jo. de Turcremata*, II. c. 107: Ad Romani Pontificis auctoritatem spectat, tanquam ad generalem totius orbis principalem magistrum et doctorem, determinare ea, quæ fidei sunt, et per consequens edere symbolum fidei, sacræ Scripturæ interpretari sensus, et doctorum singulorum dicta ad fidem spectantia approbare vel reprobare. c. 109: tanta soliditate veritatis apostolicum thronum elementaria Divinitatis firmaverat, quod judicium ejus in his, quæ fidei sunt, errare a veritate non possit. Decebat sane ut sedes illa, quæ superni dispositione Concilii magistra fidei, et cardo omnium instituebatur Ecclesiarum, in his, quæ fidei sunt, hominumque necessaria salutem, ab ipso omnium auctore Deo, — hoc singulari infallibilitatis munere donaretur. In cujus rei sacramentum primo illius sedis Pontifici — nomen firmitatis imponitur, scil. Petrus, quod Syra lingua rupes interpretatur. c. 112: Ubi — bene advertendum, quod non dicitur, quod Papa errare non possit, aut male sentire aut judicare in his, quæ fidei sunt; — sed dicitur, quod sententia, quam in judicio Rom. Pontifex profert in his, quæ fidei sunt, errare non possit, aut quod sedis Apostolicæ judicium, quod idem est, errare non possit. — Sedis autem Apostolicæ — sententia in judicio prolata a Rom. Pontifice intelligitur, non quæ occulte, malitiose, aut inconsulte per

far were they carried in their zeal, that some of them maintained that the donatio Constantini, levied by Laurentius Valla, was only a restitutio,<sup>18</sup> and made the Pope a God on earth.<sup>19</sup>

solum Rom. Pontificem, aut etiam quæ per ipsam cum paucis sibi faventibus, aliis in fraudem contemptis sive non vocatis, ad partem profertur; sed quæ a Rom. Pontifice cum maturo et gravi virorum sapientum, et maxime dominorum Cardinalium primo Concilio digesta et maturata sancitur et profertur. Lib. III. c. 58. on the question utrum universale Concilium in his, quæ fidei sunt, errare possit? Ad quam questionem nobis videtur sub distinctione respondendum. De Concilio universali loqui possumus dupliciter: uno modo de Concilio universali plenario, plenarium autem Concilium dicimus, in quo cum Ecclesiæ patribus Romanus Pontifex eorum caput — concurrit. — Secundo modo loqui possumus de Concilio, prout dicitur corpus tantum patrum, distinctum a capite suo Romano Pontifice. Si primo modo loquamur de Concilio, fit ista conclusio: Concilium universale in his, quæ ad fidem pertinent, errare non potest, quæ tam patrum Ecclesiæ, quam Romani Pontificis unanimi consensu definita sunt. — Apostolicæ sedis iudicium in his, quæ fidei sunt, errare non potest; ergo nec Concilium universale, in quo Apostolicæ sedis intervenit, sive concurrit auctoritas et consensus. — On the other hand, however, Concilium universale non interveniente consensu et approbatione Apostolicæ sedis errare potest in his, quæ fidei sunt. — Phantasia stulta eorum, qui omni Concilio non errandi gratiam quasi essentialiter inesse affirmant, cum tam ex Evangelio, quam ex actibus Apostolorum, et gestis antiquorum Conciliorum manifeste oppositum habeatur. *Dominicus Venetus* (see note 12) de Cardinalium legitima creatione (appended to *Marci Ant. de Dominis de Republ. eccl. P. I.*) Propos. VII: Universale Concilium legitime congregatum, et auctoritate Romani Pontificis confirmatum, in se et decretis suis universalem Ecclesiam representat: et id, quod facit aut determinat cum tali approbatione et consensu Maximi Pontificis, tenendum est ratum et firmum, ac si universalis Ecclesia determinaret, quæ non permittitur a Deo errare in fide, nec in determinando ea, quæ ad bene vivendum pertinent. — Hæc autem infallibilis regula non est Concilium, etiam legitime congregatum. — Nam multa Concilia errasse leguntur; — Ephesina secunda universalis fuit, et legitime congregata, utpote auctoritate Leonis Max. Pont. et pro justa causa, utpote pro damnatione hæresis: quæ tamen errasse legitur. — In cuius correctionem Synodus Chalced. convocata est ejusdem Leonis auctoritate; et hoc quia non requiritur solum auctoritas Rom. Pontificis in congregando, sed etiam in definita et sancita approbando. — Similiter etiam nec Papa solus est illa regula infallibilis, quia aliqui errasse leguntur in fide, ut patet de Liberio, et de Anastasio secundo, qui communicavit Acacio hæretico, ideo percussus est a Deo (plainly confounding him with the emperor Anastasius): ergo infallibilis regula erit Papa, adhibito debito consilio peritorum; a fortiori ergo si cum generali Concilio, quod pro arduis causis congregatur, quia difficilior errant plures, quam pauci. *Thom. Cajetanus* de auctor. Papæ et Concilii, c. 9 (*Rocaberti* XIX. p. 460): Magis potest errare communitas Ecclesiæ sine auctoritate Papæ, quam Papa. Et ratio est, quia error Papæ in definitiva sententia fidei est error totius Ecclesiæ, — quia ad ipsum spectat determinare finaliter de fide quid tenendum, et quid repellendum. — Impossibile est autem universalem Ecclesiam errare in fide, ergo impossibile est, Papam in iudicio definitivo auctoritative errare in fide. — Papa in huiusmodi iudicio est rectissimus propter assistentiam Spiritus Sancti.

<sup>18</sup> *Antonini* Summa historialis, Pars I. Tit. 8. c. 2. § 8: Quæstio adhuc agitur inter Canonistas et Legistas, utrum illa tenuerit donatio. Quod Canonistæ omnino firmant, et Theologi magis confirmant eo quia non fuit simplex donatio, sed potius restitutio Ecclesiæ facta juris sui, cum omnia sint de Christi dominio, cuius Papa est vicarius in terris: cætera vero divisit dominis temporalibus. *Jo. Major* (see note 2) comm. in *Matth.* c. 16. in *Gersonii* Opp. ed. *du Pin*, II. p. 1158: Quæritur, an Constantinus contulerit justum titulum Pontifici in terris, quæ nunc vocantur Ecclesiæ. Est hic modus dicendi: aliqui volunt, quod nunquam ei dedit terras in Italia, nec Romanam urbem; aliquibus placet, quod nec dare poterat Italiam, sive istas terras quæ dicuntur Ecclesiæ; alii tenentes, Pontificem habere dominium tam in spiritualibus, quam in temporalibus, dicunt, quod nihil dedit, sed solum detentum injusto restituit. He maintains on the contrary: Ecclesia licite



Each of these systems condemned the other as heretical, but the fear of causing an incurable schism prevented their coming to extremes. The popes were also embarrassed by the circumstance that the lawfulness of their succession depended upon the acknowledgment of the Council of Constance, whilst in the decrees of that council was founded the system which they opposed. Hence they were glad as far as possible to pass over these decrees in silence; <sup>20</sup> when forced to say something, they had recourse to evasion; whilst many of their adherents did not hesitate to deny the validity of the council altogether.<sup>21</sup>

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cepit, and Constantinus M. licite multa contulit Ecclesiis, therefore Rom. Pont. juste possidet. It is remarkable that the Cardinal *Bernardinus Carvajal Card. S. Crucis*, who was at the head of the Cardinals who forsook Julius II., and summoned the Council of Pisa in 1511, had previously written in support of this notion of a restitutio: *Jo. Boutzbachius* (Prior in the convent of Laach near Andernach) says of him, A. D. 1511, in his Auctarium in librum *Jo. Trithemii* de scriptoribus ecclesiasticis (Ms. in the library of the University of Bonn, fol. 143): Scripsit quidem præclara opera, e quibus unum exstat, quod mihi dudum innotuit contra Laurentium Vallam et alios, qui vesana sua loquacitate audent latrare in summum Christi Vicarium et s. Romanam Ecclesiam, quasi non vera, sed falsa et conficta sit donatio Constantini Imperatoris. In quo quidem prægrandi volumine omnem istorum assertionem ita subnervavit, ut non tantum veram, sed quod magis est, legitimam et debitam restitutionem potius quam donationem fuisse probet. Omnem itaque bestialem Laurentii invectionem elidens scripsit contra eundem: De restitutione Constantini, lib. I.

<sup>19</sup> *Gersonii* circa materiam excommunicationum resolutio, Consideratio XI. (Opp. II. p. 424): Contemptus clavium — non incurritur, dum in præmissis casibus dicit aliquis — juxta conscientiam suam, quod hujusmodi sententiæ non sunt timendæ, et hoc præsertim si observetur informatio seu cautela debita, ne sequatur scandalum pusillorum, qui æstimant Papam esse unum Deum, qui habet potestatem omnem in cælo et in terra. Compare the passage from *Rodericus Sancius*, above, note 11. *Christophorus Marcellus*, in an oration delivered before the Council of the Lateran in the 4th Session, Dec. 10, 1512, thus addresses Julius II. (*Labbei et Cossartii* Concilia XIV. p. 109): Hinc merito conqueri potest Ecclesia. — His lamentationibus et querimoniis ad tuos sanctissimos devoluta pedes in hunc modum opem humiliter implorare videtur: — Tua sub ditione defensa sum. — Ad te igitur supplex tanquam ad verum principem, protectorem, Petrum et sponsum accedo. — Cura, pater beatissime, ut sponsæ tuæ forma decorque redeat et pulchritudo. — Tu enim pastor, tu medicus, tu gubernator, tu cultor, tu denique alter Deus in terris.

<sup>20</sup> Paul Sarpi in a letter to Leschasser (in *Le Bret's Magazin für Staaten- u. Kirchengesch.* Th. 2. S. 324) speaking in the person of the Roman Court, says: Concilium Constantiense neque probari, neque emendari inter arcana habemus.

<sup>21</sup> It is in this manner that *Jo. de Turrecremata* Summa II. c. 99. (*Rocaberti* XIII. p. 426) answers the proofs brought from the decrees of the Councils of Constance and Basil for the assertion, Concilium generale potestatem a Christo habere immediate. With regard to the decree at Constance, Sess. V. (see § 130, note 8), in which this is distinctly asserted, he remarks first: Ecce manifeste, quod decretum illorum Patrum non loquitur universaliter de qualibet Synodo universaliter, sed de illa singulariter, pro cuius tempore non erat in Ecclesia unus pastor totius Ecclesiæ indubitatus. But apart from that the decree in question was not binding (non habet necessitatem): for Decreta illa, si ita sunt appellanda, facta sunt solum a Patribus aliquibus obediendiæ Johannis XXIII. The Council of Constance was not a general Council, he argues, till all were united under one Pope. Besides præfatum decretum Constantiense non militat, quoniam per Apostolicam sedem non fuit approbatum, immo videtur per Dominum Martinum reprobatum, sive annullatum in condemnatione erroris Joannis Vicleff et Joannis Hus, inter quos — unus articulus condemnatus est: quod Petrus non est nec fuit caput Ecclesiæ sanctæ catholicæ.

The consequence of this dispute in the hierarchy itself was that the secular power once more gained an influence in the affairs of the church, so as to decide in each country which system should prevail.<sup>22</sup> This depended, however, always on political considerations. Whilst in France the papal system, whenever it ventured to show itself, was immediately condemned by the parliament and the university of Paris,<sup>23</sup> in other countries the opposite system met with the same fate;<sup>24</sup> and whilst from France and Germany the most humiliating

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In like manner he shows, cap. 100, that the decrees of the Council of Basil on the subject are not binding. As to their having been confirmed by Eugene IV. (see § 131, note 17) he answers that objection by maintaining, quod præfata bullæ magis extorta fuerunt minis, quam de mente Domini Eugenii emanaverint. But apart from that, nihil eorum, quæ in præfatis bullis continentur, suffragatur adversariis, quoniam Dominus Eugenius nunquam præbuit consensum decretis Concilii Basileensis. Compare his Responsio de summi Pont. et gen. Concilii potestate, l. c. p. 578. In like manner *Cajetanus* de auct. Papæ et Cone. c. 8 (*Rocuberti* XIX. p. 456) denies the validity of the decrees of the Council of Constance, and tries to show in particular that the confirmation of Martin V. (see § 130, note 24) did not extend to the decrees of the 4th and 5th Sessions. Compare *Apologia*, P. II. c. 11 (l. c. p. 508).

<sup>22</sup> See *Æneæ Sylvii* Ep. 54, § 131, note 42, above.

<sup>23</sup> It was chiefly the Mendicant monks, who, attached of course to the cause of the Pope by the connexion of their Orders with him, drew upon themselves such censures. Thus the Dominican *Johannes Sarrazin*, A. D. 1429, was obliged to retract the following assertions (*d'Argentré* collectio judiciorum de novis erroribus I. II. p. 227): Omnes potestates jurisdictionis Ecclesiæ — sunt ab ipso Papa quantum ad institutionem et collationem. Hujusmodi potestates non sunt de jure divino, nec immediate institutæ a Deo. — Quandocumque in aliquo Concilio aliqua instituuntur, tota auctoritas dans vigorem statutis in solo summo residet Pontificio. — Summus Pontifex canonicam simoniam a jure positivo prohibitam non potest committere. The Augustine monk, *Nicolaus Quadrigarius*, 1442, the assertion (l. c. p. 240): sola Papæ potestas in tota Ecclesia immediate est a Christo. The Franciscan, *Joannes Angeli*, in Feb. 1483, the following assertions (l. c. p. 305): Papa posset totum jus canonicum destruere et novum construere. — Papa posset ab uno Ecclesiastico tollere medietatem reddituum beneficiorum suorum et uni alteri dare, non exprimendo aliquam causam. Quicumque contradicit voluntati Papæ, paganiizat, et sententiam excommunicationis incurrit ipso facto: et a nullo Papa reprehendi potest, nisi in materia hæresis.

<sup>24</sup> Thus an assembly of Theologians and Canonists, which was summoned by the archbishop of Toledo, in Complutum, 1479, condemned, amongst other propositions advanced by *Petrus de Osma*, a French Doctor who taught in Salamanca, in a libellus confessionis the following (*Barth. Caranza* Summa Conciliorum, Duaci, 1659, Svo. p. 660): VII. quod Ecclesia urbis Romæ errare potest. VIII. quod Papa non potest dispensare in statutis universalis Ecclesiæ (so also *Gerson* de modis uniendi ac reformandi Ecclesiam, c. 9. See above, § 130, note 1. *Jac. Abnaini* expositio circa doctrinam *M. Occami*, c. 12. in *Gersonii* Opp. ed. *du Pin*, II. p. 1055). In the bull confirming this sentence, by Sixtus IV. (see *Raynald*, 1479, no. 32, complete in *de Aguirre* Concill. Hispania, V. p. 355 seq.) the Prop. VII. is not found: we know, however, that it was considered heretical in Spain. The theological faculty in Vienna complained to Pope Innocent VIII. of one of their number, *Johannes Kaltenmarkter*, A. D. 1492. that he had taught: Concilium esse supra Papam; Papam non posse revocare per Concilium generale conclusum; Romanum Pontificem non posse dare licentiam Parochianis quibuscunque, ut alteri, quam proprio sacerdoti Curato libere confiteantur; Papam non posse dare generalem potestatem audiendi confessiones: Kaltenmarkter was summoned to Rome, where he had to do penance. and then in Vienna recall the objectionable propositions: see the extracts from the Acta printed A. D. 1493, in (*Dietrich*) Auctarium catalogi testium veritatis, p. 260. cf. *Mitterdorfferi* conspectus hist. Univ. Vien-

demands were made on the Pope, Spain and Portugal found it for their interest to receive from his hands their newly discovered territories,<sup>25</sup> and thus concede to him his most arrogant pretensions. In general, however, the Pope was powerful enough, as well through the influence he could still exercise over the minds of the people, as by his actual possessions in Italy, which country just at that time was the object of universal desire, to make his friendship important to all, so that even a king of France was led to sacrifice to that object the real good of the national church.<sup>26</sup> These political relations were now the main support of the papal power; <sup>27</sup> and it was the aim of the

nensis Sæc. II. Viennæ, 1724. Svo. p. 54 seq. *Hansizii* Germ. sacra, T. I. p. 597.

<sup>25</sup> See *Nicolas V.*'s letter to Alphonso, king of Portugal, A. D. 1452 (*Raynald*, ad. h. a. no. 11): tibi Saracenos et Paganos, aliosque infideles et Christi inimicos quoscumque, et ubicumque constitutos, regna, ducatus, — aliaque dominia, terras, — et quæcumque alia — bona mobilia et immobilia — per eosdem — possessa — invadendi — et subjugandi, illorum personas in perpetuum servitutem redigendi, regna quoque, — aliaque dominia — et bona hujusmodi tibi et successoribus tuis, Regibus Portugallia, perpetuo applicandi — plenam et liberam auctoritate apostolica tenore presentium concedimus facultatem. Referring to this letter *Nicolas* invests the king, 1454, with the new discoveries on the west coast of Africa (*Raynald*, ad h. a. no. 9): de apostolicæ potestatis plenitudine literas facultatis præfatas — ad Ceptensem et prædicta et quæcumque alia, etiam ante datum dictarum facultatem literarum acquisita, et ea quæ in posterum nomine — Alfonsi Regis suorumque successorum in ipsis — et ulterioribus — partibus de infidelium — manibus acquiri poterunt, — sub ejusdem facultatis literis contineri prælibatis, — ipsamque conquestam, quam a capitibus de Bonador et de Nam usque per totam Ghineam — extendi harum serie declaramus, etiam ad ipsos Alfonsum Regem, prædecessores suos ac infantem — spectasse — et in perpetuum spectare, — decernimus et declaramus: ac pro potioris juris et cautelæ suffragio jam acquisita et quæ in posterum acquiri contigerit provincias — prædictis Alfonsi Regi ac successoribus — perpetuo donamus, concedimus, et appropriamus per presentes. In the same form *Alexander VI.* dd. V. non. Maji, 1493 (see *Raynald*, h. a. no. 18) bestows the newly discovered regions in America on Ferdinand and Isabella, accompanying it with a letter to them, dated the same day, in which he adds a more particular description (l. c. no. 19): de nostra mera liberalitate, et ex certa scientia ac de apostolicæ potestatis plenitudine omnes insulas et terras firmas inventas et invenendas, — fabricando et construendo unam lineam a polo arctico — ad polum antarcticum, — quæ linea distet a qualibet insularum, quæ vulgariter nuncupantur de los Azores y cabo Verde, centum leucis versus occidentem et meridiem, ita quod omnes insulæ et terræ firmæ repertæ et reperiendæ — a præfata linea versus occidentem et meridiem, quæ per alium Regem aut Principem Christianum non fuerint actualiter possessæ, — auctoritate omnipotentis Dei nobis in b. Petro concessa, ac vicariatus Jesu Christi, qua fungimur in terris, cum omnibus illarum dominiis, civitatibus, — juribusque et jurisdictionibus, ac pertinentiis univærsis vobis hæredibusque — vestris — in perpetuum tenore presentium donamus, concedimus, assignamus. As early as 1494, however, Ferdinand agreed with the king of Portugal, that this line should be taken 360 leagues from the Azores, instead of 100.

<sup>26</sup> See § 134, notes 18 and 20.

<sup>27</sup> See especially the view taken by Franc. Guicciardini († 1540) of the origin of the Pope's temporal power in the fourth book of his Italian history, in the various editions of that work omitted, but printed in *Goldasti* Monarchia III. p. 17 seq., and in *Conringii* Opp. I. p. 113. At the close we find: His igitur fundamentis et modis ad terrenam potentiam elati, ac sensim animarum salutis, divinarumque præceptorum obliti, atque ad mundana imperia omni cogitatione conversi, nec divina auctoritate alio quam quasi telo et instrumento rerum fragilium abutentes, Principes potius gentium, quam rerum sacrarum Pontifices videri cœpe-

pontiffs to secure for themselves the help of the temporal sovereigns against the inroads of the aristocracy of the church.

The devotion of the people at large to the Pope had now long depended merely on habit; still it would have been little disturbed by all the theories of the time, had not the corruption of the papal court, and especially its avarice and injustice, shocked their moral sense, whilst it proved so seriously detrimental to their interests.<sup>28</sup> The

runt. Horum curæ et negotia non jam vitæ sanctimonia, non religionis incrementa, non erga Deum et homines caritas, sed exercitus, sed bella in Christianos cogitatione et manibus sanguine respersis sacra tractantes: sed pecuniæ immensa cupiditas, novæ leges, novæ artes, novæ insidiæ ad pecuniam undique cogendam. In hunc finem audacissime arma cœlestia vibrare, profanarum sacrarumque rerum nundinationem impudentissime exercere: hinc opes in immensum adauctæ, et in totam ipsorum aulam effusæ, ex quibus fastus, luxus, mores turpissimi libidines, voluptatesque nefandæ: nulla de successoribus cura, nulla majestatis perpetuæ Pontificatus sollicitudo: sed horum loco cupiditas anxiosa et pestifera, filios, nepotes, item alios sibi conjunctos et necessarios non modo ad opes immoderatas, verum etiam ad regna et imperia evehendi: non jam honores et emolumenta in merentes et bonos conferendo, sed plerumque auctionando, aut in homines ambitione, avaritia, et pudendis voluptatibus perditos effundendo. His moribus effectum est, ut excussa penitus ex animis hominum illa vetere erga Pontifices reverentia, tamen ex parte eorum auctoritas religionis, qua nihil in terris ad homines vel impellendus vel retinendus potentius invenitur, nomine et majestate, facultate qua pollent Principibus atque iis, qui apud illos maxime possunt, sacris beneficiis et honoribus conferendis gratificandi adjuncta sustentetur. Qui cum sciant magna se in admiratione mortalium esse, et qui adversus eos arma sumunt, eos gravis infamia notam, et sæpenumero aliorum Principum odia subire, ac quomodocumque res cadat, perexiguam emolumentum ad eos, a quibus oppugnantur, redundare, et victores ex suo arbitrio victoria usuros, victos quibus velint conditionibus pacem habituros; ad hæc suos propinquos ex privata conditione ad Principatus attollendi cupiditate inflammatis, jam per multos annos bellorum auctores, novorumque incendiorum faces in Italia extiterunt.

<sup>28</sup> Amongst the numerous contemporary testimonies, see the account given by the ambassador of the Teutonic Order in Rome, above, § 130, note 30: *Martini Meyeri* epist. ad *En. Sylv.* § 132, note 17: *Enæ Sylvii* epist. 66, ad *Jo. Peregrillum*, § 132, note 18. Further, Gravamina nationis Germanicæ adv. Curiam Romanam Joanni Card. S. Angeli Nicolai V. P. R. Legato exhibita (about 1451) in *Walchii* monumentis mediæ ævi fasc. I. p. 101 seq.: — Dictus Dominus Cardinalis Legatus venit ad reformandum nationem Almanicam, tam sæculares, quam spirituales personas. — Si reformatio debeat esse regularis et ordinaria, oportet ante omnia, quod noster Papa et sua Romana Curia primo et principaliter reformetur, propter multos excessus multasque exorbitantias, quæ per eum et suos Cardinales per illam execrabilem et maledictam simoniam quotidie committuntur in vendendo ecclesiastica beneficia. — In taxationibus etiam literarum apostolicarum expedientiarum esset Dominus Papa reformandus. — Item Dominus Apostolicus omni die insatiabili desiderio cogitat cum suis, quomodo totam substantiam nationis Germanicæ sibi valeat acquirere. — Item Curia Romana in multis est reformanda. Nam Cardinales superbe, pompose, centum, sexaginta, vel septuaginta equis palatium ingrediuntur. — Quidam etiam de Cardinalibus habent tres Ecclesias metropolitanas et cathedrales in commendam, decem Abbatias, sex Præposituras et Archidiaconatus, et privatas quatuor Ecclesias parochiales. Non curant, quot monachi in monasterio sint; — totam substantiam monasterii tollunt. — Item in curia Romana sunt publici usurarii, bancarii et campsores, cum quibus Papa et Cardinales habent pecuniam, cum damno vel lucro, Deus novit. Sunt etiam ibi publici fornicarii, conculinarij, ruffones, et lenones, et plures alij peccatores de familiaribus Cardinalium, et peccatrices publicæ plures. Et Papa tolerat istos, etc. — Modo emittit Cardinalem, qui ut residuum de substantiis nostris habeat, et pauperes Christi per positionem eistarum spoliat, indulgentias anni jubilæi sub pacto vendendo. — Et ille idem Legatus introductus sub modo et specie reformationis, volens sic

nearer their vicinity, the lower sunk their reverence for the Pope, and the papal ban was nowhere so little regarded as in Italy, although that country was one which remained true to the old system.<sup>29</sup>

The true friends of the popes recommended, therefore, that the burdens of the people should be diminished, and the abuses prevailing at their court be abolished; and through the whole 15th century we trace the feeling that unless a reformation should thus be begun by the head of the church, it would begin less peacefully elsewhere.<sup>30</sup>

reformare Clericos, pauperes, pistores, carnifices, culinarios: certe si Dominus Apostolicus et sua Curia se reformaret, vel per Concilium generale fieret reformatio generalis, facile membrum Ecclesiæ unumquodque in suo statu reformaretur. See what is said by Felix Hemmerlin (provost at the great cathedral in Zurich), † 1464; concerning him, see Müller's *Schweizergesch.* new edition 1826. Th. 4. S. 276 ff.), in Müller, l. c. S. 257 ff. *Baptista Mantuanus* (a Carmelite in Mantua, † 1516) de horum temporum calamitatibus, lib. III.:

— — Petrique domus polluta fluenti  
 Marcescit luxu: nulla hic arcana revelo,  
 Non ignota loquor, liceat vulgata referre,  
 Sic urbes populique ferunt: — —  
 — — — — ea fama per omnem  
 Jam vetus Europam mores extirpat honestos:  
 Sanctus ager scurris, venerabilis ara cinadis  
 Servit, honorandæ Divum Ganymedibus ædes. —  
 — — — — venalia nobis  
 Templâ, Sacerdotes, altaria, sacra, coronæ,  
 Ignes, thura, preces: cælum est venale Deusque.

*Ejusd. Epigrammata ad Falconem. Colloquium inopum de Falcone:*

Obtinet expulsa probitate pecunia Romam,  
 Nec Deus in tota possidet urbe locum.  
 Quot sunt Romæ homines, tot eunt per compita fures,  
 Quosve canes speras, experiere lupos. —  
 Omnibus esse lupos licet in regione luporum,  
 Inter Pygmæos non pudet esse brevem.

*Johannis Episc. Chemensis* (bishop of Chiemsee in Krain) *Onus Ecclesiæ* (written 1519), cap. 19, de indispositione Romanæ Curia, § 6: Inprimis sedes bestia, i. e. Ecclesiæ perversæ, est in curia Romana, cujus regnum est tenebrosum. § 8: Heu sicut olim in Romano imperio, sic hodie in Romana Curia est vorago divitiarum turpissima: crevit avaritia, perit lex a sacerdote ac visio de Propheta, et consilium a senioribus: claves Ecclesiæ sunt in abusu et servitute simoniæ et ambitionis. Vitia enim ferme Curialium celari negarique vix possunt: Roma quasi gurgis flagitiorum. § 13: Ecce Roma nunc est vorago et Mammon inferni, ubi Diabolus totius avaritiæ Capitaneus residet, vendens patrimonium Christi, quod sua passione promeruit, qui nobis præcipit, ut gratis demus quod gratis acceperimus. Id modo versum est in proverbium: Curia Romana non petit ovem sine lana: dantes exaudit, non dantibus ostia claudit. *Ludovicus Tubero* (see § 133, 16) comm. de temporibus suis I. § 16: Solos falsarios hoc corruptissimo tempore sedes Apostolica ultimo supplicio afficit, in cæteris connivere solet: eo quod falsi crimen, quum Pontificum, quorum omnis in comparandis duntaxat pecuniis cura fixa est, deterat emolumenta, capitale putatur.

<sup>29</sup> See the account of the ambassador of the Teutonic Order to his Grand-master, A. D. 1429 (Raumer's hist. Taschenbuch f. 1833, S. 175).

<sup>30</sup> See *Petri de Alliaco* præf. ad canones reformandi Ecclesiam, § 130, note 13. *Juliani Card. epist.* ad Eugen. IV. § 131, note 6. *Andræ Megarensis gubernac.* Conciliorum. § 131, note 19. Remedium contra gravam nationis Germ. § 134, note 8. *Johannis Episc. Chemensis onus Ecclesiæ* (see note 28), cap. 19, § 14: Quamobrem vehementer præsumendum est, ac provide est timendum, pro-

At the same time the passing occurrences showed plainly enough, that such a reformation would never be voluntary, and that neither the aristocracy of the church, nor the divided temporal sovereigns were able to enforce it.<sup>31</sup>

pinquam nunc esse ruinam Ecclesie latine circa dignitatem ecclesiasticam, quoniam debile fundamentum ruinam causat. Unde columna Dei viventis jam pene videtur nutare, et sagena summi piscatoris, scil. Petri, procellis intumescens cogitur in naufragii profunda submergi: quod nemo percipit corde, neque ad predictas revelationes et avisiones fit cujuscumque emendatio, sed singuli Pontifices, tam summi quam inferiores, carnalia sequentes, exhibent se magis mixti Antichristi precursores, quam veri Christi fideles servitores.

<sup>31</sup> That the pretence of reform was only deceptive on the part of the Popes, is most plainly seen in the instructions contained in *Raynald*, 1436, no. 15, see above, § 131, note 30, at the end. *Petrus de Alliaco* de diffie. reform. c. 3, see § 129, note 12. *Gerson* de modis univendi ac reformandi Ecclesiam, c. 12, see § 130, note 1. *Gobelinus* Persona, see § 130, note 25. *Julianus* Card. Legatus in Conc. Bas. see § 131, note 6. *Jo. Nyder*, see § 131, note 38. *Jacobi de Paradiso* or *Jac. Junterburgii* (a Carthusian and Doctor of Theology in Erfurth, † 1465, concerning whom, see *Walehii* monum. medii ævi fasc. 1. præf. p. LXXV.) collectaneum de septem statibus Eccl. (written 1449) in *Gollasti* Monarchia II. p. 1567, in *Edw. Brown* Appendix ad fascie. rerum expetendarum et fugiendarum, p. 102 seq., and in *Walehii* monumenta medii ævi, vol. II. fasc. 2, p. 23 seq. Comp. *Waleh.* p. 34: Verisimiliter opinabile mihi est, statum præsentem continuandum, imo pejorandum, usque ad sextum statum, scil. Antichristi: cum experientia docente cognoscimus, hos contra niti reformationi generali Ecclesie, quos magis deceret conatu toto ad reformationem tendere, cupiditate et primatu honorum eos ad hoc impellente. Etsi quandoque cæcus Deum timentium reformationi operam dare intendat; tamen in hoc mundo celebres et potentes viros, plus ecclesiasticos quam sæculares, videmus se fortiter opponere, adhesionem sibi attrahentes Principum et potentum sæcularium, quorum multitudo aut potentia scintillam inchoatam extinguit. p. 38: Reformationem generalem Ecclesie extreme necessariam factam nostris temporibus, mores corrupti totius orbis pronunciant: cum revera pene omnis caro corruperit viam suam. Sed quomodo eam fore possibilem in effectu fieri, nondum est positum ad praxim; licet aliquoties per Concilia generalia sit adtentatum. Et licet quadam decreta in hunc finem prodierint ab isdem Conciliis, tamen tanta resistantia altæ dignitatis personarum, tam spiritualium quam sæcularium, facta est, ut vidimus, quod totum negotium lugemus infectum: et cum tempus parienti advenisset, vires non habuit parturiens. — Tanta denique crudelitate debacchati sunt, ut non tantum prolem sanctam, scil. reformationem, necare contendant: sed et matrem, scil. auctoritatem Conciliorum, et eorum convocacionem occidant, prout res in prospectu declarat. Per quorum tamen Conciliorum auctoritatem major esset spes ad viam reformationis obtinendam. p. 42: Palpabiliter cernitur, ipsam summi Pontificis curiam maxima indigere reformatione, sicut omnia clamaverunt ultimo celebrata generalia Concilia. p. 43: Unde mihi vix credibile videtur, posse Ecclesiam generalem reformari, nisi curia Romana fuerit ante reformata. Quod tamen quam difficile sit, cursus temporum præsentium manifestat: cum nulla gens aut natio fidelium tantam resistantiam faciat reformationi universali Ecclesie, sicut natio Italica, et alii eis applaudentes, spe promotionis, aut lucri, aut temporalis commodi, aut timore amissionis dignitatum ligati. Contremiscent enim solo auditu congregationis generalis Concilii, cum sciunt per experientiam, quod Concilia generalia palpate ne-sciunt, sed corrigere et emendare sine personarum acceptione: cum ibi congregentur de omnibus mundi partibus, qui vitii non parcunt, nec amore nec timore seducti. — Præsidentes ex parte Papæ Conciliis, quia vident contra dominum suum et contra se negotium Conciliorum disponi, quid aliud agere existimandi sunt, quam ut tota auctoritate decretis Conciliorum obicem ponant, aut per dissolutionem Conciliorum, aut per discordiarum seminacionem: sicque opus totum redditur infectum, ac per hoc itur in antiqua sylvam, scil. erroris et tenebrarum. — Et ex hoc ortum est vulnus nescio quando curabile contra auctoritatem Conciliorum generalium, ut abscedentibus Papa aut suis præsidentibus a loco Concilii, vel differentia exorta inter patres

ejusdem, censeatur Concilium dissolutum, resideatque in persona Papæ de plenitudine potestatis auctoritas dissolvendi aut transferendi generalia Concilia, prout Eugenius olim Papæ de anno Domini 1437 fecisse comprobatur. Hocque venenum effusum est per eum in Ecclesiam, per adversarios Conciliorum indelebiliter observandum, — ad quod refugium habebunt in fulcimentum sui erroris, ut subterfugere valeant correctionem et reformationem: ita ut etiam modernis temporibus frontose aliqui altarum scientiarum viri dogmatizare audeant, in quolibet Papæ residere plenitudinem potestatis, non solum super quolibet membro singulari Ecclesiæ, sed et super totam Ecclesiam conciliariter congregatam, ad libitum ipsius disponendi, decretandi, dissolvendi, transferendi, corrigendi, et auctorizandi: ut nullus ei audeat dicere: cur ita facis? Et sic totaliter nituntur suffocare auctoritatem Conciliorum. p. 48: Et nisi in futuro Concilio celeri remedio provideatur huic veneno recenter introducto, de auctoritate Conciliorum supra Papam, ejus contrarium dogmatizant aliqui, et maxime de curia Papæ et ejusdem assentatores: clarum est quanta inconvenientia inde sequuntur. Primo quia datur Papæ audacia impune peccandi et disponendi omnia negotia Ecclesiæ ad libitum suum. Secundo quia datur subjectis in toto orbe occasio villipendendi, imo contemnendi omnes constitutiones, ordinationes et mandata Papæ. — Tertio sequitur, quod si in antea fieret convocatio Concilii generalis, totius Germaniæ Principes et Prælati, Doctores ac Magistri se subducerent a Concilio. — Exinde ludibrio ducerentur Concilia: maxime quia videmus, quod omnia, quæ tantis laboribus impendiis in retroactis Conciliis elaborata sunt, penitus irritantur, et tanquam pulveres ventis obnoxii conculcantur. Fontale vero principium omnium illorum malorum secundum Apostolum est cupiditas, quæ sibi vendicat locum pene in omnibus Clericis: quoniam secundum Jeremiam a maximo usque ad minimum omnes avaritiæ student. Ad quam satiamdam non reperiunt ecclesiastici viri commodiorem opportunitatem, quam in adipiscendis dignitatibus et beneficiis ecclesiasticis. Et hæc sentiunt conferri per Papam, qui sibi per hæc attrahere consuevit pene totam ecclesiasticorum virorum cohortem. Ideo adhaerentiam copiosam sibi parit per horum provisionem. p. 58: Quid ergo, putamusne, Ecclesiam posse recipere reformationem generalem, et quidem ad hunc statum devenire, ut omnia vitia tollantur ab Ecclesiâ? Ego judico impossibile humano modo. — Sed est alia reformatio, de qua quæritur, ut scilicet ea quæ sint decolorativa statuum et personarum tam secularium quam spiritualium ad rectam formam perducantur, ut reformatio pacis inter regna et principes, extirpatio hæresium et schismatum, simoniacæ pravitatis a Curia Romana et ab omnibus Ecclesiæ Prælati, et concubinariorum repressionis, etc. — Et quis omnia enarrare ac enumerare sufficiat, quibus Ecclesia modernis temporibus cernitur deformata? Putamusne hæc omnia aliquando posse reformari? Persuaderi mihi videor, quod nec ætas nostra nec futura hæc patietur; quum non habeam rationes probantes, quomodo illud fieri possit. Primo propter inveteratam et inolitam consuetudinem, quæ difficile curatur: secundo propter potentium tam in scripturis quam in altis dignitatibus resistantium: tertio propter avaritiæ morbum, qui ubique invaluit, maximeque in altis sedibus, quæ nullo modo patientur sibi auferri honoris, fastus, divitiarum et voluptatis amplitudinem. Et qui amplius insistere deberent reformationibus, his pompis amplius delectantur, fingentes ipsis colores sub specie defensionis ecclesiasticæ, ut ideo eos oporteat abundare, ne status eorum vilescat, et ut habeant armatam militiam, qua comescere valeant violentos et bonorum ecclesiasticorum detentores. Et ideo oportet, ut dicunt, eos fulcitos esse pluralitatibus beneficiorum atque dignitatum. p. 62: Æstimo igitur mundum dietim decrescere in pravis moribus — usque ad profundum delictorum, quousque veniat filius perditionis, etc. In like manner. A. D. 1519, *Joannes Episc. Chemensis* onus Ecclesiæ (see note 28), cap. 19, § 16: Reformatio vero non fiet, nisi in aliquo generali et libero candidoque Concilio, ubi Spiritui Sancto, non maligno, locus ad spirandum detur. Heu cum formidine conjicio, nostrum sæculum non esse dignum congregatione legitimi Concilii, in quo vitiiis reprehensis et virtutibus promotis Ecclesia reformatur: adeo errorum illudimur operationibus. Concilia profecto debita raro et segniter celebrantur, vel Romæ seu alibi coram potentibus tractantur, ubi humilibus et fidelibus non libera est expressio, ut in eis lente corrigantur ea quæ divinum cultum, et Christianam religionem, reformationemque concernunt.

## CHAPTER SECOND.

## HISTORY OF THE HIERARCHY IN THE NATIONAL CHURCHES.

## § 136.

## RELATION TO THE STATE.

The secular power, the relative importance of which was constantly becoming greater, began now generally to imitate the example of France in setting bounds to the encroachments of the clergy. Not only was it strictly forbidden that the secular affairs of the laity should be brought before the ecclesiastical courts,<sup>1</sup> but it was not unusual for the secular affairs of the clergy to be brought before the secular tribunals,<sup>2</sup> as likewise criminal cases where the clergy were concerned,<sup>3</sup> and the appeal to ecclesiastical authorities out of the realm prohibited.<sup>4</sup> Even more general was it to insist on the right

<sup>1</sup> See the remarkable decree of William, duke of Saxony, A. D. 1446, in which the bringing such cases before the ecclesiastical tribunals was punished with exile. *Schilter de libertate Ecclesiarum Germaniæ*, p. 808 seq., and Rudolphi's *Gotha diplomatica*, Th. I. S. 138 seq. Still we find complaints of the same practice as late as 1497 (see Müller's *Reichstagstheatrum* unter Maxim. I. Th. 2).

<sup>2</sup> Following the example of France (see § 105, note 13). Instances in the *Preuves des libertez de l'église Gall.* chap. VIII. no. 1 seq.). Such was the practice too in Hesse, see Kopp, l. c. Th. I. S. 198 seq. Hence the clergy of the Rhine countries at their assembly in Coblenz, A. D. 1479 (see *Georgii nationis germanicæ gravamina*, p. 257), § 20: Item Laici interdum cognoscunt de causis et super bonis Clericorum, et bona eorum arstant et occupant, et sibi ipsis appropriant. § 21: Item juramenta Laici exigunt a subditis, ne unus Laicorum alium impetat coram iudice ecclesiastico, sed ipsimet cognoscunt de causis ecclesiasticis.

<sup>3</sup> See Martin V.'s letter to the archbishops of Portugal (*Raynald*, 1427, no. 19), in which he suggests to them to present a complaint to the court at Rome, in the name of the Portuguese church, concerning the encroachments on the freedom of the church by the king, quasi sibi liceat uti potestate regia in Prælatos et Clericos tanquam in Laicos suæ ditioni subjectos. Further: quodque est non minus absurdum, intelleximus, ipsum Regem in causis criminalibus trahi facere Clericos etiam in sacerdotio constitutos de foro ecclesiastico ad iudices sæculares, et per eos condemnari atque puniri. The parliament at Paris not unfrequently condemned bishops to imprisonment, see *Preuves des libertez de l'église Gall.* chap. VII. no. 34 seq. Other states, especially the free states, exercised jurisdiction over the clergy in criminal cases, e. g. Heilbronn, see Jäger's *Mittheilungen zur schwäbischen und fränkischen Reformationsgeschichte*. Bd. 1 (Stuttgart. 1828), S. 7 f.

<sup>4</sup> In France every appeal to a foreign tribunal was strictly forbidden from the time of the *Privilegium* granted by Urban V. A. D. 1367 (*Preuves des libertez de l'église Gall.* chap. IX.). Attention was more generally called to the subject by the decree of the Council of Basil, Sess. XXXI. A. D. 1438, see § 131, note 35. An account of the prohibition of such appeals in the various countries, given in *Petri Stockman's* *defensio Belgarum contra evocationes et peregrina iudicia* (in his *Opp. omn.* Colon. 1700. 4to.), cap. 4, of the decrees passed to the effect in Belgium, see cap. 2. In Germany, the most remarkable instance is that of Saxony, see note 1, above. The appeals to Rome did not indeed cease, but they were



of examining the edicts of the ecclesiastical authorities before they were allowed to appear;<sup>5</sup> whilst the extraordinary increase of the possessions of the church led many of the sovereigns either to forbid it altogether, or else to make their permission an indispensable condition.<sup>5</sup>

counted amongst the gravaminibus, see *M. Meyeri* epist. ad *Æn. Sylv.* § 132, note 17, above, and the Gravamina Germ. nationis, ann. 1510, no. X., see above, § 134, note 8.

<sup>5</sup> This was the so-called *jus Placeti regii*, in France entitled *Regium Pareatis*, in Naples, *Regium Exequatur*, according to the different forms of the edict. How this right was exercised in France, see *Preuves des libertez de l'Égl. gall.* chap. X. Louis XI. appointed a commissioner in Amiens, A. D. 1495, to stop all comers from Rome, and examine whether they had any letters with them from the Pope, et icelles voir et visiter, pour scavoir s'elles sont aucunement contraires ou prejudiciables à nous, et à la dite Église gallicane. Et au cas qu'en trouverez aucunes qui y fussent contraires ou prejudiciables, prenez les et retenez par devers vous, et les porteurs arrestez et constituez prisonniers, si vous voyez que la matiere y soit sujette: et du contenu esdites lettres nous advertissez, ou les nous envoyez à toute diligence, pour y donner la provision necessaire. Martin V. complains of Portugal in the letter cited above, note 3, A. D. 1427: *Dicitur etiam nobis, quod statuto regio mandatum est, ne quis audeat sine ipsius Regis licentia sub pœna mortis et perditionis bonorum in dictis regnis literas apostolicas publicare.* When John II. of Portugal, at the instance of Innocent VIII., resigned the right of the *Placetum regium* 1486, the nobles of the kingdom resisted, maintaining that without their consent such resignation was not valid, see *Augustini Manuelis* hist. Joan. II. Philip the Good, duke of Burgundy, decreed January 3, 1447: *Dat niemandt en brenghē, oft en exequere eenighe geestelycke monition, inhibition oft andere gheboden, op eenighe ondersacten des Landts van Brabant, uyt wat saecke dat het zy, hy eerst kome by onse Officiere ende Wethouderen, ende geve hem klaerlyck te kennen de saecke waerom, ende verkryghe oorlof ende consent.* — Den gene die dat dede, sal daer an verbeurt hebben alle sine goederen, ende te dien aen syn lyf eenen wegh te S. Peter ende S. Pauls te Roomen te doen. This and various later edicts, issued in the Netherlands, as also notices of similar laws in other countries, for instance, a decree of Ferdinand the Catholic to the Vice-regent of Naples, A. D. 1508, see in *P. Stockman's jus Belgarium circa bullarum pontificiarum receptionem* (in his *Opp. omn.*), cap. 2.

<sup>6</sup> The dukes Arnold and Adolphus of Gelderland, prohibit, A. D. 1441 and 1469, the endowment of ecclesiastics or convents with estates, tithes, rents, &c., see the *Nederlanschen Sulpitius van Jacobus Baselinus*, S. 236. Philip the Good, duke of Burgundy, decreed 1446, that no order should purchase, or in any way acquire estates without a previous investigation by commissaries appointed for the purpose (*Brandt Historie der Reformatie*. Th. 1. S. 38. *Groot Hollandsch Plakaatboek*. Th. 1. S. 1471): in like manner for Brabant, 1461 (*Brabandsch Plakaatboek*. Th. 1. S. 238). William III., Landgrave of Hesse, orders it to be publicly proclaimed, *das niemants, wer der sy, keyne werntliche Gutere, es sy an Zinsen, Renthen ader Gefellen, geistlichen Personen noch Cloistern nicht mehr verkeuffe, and prohibits that these should in any way come into the possession of the clergy; whoever should disregard this prohibition, dem wollet nach libe und gude, als demjhenen der uns mid libe und gude verfallen ist, griffen, und die gutere, die den geistlichen hieruber zugeeignet werden von unserwegen innemen, und ine die ane unsern Beschiet nit widder folgen lassen* (the document see *Beurkundete Nachricht von dem Closterhaus Schiffenberg 2ter Theil*. Giessen. 1755. fol. Beilagen, no. 166). Albert the Peaceful, duke of Meklenburg, forbade the clergy of Güstrow, 1514, to acquire estates, see *Analecta Gustavoviensia*, p. 86. Similar prohibitions of the Saxon princes, addressed to particular ecclesiastical corporations, see in *J. G. Reinhardi meditationes de jure Principum Germaniæ, cum primis Saxonie circa sacra ante tempora reformationis exercito*. Halæ. 1717. 4to, p. 230 seq.

## § 137.

## INTERNAL RELATIONS OF THE DIOCESES.

It was the purpose of the Councils of Constance and Basil to restore the original power of the bishops;<sup>1</sup> their decrees, however, were not fully regarded except in France, and there only as long as the Pragmatic Sanction continued to be observed. On the other hand, they clung in France to the theory, which had first been advanced in the controversies with the Mendicant orders, that the inferior clergy received their authority, not from the bishops, but, like the bishops, from Christ himself.<sup>2</sup> Out of France, however, this

<sup>1</sup> Thus Ludovicus Card. Arelatensis says at the Council of Basil, at which he presided, in *Ænæ Sylvi* de Conc. Basileensi, lib. I. (ed. Cattopoli, 1667, 4to. p. 40): *Nec forsan absolum fuerit dicere, nullam unquam fuisse Synodum, quæ magis quam ista potestatem Episcoporum ampliaverit: etenim quid hodie erant Episcopi, nisi umbræ quædam?* (comp. *Gerson's* simulacra depicta, above, § 106, note 3.) *Quid plus illis restabat, quam baculus et mitra? Numquid pastores sine ovibus dici poterant, cum nihil in subditos statuere possent? Nempe cum esset in Ecclesia primitiva Episcoporum summa potestas, hodie ad id venerunt, ut solo habitu et redditibus superarent Presbyteros. At nos eos in statu reposuimus pristino: nos beneficiorum collationem ad eos reduximus, nos eis confirmationem electionum restituimus, nos causas subditorum eisdem reddidimus audiendas, nos eos, qui jam non erant Episcopi, fecimus Episcopos.*

<sup>2</sup> See above, § 62, note 23; § 109, note 3. *Gerson* de potest. eccl. consid. 12 (Opp. II. p. 250), gives the following determinatio sacræ facultatis theologiæ Parisiensis nuper edita contra temeritatem extollentium privilegiatos super Curatos in prædicationibus et confessionibus, from which both the occasion and the character of this view may be seen. Art. I.: *Domini Curati sunt in Ecclesia minores Prælati et Hierarchæ ex primaria institutione Christi, quibus competit ex statu jus prædicandi, jus confessiones audiendi, jus sacramenta ecclesiastica secundum exigentiam sui status et parochianorum ministrandi, jus sepulturas dandi, jus insuper decimas et alia jura parochialia recipiendi.* Art. II.: *Jus prædicandi et confessandi competit Prælati et Curatis principaliter et essentialiter, et Mendicantibus de per accidens ex privilegio; quoniam sunt introducti vel admissi ex concessione et beneplacito Dominorum Prælatorum.* Comp. *Gerson* de statibus ecclesiasticis, namely, de statu Curatorum 16 considerations (Opp. II. p. 534): e. g. *Consid. I.: Status Curatorum succedit statui LXXII. discipulorum Christi quoad legem novam, et figuratus est in antiqua lege per Levitas. Ac proinde status Curatorum est de institutione Christi et Apostolorum suorum. Cons. II.: Status Curatorum est de essentiali ac intrinseca Ecclesiæ hierarchia, sicut status Prælatorum, quamvis inferior sit, et pro sua perfectione variabilior. Qua ratione Curati simplices non æque proprie dicuntur sponsi, sicut Episcopi, liberiusque permittuntur cedere, vel renuntiare curis suis. Cons. VII.: Status Curatorum Ecclesias parochiales sibi deputatas habet in tali libertate, quod nulli alteri sacerdoti fas est, ipsis invitatis, aut sine eorum licentia prædicare in eadem, præsertim dum prædicare voluerint ipsi, sed nec confessiones illic audire, nec sacramenta ministrare: salva semper auctoritate, vel rationabili ordinatione superiorum Prælatorum.* Namely, *De potest. eccl. Epilogus Concl. 2* (Opp. II. p. 256): *Extenditur plenitudo potestatis Papæ super omnes inferiores solum dum subest necessitas ex defectu Ordinariorum inferiorum, vel dum apparet evidens utilitas Ecclesiæ: quemadmodum dici potest de Episcopis respectu Plebanorum, seu propriorum sacerdotum, quorum possunt supplere defectus.* Therefore, *Sermo contra bullam Mendicantium* (l. c. p. 437): *Ad curatos spectat ex statu eorum, jure, aut facultate concionari. — Sequitur, Papam aut alium quemvis jus hoc Curatis auferre, aut impeditur non debere. Et ideo nullus in Ecclesia eorum concionari debet absque*

theory was not even common to all the liberal canonists,<sup>3</sup> and by the papal party was most decidedly rejected.<sup>4</sup> On the whole, the inferior clergy were not seldom much oppressed by their superiors.<sup>5</sup>

§ 138.

MORAL CONDITION OF THE CLERGY.

The reformation of the clergy was the main point in the reform

eorum facultate. — Ad Curatos pertinet jus audiendi confessiones. — Sequitur Papam — non debere auferre istam potestatem aut jus ipsis Curatis absque eorum placito, et voluntate, saltem expediens non est. Sequitur, nullum Privilegium confessionem audire debere in loco parochialis Ecclesie absque consensu et facultate Curati. Almainus even maintains that the inferior clergy should have a vote at the Councils. Expositio circa decisiones *M. Occam* super potestate summi Pontif. Qu. I. c. 18, sect. 1 (*Gersonii* opp. II. p. 1067): Secundo, dicitur Concilium debere congregari ex omni statu hierarchie: nam sunt duo status hierarchie in Ecclesia, scil. status Prælatorum superiorum et inferiorum: unde in tali Concilio debent interesse singuli Episcopi, similiter ex parte Cleri et Curatorum de singulis Episcopatibus aliquis debet interesse, et tales habent voces et auctoritatem deliberandi in Concilio. All opposition to this theory was at once condemned by the Sorbonne, and those who expressed it forced to retract. Thus the Dominican, *Jo. Sarrazin* (see § 135, note 23), 1429, had to retract the proposition (*d'Argentré* I, II. p. 227): Dicere, inferiorum Prælatorum potestatem jurisdictionis, sive sint Episcopi sive Curati, esse immediate a Deo, sicut potestatem Papæ, veritati quodammodo repugnat, and acknowledge: evangelicæ et apostolicæ consonat veritati. The Franciscan *Joannes Bartholomei*, A. D. 1451, was refused the degree of licentiate because he had preached (*d'Argentré* I, II. p. 251), quod Parochiani possunt libere se Mendicantibus per Ordinarios admissis confiteri absque Curatorum licentia. Amongst the fourteen propositions of the Franciscan *Joannes Angeli* (see § 135, note 23), which were condemned 1482, one was (*d'Argentré* I, II. p. 305): 1. Fratres minores præsentati Episcopo et admissi sunt proprii Sacerdotes et veri Curati, et melius quam Presbyteri parochiales, quia facultatem suam habent a summo Pontifice, et dicti Presbyteri ab ipso Episcopo dumtaxat, and others similar.

<sup>3</sup> e. g. *Alphonso Tostatus* (see § 135, note 5), Quæst. 87, in Matth. 16: Episcopus sub se nullos habet habentes ordinariam jurisdictionem, sed Curati omnes sunt Commissarii: et sic tota jurisdictio est Episcopi immediate. Et si nollet ponere Curatos, sed ipse administraret, licite faceret, si sufficeret ad hoc.

<sup>4</sup> See § 135, note 15. Comp. especially *Joannes de Turrecremata* (see § 135, note 12) essay against *Joannes de Poliacò* (see above, § 109, note 3) in his Summa de Ecclesia II. c. 59 seq. He says, c. 63, in the words of *Petrus de Palude*, quia Christus per se non fecit nisi unum Curatum, scilicet Petrum: — sed quia impossibile erat, quod per se solum (*Petrus*) perfecte totius gregis curam ageret, ideo per consequens (*Christus*) commisit illi facere alios Curatos, quotquot ipse pro adjutorio suo et populi salute opus esse cognosceret. Nec Christus per se instituit, nisi unam solam curam; — sed Petrus postmodum per se et per alios divisit provincias, et diœceses, et parochias. The two last propositions, which *Joh. Kaltenmarkter* was forced to retract in Vienna, 1492 (see § 135, note 24), differ only in form from the theory of the French church (see *Gersonii* sermo contra bull. Mendicant. note 2, above).

<sup>5</sup> Epistola de miseria Curatorum. Aug. Vind. 1489, extracted in the Auctarium catal. test. verit. p. 283. In this novem diaboli are enumerated, by whom the curate is tormented. Sextus diabolus est Officialis, qui sine causa infamat Plebanum, recipit pecuniam, et admittit ignominiam; amat denarium, et tolerat fornicarium; tollit munera, et destruit jura. Septimus diabolus est Episcopus, qui jam contributum, jam postulat subsidium, etc.

which was so loudly called for throughout this whole period. But here, too, all measures failed, and the complaints of their rudeness and ignorance, as well as their immoral and unclerical lives, continue to the end.<sup>1</sup> Their chief offence, their incontinence, seemed to grow worse, the more there was done to restrain it.<sup>2</sup> The severe lectures read them on the subject at the Councils of Constance and Basil had as little influence upon the conduct of most of the clergy there assembled,<sup>3</sup> as the decrees passed at those councils had on the state of the church

<sup>1</sup> See *Jo. Trithemii* Abb. Spanheimensis institutio vitæ sacerdotalis (written about 1485, in eju-sd. *Opp. pia et spiritualia*, ed. *Jo. Bussaus*. Mogunt. 1605. fol. p. 765 seq.), c. 1: Indocti, rudes, jam sine discretionem meriti ad sacerdotium veniunt, qui moribus suis pessimis Christi oves infeliciter occidunt. Nulla jam in ordinandis Clericis vitæ sanctitas requiritur, literarum eruditio nulla postulat, conscientia puritas non attenditur. Sufficit apud eos, si eurentem sortem possint construere, si cujus partis orationis sit Dominus, respondere, si ita, et non, intelligere. Væ nostræ tempestatis Episcopis, qui sæcularibus negotiis intenti ordinationes clericorum non considerant, sed curam examinandi imperitis locant! Quam districtam sunt subituri sententiam, qui se totius in Ecclesia mali exhibent causam! Cap. 4: Studium scripturarum sacerdotes nostri abjiciunt, eruditionem negligunt, pro libris scripturarum aves et canes enutrient. — Nihil aliud quam mundanum sapiunt, nihil quam vanum diligunt, nihil nisi carnale intelligunt. — Sedent in insidiis cum potatoribus in tabernis, ludis et comessionibus vacant, non est timor Dei ante oculos eorum. — Nihil penitus de scripturis intelligunt, discere contemunt. Romana lingua scribere vel loqui nesciunt, vix in vulgari exponere Evangelia didicerunt. Quantos errores, fabulas et haereses in Ecclesia prædicando populis enunciant, quis nisi expertus credere posset! Pro libris sibi liberos comparant, pro studio concubinas amant. Isti sunt cæci duces cæcorum, qui populum Dei ad justitiam non erudiunt, sed potius seducunt. — Non possum non dolere, videns omne malum in Ecclesia ex ignorantia sacerdotum procedere. Quis enim non doceat, illos mandata nescire, qui constituti sunt alios instruere? — Sacerdotes nostri mundanis cupiditatibus effluunt, corrigere vitiosos non præsumunt, quia se deliquisse in majoribus agnoscent. — Nec mirum, si minores vacent a studio scripturarum, cum inter Prælatos paucos invenias, qui veterum exemplis inhæreant. Eliguntur enim ut plurimum non doctiores, sed ad congregandas divitias perituras avidiores. Codices scripturarum aut nullos habent, aut paucos, quippe qui odio scientiam persequuntur. Et quia, sicut Dominus per prophetam (Malach. 2) loquitur, sacerdotes notitiam legis abjecerunt, propterea contemptibiles in populo facti sunt. Clamant quidem in tribulatione ad Dominum, sed non exaudit eos: quoniam qui avertit aures suas ne audiat legem, oratio ejus erit execrabilis. Non ergo mirentur sacerdotes, quod eos contemunt Laici, quoniam ipsi spernunt mandata Christi. — *Timeo autem vehementer, in brevi contra Clerum graviora futura.*

<sup>2</sup> See *J. A. Theiner* u. *A. Theiner* die Einführung der erzwungenen Ehelosigkeit bei den christl. Geistlichen u. ihre Folgen. Bd. 2. Abth. 2. S. 642 ff. *J. W. Carové* vollständige Sammlung der Cölibatgesetze für die kathol. Weltgeistlichen mit Anm. (oder über das Cölibatgesetz des röm. kathol. Klerus 2te Abth.) Frankf. a. M. 1833. Svo. S. 342 ff.

<sup>3</sup> See a catalogue of the addresses made at Constance, and published by *Walch* in *Theiner*, S. 617 ff., at *Basil*, *ibid.* S. 692 ff. Comp. the extract given by *Schellhorn* in the preface to *Raupachs* evangel. Oesterreich, Th. 2. S. XVIII. from the address of *Petrus de Pulka*, professor in Vienna before the Council of Constance, A. D. 1416: Attendite et videte, ecce Clerus Romanæ Curia, quæ a tempore schismatis ultra humanam malitiam depravata aestimatur, similiter Clerus hujus dioceseos, imo hujus civitatis et ipsiusmet synodi, quam obediens nobis existat. Considerate quæso, an reverendo hanc sacram synodum, in ejus oculis versatur cotidie, saltem in minimo vitam dissolutam emendaverit. Pro certo dicuntur Clerici curiales adhuc suas tenere concubinas inverecunde palam omnibus, adhuc justitiam vendere, ac veluti omni specie lepræ ut prius sordescere, etc.

at large in this respect.<sup>4</sup> In no century had there been so many decrees passed against the concubinage of the clergy, as in the 15th;<sup>5</sup> yet in none were complaints so common of their incontinence (which in Italy degenerated even into unnatural vices,) <sup>6</sup> as well as derision and lamentation over the inefficiency of all the means used to restrain them.<sup>7</sup> The numbers of the offenders made it difficult, or

<sup>4</sup> At Constance the matter was taken up very seriously, as may be seen from the Reformatorium (comp. § 130, note 13), cap. 33 (see *v. d. Hardt* Conc. Const. I. X. p. 635), but no resolution was taken upon it, as, like all the other subjects of reform which were left till after the election, it ended in nothing. The decree passed at Basil, Sess. XX. see in § 131, note 22.

<sup>5</sup> See the works cited above, of Theiner and Carové.

<sup>6</sup> *Jo. Franc. Pici*, *Mirandula Domini*, ad Leonem P. M. de reformandis moribus oratio, A. D. 1517 (in the Fasciculus rerum expetend. et fugiendarum, ed. *E. Brown*, p. 419): Ab illis (sacerdotibus) etiam (proh pudor!) feminæ abiguntur ad eorum libidines explendas, et meritorii pueri a parentibus commodantur et condonantur his, qui ab omni corporis etiam concessa voluptate sese immaculatos custodire debent; hi postea ad sacerdotiorum gradus promoventur, ætatis flore transacto jam exoleti.

<sup>7</sup> See especially the following writers: *Laurentius Justinianus*, patriarch of Venice, † 1455: De complanctu Christianæ perfectionis (Opp. ed. Venetiis, 1751. fol. T. II. p. 6), De institutione et regimine Prælatorum. c. 20. — *Alphonsus Tostatus*, bishop of Avila, and high chancellor of Castile, † 1454: Contra Clericos concubinarios (Opp. ed. Venet. 1728. fol. T. XXV. p. 58). — *Antoninus*, archbishop of Florence, † 1459: Summa confessionalis P. III. de Clericis, Prælati, Episcopis. c. 10–16. — *Felix Hammerlin* (Malleolus) chorister of Zürich, † between 1457 and 1464. Extracts from his works, which are for the most part in Ms. (there is, however, a collection entitled *varia oblectationis opuscula*, Basil. 1479. fol.) see in *Meister's berühmte Züricher*. Basel. 1782. Th. 1. S. 34 ff. *Mirz* *helvetische Kirchengeschichte*, Th. 3. S. 201 ff. *J. v. Müller's Geschichte Schweizerischer Eidgenossenschaft*, neue Aufl. 1826. Th. 4. S. 225 seq. — *Dionysius de Leewis*, from his native place commonly called a *Ryckel*, a Carthusian in Ruremonde, † 1471. De vita et regimine Præsulum. Art. 18. 27 seq. 37. De vita et regimine Archidiaconorum. Art. 19. seq. De vita Canonicorum. De vita Curatorum. — *Hermannus Ryd de Reen* (Prior in the convent of Neuwerk near Halle, afterwards a priest, † 1476. See *Leibniti Scriptt.* Brunsvic. II. p. 489) de vita et honestate Clericorum (written 1467. Magdeburgi) in *Brownii Appendix ad fasciculum rerum expetend. et fugiend.* p. 129 seq. — *Rodericus Sancius* Episc. Zamorensis et Referendarius Pauli P. II. Speculum vitæ humanæ (appeared Romæ 1468, afterwards often reprinted) lib. II. c. 19. — *Lavaerum conscientiæ* (anonymous, probably first printed at Augsburg, 1489, afterwards Colon. 1499. 4to.) cap. 4, 13, 15, 17. — *Baptista Mantuanus*, a Carmelite in Mantua, for three years General of his Order, † 1516, *Alfonsus* lib. III. De calamitatibus temporum lib. III. — *Joannes Trithemius*, a Benedictine abbot in Spanheim, afterwards at St. James in Würzburg, † 1516, *Institutio vitæ sacerdotalis*, especially cap. 2. (ejusd. Opp. pia et spiritualia ed. *Jo. Busæus*. Mogunt. 1605. fol. p. 768 seq.). — *Jacobus Wimpfeling*, Professor in Heidelberg, † 1528, *Apologia pro republica christiana*. Libellus de integritate. Epistola ad sacerdotem, ut Concubinam dimittat in the *Auctarium catal. test. verit.* p. 275 seq. — *Sebastian Brandt*, chancellor at Strassburg, † 1520. Das nûw Schiff von Narragonia, 1494. — *Jo. Geiler von Kaisersberg*, Preacher in Strassburg, † 1510, *Navicula s. speculum fatuorum* (sermons preached in 1498) 1511. Das Buch von der Onneissen. — *Jac. Siberti*, a monk in the convent of Laach. De calamitatibus hujus temporis, written 1509–1516 (published in *Vater's kirchenhist. Archip.* 1826. Heft 2. S. 109 ff.). — Satires on the incontinence of the clergy see in *Poggii Florentini*, chancellor of the Republic of Florence, † 1459, *Facetiæ*, and in *Hear. Bebelii*, Professor in Tübingen, † 1516, *triumphus Veneris*, lib. III–V. and *Facetiæ*. So too in *Laurentii Abstemii*, Librarian in Urbino, † after 1516, fables, which are usually appended to the

impossible to carry into effect the more severe punishments, whilst the avarice of the bishops was easily gratified by substituting therefor pecuniary mulcts, which soon changed into a fixed annual tax.<sup>8</sup> The commonness of the offence made it seem to the clergy themselves a light thing.<sup>9</sup> Of course the laity could not be expected to view it in

editions of Esop's fables, in the 16th century. Extracts from most of these works in Theiner, l. c. See the reflections in the Epist. de miseria Curatorum, Aug. Vind. 1489 (in the Append. ad catal. test. verit. p. 283): Si fortitudo, sanctitas, sapientia Samsonem, David, Salomonem a concubitu mulieris præservare non potuit, quis Curatores ab eodem veneno unquam liberavit? Sicut impossibile est, cum pice communicari, et ab ea non coinquinari; ita non suscipiendum est, cum muliere habitare, et ab ea non maculari. O, quam rarum est, si Curator, uxorem non habeans, se non coinquinat! Ab hoc tempore, quo Clericos ab uxoriibus sanctio Apostolica sequestravit, nullus unquam, quantumcumque sanctus et continens, sine suspitione fuit. Antea per sacerdotis prolem tota nostra salus profluxit, nunc autem non nisi scandalum venit. Olim unusquisque sacerdotum in sua legitima contentabatur: nunc vero sacerdos, qui propriam non habet, feminis indifferenter utitur. De illis nemo quod malum est promebat: de istis, quomodo luxuriantur, etiam puer cantat!

<sup>8</sup> This was, to be sure, expressly forbidden by the Conc. Paris. ann. 1429. c. 23. (Mansi XXVIII. p. 1107); Conc. Dertusanum (i. e. Tortosanum) ann. 1529. c. 2. (l. c. p. 1144); Conc. Basileense, Sess. XX. (see § 131, note 22) and those who were found guilty of concubinage condemned to be suspended and deposed: still at a Synod in Breslau, 1447 and 1456, it was decreed by the bishop, Peter II. (*Hartzheim* Concil. Germ. V. p. 445), quatenus omnes Clerici — concubinas, sive focarias, aut alias mulieres quascunque de incontinentia suspectas — rejiciant et desistant, — sub pœna decem florenorum nobis ad Cameram nostram irremissibiliter persolvendorum. Hence continued complaints of this abuse, see *Theobaldi* publica questio in Conc. Const. ann. 1417, in r. d. *Hardt* I. XIX. p. 909. *Fel. Hämmerlin*, see *Wirz* helvet. Kirchengesch. Th. 3. S. 77. *Dionysius Carthusianus* de vita et regimine Archidiaconorum. Art. XIX. contra periculosam, vitiosam atque damnabilem consuetudinem visitandi, et pecuniam recipiendi a fornicariis. *Hermannus Ryl de Reu* de vita et honestate Clericorum c. I. in *Brownii* App. p. 133. *Jacobus Siberti* de calamitatibus hujus temporis relates (Vater's Archiv, 1826. S. 181), that an archbishop of Cologne (Theoderich 1423) having ordered the clergy to put away their concubines under severe penalty, was soon obliged to give up the point, p. 184: accepit nempe anti-stes a sacerdotibus pecunias, et dimisit illis concubinas: forte vel nesciebat alio remedio malitiæ temporum obviare, — vel multitudine territus proficere desperabat. *John Busch*, Provost of the convent of Neuwerk near Halle, about 1450, having ordered the inferior clergy under him to give up their concubines (see his own account of the matter in *Leibnitzii* Scriptt. Brunsv. II. p. 819), quidam eorum potius elegerunt Ecclesias suas quam famulas suas dimittere. Ecclesias enim suas sine rectore relinquentes cum famulabus suis inde recesserunt. In this state of things complaint was made to the Provost: Populus illarum Ecclesiarum missas non habent, nec sermones. nec alia divina, sed vadunt quasi sine Deo sicut gentiles. Melius esset, quod permetteretis, ut Plebani suas retinerent concubinas, quam ut populus ille tanquam gentilis efficeretur: hoc enim esset minus malum.

<sup>9</sup> *Stephani* Episc. Brandenburgensis (1422–1459) comm. ad orat. domin. c. 17 (in Ph. W. Gercken's ausführl. Stifftshistorie von Brandenburg. Braunschweig u. Wolfenbüttel, 1766. 4to. S. 226): Quid ergo dicemus de Clero nostro et sacerdotibus, inter quos etsi pauci sunt simoniaci, pauciores vero schismatici, paucissimi vel nulli, ut speramus, extant hæretici a quibus ut sic populus ad ipsorum perniciem ecclesiastica reciperet sacramenta: sunt tamen, quod cum dolore et non sine magnis gemitibus dicere nos veritas compellit, heu plurimi concubinarii et fornicatores etiam notorii, ex quorum vita plurimi scandalizantur, non solum vulgares et plebeji, sed etiam Magnates et principes. Et adeo pestis ista et crimen hoc invaluit, ut talibus sacerdotibus frons meretricis facta sit, sic ut pro modico ducant, fornicationem et adulteria committere. — Nam etsi ex lapsu carnis impræg-

any other light, and in consequence the vice increased to a fearful degree,<sup>10</sup> so as at the end of the 15th century to give birth to a new

nantur ab eis, vel forte ab aliis, focariae et meretrices eorum, non inficiantur vel abnegant peccatum, sed pro summo honore arbitrantur, se parentes illorum esse, qui de damnabili coitu procreantur. Unde et gloriando de malitia sua convicios presbyteros et alios laicos utriusque sexus convocant, et per se patrilinos ad filiorum suorum baptismum invitant, magnamque festivitatem pro talium filiorum generatione et solemnitate et gaudium faciunt, de quo potius deberent luctum suscipere, etc. See with what frivolity Æneas Sylvius, after he had become a priest and was engaged at the Council of Basle, announces to his father the birth of a son in Strasburg, Ep. 15: Certe nec lapideum nec ferreum genuisti filium, cum esses tu carneus. Scis, qualis tu gallus fueris: at nec ego castratus sum, neque ex frigidorum numero. Nec sum hypocrita, ut videri bonus quam esse malum. Fateor ingenue meum erratum, quia nec sanctior sum David Rege, nec Salomone sapientior. Antiquum et vetus est hoc delictum, nec scio, quis eo careat. Late patet hæc pestis (si pestis est, naturalibus uti), quamquam non video, cur tantopere dambari coitus debeat, cum natura, quæ nihil perperam operatur, omnibus ingenerit animantibus hunc appetitum, ut genus continuaretur humanum, etc. In the diocese of Speyer two successive bishops labored with great zeal against this abuse, namely, Louis of Helmstadt, 1478–1501 (see the Acta of the Synod in *Wurdwein* subsidia diplom. XII. p. 196 seq.), and Philip of Rosenberg, 1504–1513 (*Wurdwein* nova subsid. dipl. VIII. p. 294 seq.). The only consequence was (see 1505 nova subsid. dipl. VIII. p. 299), that the clergy complained inter convivas et scortorum consortia, in Episcopatu Spirensi solam luxuriam esse peccatum, et pene neminem fuisse punitum, nisi solum illos aut eos frequentius, qui castitatis vitio laborabant, cæteros vero longe enormioribus gravioribusque irretitos criminibus aut a pœna fuisse immunos, aut saltem mediocriter in comparatione lascivorum muletatos: cum tamen sancti Doctores et jura canonica afferant, incontinentiam inter peccata mortalia esse minimum. The bishop, however, perseveres in his decrees, moti ex hoc verbo Gregorii, quo dicit, fornicationem minoris quidem esse culpæ, majoris autem diffamiae, cujus auctoritatis huic vitio dedit prima verba, nos vero ultima attendimus, propter quod ipsi peccatum hoc suum in se parvi faciunt, nos diffamiam et scandalum magnificimus. Pensamus hæc et multa alia innumera mala corporis, fanæ et animæ, quæ hæc cum mulieribus suspectis conversatio et cohabitatio secum afferunt, inprimis autem illud, quod raro tales vere et catholice peccata sua confitentur: emendandi propositum, quod habere se dicunt, regulariter aut fictum est aut falsum, et — legitime et coram Deo non absolvuntur. *Hermannus Ryd de Reen* de vita et honestate Clericorum, c. 1. in *Brown App.* ad fasciculum, p. 133: Antiquitus — mali Clerici et sacerdotes fuerunt hypocritæ, — quibus valde erat infestus Salvator, — cum sæpe eos redarguit, contra eos prædicavit. — Moderni autem Clerici pejores sunt illis hypocritis, qui, licet mali sunt et pessimi prævaricatores pro majori parte, non tamen talia in occulto hominibus nescientibus, ut hypocritæ, fecerunt. Utinam foret ita bonum, ut justî coram hominibus apparent, ne homines in eis scandalizarentur. Sed aliter est negotium: quoniam minus verecundantur laicis, gloriantes de malitia eorum et male actis. Quot publicos fornicatus sive fornicarios videmus! imo, quod pejus est, tales et hujusmodi sic vivere permittuntur publice ab eorum Prælatibus, solum quod omni anno porrigant certam quotam pecuniarum Officialibus eorum!

<sup>10</sup> Complaints of the effect of this example Concilium Parisiense, ann. 1429. c. 23 (Mansi XXVIII. p. 1107). Cum propter crimen concubinitus, quo multi ecclesiastici et religiosi viri inficiuntur, habeantur Ecclesia Dei et totus Clerus in derisum, abominationem, et opprobrium cunctis gentibus; et illud nefandissimum scelus in Ecclesia Dei adeo invaluit, ut jam non credant Christiani, simplicem fornicationem esse peccatum mortale (see *Huss* sermo syn. ann. 1405, below, § 149, note 5): nos volentes ad exstirpationem tanti facinoris — providere, etc. In the summons to the Synod on St. Martin's day, 1486, the bishop of Speyer complains (*Wurdwein* subsidia diplom. XII. p. 247): licet — nos contra concubinos nostrarum civitatis et diocesis Spirensis processus nostros varios, et quidem formidabiles et diras in se continentes pœnas pro hujusmodi vitio concubinitus extinguendo promulgaverimus; nihilominus tamen validus et frequens clamor ad nos

and disgusting disease.<sup>11</sup> As early as the Council of Constance, it was openly said that nothing could remedy these evils but to allow the marriage of priests:<sup>12</sup> but such was the strength of prejudice that men in other respects liberal in their views, as for instance the chancellor Gerson, resisted every effort to change the existing laws of the church.<sup>13</sup> There always continued to be intelligent men, who advocated the marriage of priests;<sup>14</sup> but the interests of the hierarchy

perduxit, quod nonnulli, immo ut asseritur multi, per civitatem et diocesim nostras adeo patule et publice secum tenuerint et teneant mulieres suspectas et concubinas, tamque reprehensibilem cum eis agant vitam, quod exinde Laici non tantum scandalisunt, sed et ipsi eorum exemplo similiter peccandi sumant occasionem, etc. *Lavacrum conscientiae*, c. VII.: Propter quod secundum b. Bernardum in districto Dei iudicio iudicantur non solum quia in his peccaverunt, sed etiam ideo quia suis nefandis exemplis rudibus et simplicibus occasionem peccandi dederunt. Propter quod etiam in hac vita corda eorum indurantur, quod raro aut nunquam poenitent, praecipue hi, qui peste luxuriae aut avaritiae infecti sunt, quia a nullo volunt corrigi nec alicuius informationem accipere. Citius enim decem laici vel plures ab errore suo revocantur, quam unus Clericus vel literatus perverse vivens. Et ideo in sensum reprobum multi tales traduntur, et caecitate justo Dei iudicio percutiuntur, etc.

<sup>11</sup> Ph. G. Hensler's *Gesch. der Lustsüchthe, die zu Ende des funfzehnten Jahrh. in Europa ausbrach*. Altona, 1783. Theiner II. II. S. 803 ff.

<sup>12</sup> *Franciscus Zabarella* (from 1411 Cardinalis Florentinus, † 1417) capita agendorum in Conc. Constant. de reformatione Ecclesiae, c. 12 (r. d. *Hardt* Conc. Const. I. IX. p. 524): Circa concubenarios provideatur cum effectu; alias sic negligendo praestaret permittere conjugium Clericis. Et de hoc etiam disponetur. Especially *Wilhelmi Saigneti* (Saignet, a French knight) lamentatio ob caelibatum sacerdotum, seu dialogus Nicanae constitutionis, et naturae ea de re conquerentis, Ms. in Basle cf. *Quidam* comm. de scriptoribus Eccles. antiquis. T. III. p. 2325.

<sup>13</sup> *Gerson* answered Saignet in the dialogus sophiae et naturae super caelibatu Ecclesiasticorum (Opp. II. p. 617 seq.). In this he acknowledges the impossibility of checking the incontinence of the clergy, but still will not hear of the marriage of priests, comforting himself with the reflection, p. 634, de duobus malis minus est incontinentes tolerare sacerdotes, quam nullos habere. His views on the subject, too, are lax to a degree in him surprising; e. g. Sermo contra luxuriam Dom. II. Adv. (Opp. III. p. 917): Violatne persona votum suum, quando non servat castitatem suam, vel etiam Presbyter, aut religiosa persona? Respondeo, quod regulariter votum castitatis sit, quod nunquam vovens contrahere velit matrimonium, et pro hoc quis consequenter obligatus est ad castitatem. Ideo non violat votum suum is, qui non contrahit matrimonium, quamvis peccet gravissime. One of the means recommended to prevent such offences, Sermo contra luxur. Dom. IV. Adv. (l. c. p. 932): Tertium remedium est efficere, ut paucissima faciant peccata, et interdum multa bona facere. Notate, quod sit in secreto, et extra festa et loca saneta, cum personis sine vineulo.

<sup>14</sup> *Sigismund's* Reformation (first ed. by Joh. Bämler, Augsburg, 1476, and in *Goldasti* Constit. imperial. I. p. 170; with some arbitrary changes in Basil 1521) was not, to be sure, presented to the Council of Basil, as the title-page of the ed. of 1476 represents, nor to the Council of Constance, as is represented by the title of the ed. of 1521; nor is it by Sigismund, but more probably (as is supposed by v. d. *Hardt*, Conc. Const. I. XXVII. p. 1121) by the imperial counsellor, Frederick v. Landskron, after Sigismund's death, but still it is an important document. In the Section Von Ordnung aller Pfarrkirehen it is stated that all the measures against concubinage had proved ineffectual. It is then proposed that each church shall have two married priests; that they shall serve on alternate weeks, and that each in his week shall refrain from intercourse with his wife. — *Nicolaus Paucoritanus* (see § 131, note 3<sup>s</sup>. † 1445) *Lectura super e. cum olim. De clericis conjugatis* (i. e. ad *Decr. Greg.* Lib. III. Tit. III. c. 6.) ed. Taurin. 1577. fol. 361. proposes the question: Numquid hodie Ecclesia possit statuere, ut



were too deeply involved in the question to expect them to yield.

Clericus possit contrahere matrimonium, sicut Græci? and answers: Credo, quod sic, — et non solum credo, potestatem inesse Ecclesiæ hoc condendi, sed credo pro bono et salute animarum quod esset salubre statutum, ut volentes continere et magis mereri, relinquerentur voluntati eorum; non volentes autem continere, possint contrahere: quia experientia docente contrarius prorsus effectus sequitur ex illa lege continentia, quum hodie non vivant spiritualiter, nec sint mundi, sed maculentur illicito coitu cum eorum gravissimo peccato, ubi cum propria uxore esset castitas, ut dicitur *Cap. Nicæna* (Decretum Grat. P. I. Dist. XXXI. c. 12). Unde deberet Ecclesia facere, sicut bonus medicus, ut si medicina, experientia docente, potius officit quam prosit, eam tollat. Et utinam idem esset in omnibus constitutionibus positivis, ut saltem obligarent quoad penam, et non quoad culpam. Nam ita creverunt statuta positiva, ut vix reperiantur aliqui, qui non corruerint viam suam. — *Eneas Sylvius* hist. Conc. Basil. lib. II. (ed. Catopoli, 1667. 4to. p. 86): fortasse non esset pejus, sacerdotes quamplures uxorari: quoniam multi salvarentur in sacerdotio conjugato, qui sterili in Presbyteratu damnantur. De auctoritate Conc. Basil. dialogus (in *Kollar* Analecta Vindobonensia II. p. 780): olim conjugem nec habere, nec habuisse indecorum sacerdotibus fuit; hodie vero solum habere interdicitur, quæ prohibitio, ut ego existimo, utilius quoque hodie prohiberetur. When Cardinal he wrote to his friend *Jo. Frunt* (Ep. 397): Credimus te uti non insulso consilio, si, quum nequeas continere, conjugium quæraris, quamvis id prius cogitandum fuerat, antequam initiareris sacris ordinibus. Sed non sumus Dii omnes, qui futura prospicere valeamus. Quando huc ventum est, ut legi carnis resistere nequeas, melius est nubere, quam uri. Non tamen hæc Pontificis sententia, ut dispensandum censeat: stat in sua severitate. — Expectandus est ergo, ut tute agas, alterius Apostolatus, qui mitior sit. So too when Pope. One of his sayings was (*Platina* de vitis Pontiff. ed. 1645. p. 762): Sacerdotibus magna ratione sublatis nuptias, majori restituendas videri. — Also the French Carmelite, Thomas de Rennes (*Thomas Redouensis*), who preached with great zeal in France and Italy against the corruption of the Roman church, and insisted upon a reformation (for which he was burned at the stake in Rome, 1436), is supposed to have been an advocate for the marriage of the priests. The passage attributed to him in *Flacii* catalog. no. 365, is, however, that of *Panormitanus*, above cited. See *Baleus*. Centur. VII. c. 100. — *Felix Hammerlin* also, in his work de libertate eccl., wished that the priests might be allowed to marry. See Müller's Schweizer. Gesch. Th. 4. S. 261. Ann. 309. — *Alain Chartier*, secretary of the kings Charles VI. and VII., † 1458, in his work *l'esperance ou consolation des trois vertus* (Les œuvres de *Maistre Alain Chartier*, reveuës, corrigées par A. du Chesne. à Paris, 1617. 4to. p. 388. The passage given by *Flacius* catal. test. no. 200, and Theiner II. II. 697, in Latin, but erroneously cited from the work le Curial citirt): Or fut il pieça fait un nouvel statut en l'Eglise latine, qui desseura l'ordre du saint mariage d'avec la dignité de Prestre souz couleur de purté et chasteté sans souilleure. Maintenant court le statut de concubinage au contraire, qui les a attraits aux estats mondains, et aux deliz sensuels et corporels. Et qui plus est, se sont rendus à inmoderee avarice, en procurant par symonie et par autres voyes illicites, litigieuses, et processives en corruption, et autrement, benefices et prelatures spirituelles. Et avec ce se sont souillez et occupezz es affaires citoyens, et es negoces et cures temporelles. Et ce premier statut departit pieça l'Eglise grecque d'avec la latine. Et ores la desordonnance avaricieuse des Prestres a fait separer les peuples de Behaigne (Böhmen) d'Eglise de Rome. Que dy-je de Behaigne? mais de Chrestienté presque toute. Car les gens de l'Eglise ont si avilenné par leurs coupes eux et leur estat, qu'ils sont ja desdaignez et des grands et des menus du monde: et les cœurs estrangez de l'obeissance de sainte Eglise par la dissolution de ses ministres. Car, comme dit est, ilz ont laissés les espousailles, mais ils ont reprins les illegitimes, vagues, et dissolues luxures. Je ne vueil plus avant eslargir ma parole. Car tant ont telles Constitutions de lieu, comme on y prent de plaisir. Que a apporté la Constitution de non marier les Prestres, si non tourner et eviter legitime generation en advoultrise, et honeste cobabitation d'une seule espouse en multiplication d'escande luxure? Se je disoye tout ce que j'en pense, je diroye plainement, que la gresse des biens temporels meslee du souffre d'envie, et la chaleur d'ambition et de luxure ont fait

Thus the hatred of the laity towards a clergy, who added such im-

leur apprest pour mettre le feu en l'Eglise, etc. — *Jo. Anton de S. Georgio*, Professor Juris in Pavia, Provost at Milan, at last Cardinal, † 1509. In his *Aurea et singularis lectura super quarto Decretalium cum additionibus Benedicti de Vadis*. Lugd. 1522. fol. we read ad Tit. VI. Qui Clerici vel voventes matrimonium contrahere possunt, in the Rubrica, where the editor speaks: Tempore primitivæ Ecclesiæ licebat Presbyteris, et sic constitutis in sacris, uxorem habere, dummodo die celebrationis abstinerent a conjugibus. Postea in occidentali Ecclesia venit prohibitio, ut constituti in sacris deberent continere. Dicit hic Cardinalis (namely, *Jo. Ant. a S. Georgio*), quod dat materiam illaqueandi plures animas hoc præceptum, et ideo credit, quod, sicut Ecclesia induxit hoc præceptum continentie, quod quandoque revocabit; et erit conveniens dicto Apostoli revocatio, qui dixit: de virginibus præceptum non habeo, consilium autem do. *Conrad Celtis*, Professor in Ingolstadt and Wien, † 1508, *Amorum lib. II. Elegia 6*:

Gregorius primi Friderici tempore regni,  
O quantum incauti pectoris egit opus!  
Ille sacris vetuit caelebs connubia lectis,  
Liberior vitis ut sacra vita foret.  
Nullus enim pudor est teneras violare puellas,  
Et necque legitimas sollicitare faces.  
Quique uno quondam fuerat contentus amore,  
Ille modo plures rite fovere potest, etc.

*Baptista Mantuanus*, Carmelite in Mantua, † 1516, *Factorum lib. I. De s. Hilario* (Opp. ed. Antwerp. 1576. Svo. T. II. fol. 252):

Non nocuit tibi progenies, non obstitit uxor  
Legitimo conjuncta thoro, non horruit illa  
Tempestate Deus thalamos, cunabula, tædas;  
Sola erat in pretio, quæ nunc incognita virtus  
Sordet, et attrito vivit cum plebe cucullo.  
Propterea leges, quæ sunt connubia contra,  
Esse malas quidam perhibent: prudentia patrum  
Non satis advertit, dicunt, quid ferre recuset,  
Quid valeat natura pati: cervicibus, ajunt,  
Hoc insuave jugum nostris imponere Christus  
Noluit, istud onus, quod adhuc quam plurima monstra  
Fecit, ab audaci, dicunt, pietate repertum.  
Tutius esse volunt, qua lex divina sinebat  
Isse via, veterumque sequi vestigia patrum,  
Quorum vita fuit melior cum conjuge, quam nunc  
Nostra sit, exclusis thalamis, et conjugis usu.

*Jo. Marius Belga* (le Maire, Historian of Louis XII.) de schismatum et Conciliorum Ecclesiæ universalis differentia, written in French, 1511, translated into Latin by Simon Schardius, and appended to his life of Theodoricus a Niem (Argentor. 1609. 8vo. p. 571 seq.). Pars I. c. 2: Tria præcipue Ecclesiæ universali magnum damnum attulere, nimirum ambitio, avaritiæ mater, omissio seu neglectus Conciliorum generalium, legitimi matrimonii sacerdotum in Ecclesia latina prohibitio: de quibus singulis ample fuseque in toto hoc opere dicetur. On the last head he brings extracts from *Chartier*, P. III. c. 15, and then remarks, cap. 16: quantumvis diligenter investigarim, quo Papa auctore, vel ejus Concilii decreto conjugium sacerdotibus sit interdictum in Ecclesia latina, id tamen nusquam invenire potui. Alii siquidem id tempore Gregorii septimi, monachi Cluniacensis, factum esse tradunt: — alii id multo ante factum esse existimant in Concilio Nicæno, ejus tamen decreto Græci subscribere noluerunt: in Belgico, seu inferiori Germania sentiunt, id auctore Papa Calixto factum, et ad hoc versiculos hosce, cum barbaros, tum ridiculos allegant:

O bone Calixte, nunc omnis Clerus odit te:  
Olim Presbyteri poterant uxoribus uti:  
Hoc destruxisti, tu Papa quando fuisti:  
Ergo tuum festum nunquam celebratur honestum.

morality to their presumption and avarice, was more and more embittered;<sup>15</sup> and seeing in the riches with which they were endowed the origin of their corruption, the feeling was constantly gaining ground that no reform could be hoped for till they should be deprived of their possessions.<sup>16</sup>

*Polydorus Vergilius* of Urbino, who was a long time in England, † 1555, de rerum inventoribus (appeared first in Bonon. 1499. 4to.) lib. V. c. 4: Illud tamen dixerim, tantum abluisse, ut ista coacta castitas illam conjugalem vicerit, ut etiam nullius delicti crimen majus ordini dedecus, plus mali religioni, plus doloris omnibus bonis impresserit, inusserit, attulerit, quam sacerdotum libidinis labes. Proinde forsitan tam e republica christiana, quam ex ordinis usu esset, ut tandem aliquando jus publici matrimonii sacerdotibus restitueretur, quod illi sine infamia sancte potius colerent, quam se spurcissime ejusemodi naturæ vitio turpificarent.

<sup>15</sup> *Lacrum conscientiae*, cap. VI.: Quid est ergo, quod cæteri homines cujuscunque status nobis infesti sunt? Certe non possumus dicere, quod hæc sit causa, quod filii hujus sæculi persequuntur nos, tanquam filios lucis: — quia non sumus filii lucis sed tenebrarum. — Nec occurrit nobis alia causa, nisi quod transgressores legis sumus, nec eam in corde diligimus, nec eam in ore prædicamus, nec etiam eam opere adimplemus: et sic abutimur sacerdotii dignitate. — Ubi enim major æmulatio peccatorum nisi in sacerdotibus, qui non solum in se omni iniquitate sunt pleni, sed etiam aliis sunt occasio peccandi et ruinæ æternæ damnationis. — Nam si Presbyter sit avarus, usurarius, gulosus, etc., solum non sit luxuriosus; tunc ab omnibus hominibus habetur sanctus et honestus. Si vero de aliis vitiis est innoxius, sed vacet solummodo luxuriæ, contemnitur ab omnibus hominibus tanquam presbyter vitiosus. Cap. VII.: Et propter hæc et his similia multi laicorum ab elargitione eleemosynarum et a fundatione beneficiorum retrahuntur. Sicque viluit sacerdotium et quotidie vilescit, et multi erubescunt Clerici fieri, vel suos permittere clericari: et si Clerici efficiuntur, tamen perversa intentione hoc fit. Nam divites hoc faciunt propter pinguiores præbendas, pauperes vero ideo, quod leviori et meliori modo se nutrire possunt. *Tritheimius* instit. vitæ sacerdot. cap. 4. note 1, above.

<sup>16</sup> See *Juliani Card.* epist. ad Eugen. IV. § 131, note 6. *Andreas* Episc. Megarensis. § 131, note 19. Also the so-called Reformation of Frederick III. (Goldast's Reichssatzung, S. 280). — *Gravamina* Ord. Equestris in Bavaria Georgio diviti Duci Landslutensi, ann. 1499, exhibita in the Bibliotheca hist. Gættingensis. Th. I. 1753. 4to. S. 289: plura tributa et prædia cum possident Ecclesiastici, quam Principes et Nobilitas sua, fere omnia suæ subjiciunt avaritiæ; et licet, ut ait divus Hieronymus, temporalibus augmentis spiritualia etiam in dies augmentari deberent, ea tamen magis atque magis diminuuntur, et omnino obliviscuntur Ecclesiastici illi majorum nostrorum, qui eos ditaverunt. — Religio peperit divitias, sed illa conspiravit in necem parentis; crescit animus, crescut affectus. *Jo. Marius Belga* de schismat. et Concill. seeks to show, P. I. (see P. I. c. 1), quomodo opes Ecclesiæ datæ, maxime a Constantino M. et successoribus ejus, Pipino, Carolo M., Ludovico Pio, et aliis, etsi primo sub specie sanctitatis, probitatis et castitatis sint partæ, nihilominus tamen postea pessimos fructus produxerint, nimirum superbiam, arrogantiam, fastum, hæresin, principum contemptum, tyrannidem in subditos, imprudentiam, aliaque ejus generis vitia complura. Compare *Alain Chartier*, note 14, above.

## CHAPTER THIRD.

## HISTORY OF MONACHISM.

## § 139.

## ATTEMPTS TO REFORM THE OLDER ORDERS.

The corruption of the convents<sup>1</sup> could not well escape notice in this period, in which so much was said of reform; and we find, therefore, constant complaints of their state as well as attempts to remedy the evil. The Council of Constance began these efforts by causing a Chapter of the German Benedictines, the first for many years, to be held under its superintendence in 1417.<sup>2</sup> This example was followed in other countries,<sup>3</sup> but without much success, till the Council of Basil, when the reformation of the *Regular Canons* of Germany was committed to the general chapter of the convent of Windesheim;<sup>4</sup>

<sup>1</sup> See § 108. The only exception was the Carthusian Order, see *Jo. Buscius* de reform. monasteriorum lib. III. c. 32. in *Leibnitii* Scriptt. Brunsv. II. p. 935: Carthusia a prima sui institutione semper in observantia regulari permansit propter tria, videlicet solitudinem, silentium et visitationem, ut patet in hoc versu:

Per tria So. Si. Vi. Carthusia permanet in vi.

<sup>2</sup> This was a Capitulum provinciale monachorum nigrorum Provinciæ Moguntinensis et Diœcesos Bambergensis, see *Trithemii* Chron. Hirsang. ad ann. 1417. T. II. p. 346 seq. The Acts of this Chapter see in *Trithemii* opp. pia ed. *Busæus* p. 1030 seq., more complete in *r. d. Hardt* Conc. Const. I. XXVI. p. 1086 seq. That very important reforms for the Monastic Orders were proposed at Constance may be seen from the Reformatorium (see § 130, note 13) in *v. d. Hardt* I. X. p. 703 seq., but they never were carried into effect.

<sup>3</sup> See the Capitulum provinciale nigrorum monachorum apud Westmonasterium ann. 1422. (in *Mansi* XXVIII. p. 1037). Concil. Parisiense, ann. 1429. c. 12 seq. (l. c. p. 1102).

<sup>4</sup> The chief authority on this subject is *Jo. Buschii* (of Zwolle, from 1419 a Canon in Windsheim, afterwards Prior in Sulta near Hildesheim, Abbot of the convent Neuwerk near Halle, and again Prior in Sulta, † 1479) de reformatione monasteriorum quorundam Saxoniarum, libb. IV. in *Leibnitii* Scriptt. Brunsvic. II. p. 476 seq., and p. 806 seq. The convent of Windesheim near Zwolle was the most important among those of the Regular Canons, who were connected with the fratres vitæ communis, and the seat of the Capitulum generale, which assembled yearly from all the convents of these two orders. Although very strict in the observance of their rules, the Regular Canons were far removed from any thing like exaggerated ascetic notions. *Jo. Busch*, Chron. Windesemense (ed. *Herib. Roswydus*. Antverp. 1621. Svo.) lib. II. c. 5. p. 276, relates: duo fratres in Windesem propter hujusmodi rigidam abstinentiam et occultam alimentorum sibi necessariorum subtractionem cerebrum et naturalia conturbantes, rationis facti sunt impotentes. — Perpendentes igitur Patres nostri et seniores, hujusmodi rigidam abstinentiam pro animarum non esse salute, nec corporum sanitate, sed in personarum et Ordinis nostri perpetuam vergere destructionem, — plenam dederunt licentiam omnibus fratribus et familiaribus suis bene comedendi, et de cibariis quæ dantur in communi quantum poterant sine scrupulo et cum bona conscientia libere assumendi, immo etiamsi noluerunt, natura ne deficiat, ad sumendum compellendi. — Unde et mos apud nos inolevit, ut, cum Clericus quis ad religionem se suscipi deprecatur, tria

in conjunction with which the reformation of the *Benedictines* was begun by the convent of Bursfeld.<sup>5</sup> Soon after this (1450–1451) the Cardinal Nicholas de Cusa appeared in Germany as papal legate to advance the cause of reform generally, so far as the necessity of reform was recognised by the court of Rome; and he too engaged in the reformation of the convents.<sup>6</sup>

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primum puncta ab ipso interrogentur, videlicet an bene possit comedere, an possit bene dormire, et an velit libenter obedire: quoniam in istis tribus punctis fundamentum perseverantiae in religione consistit, et cum ex premissis unum defuerit, ad religionem aptus et idoneus non erit. The reputation of the convent induced the bishops to call on them to reform other convents of their Order in the Netherlands, and on the Rhine; in Saxony they were called on to assist in the reformation of a convent in Wittenburg, A. D. 1423 (*Busch* de reform. monast. l. c. II. p. 488). After this, A. D. 1435, the Priors of Windsheim and Wittenburg were commissioned by the Council of Basil to conduct a reformation of all the convents of their Order, male and female, in Ducatu Brunsvicensi, ac Hildesemensi, Halberstadiensis, Verdensi diocesi, and invested with full powers for the purpose (see the commission in *Busch*, p. 486). John Busch was appointed Subprior in Wittenburg, A. D. 1439, was commissioned first with the reformation of the convent of Sulta near Hildesheim (l. c. p. 491 seq.), and from that time forward was very active in the service.—At a later period Canons from Windsheim, with Jo. Mauburnus at their head, were called upon to undertake the reformation of the Augustine and Benedictine convents in France, see *Gallia christiana* VII. p. 836. 1744. XII. p. 1770. See the correspondence between Mauburnus and Erasmus, *Ibid.* VII. Instrum. p. 280.

<sup>5</sup> Concerning which see *Busch* l. c. 43 seq. in *Leibnitius* II. p. 841 seq. *Trithemii* Chron. Hirsaug. II. p. 350 seq. ejusd. Chron. Spanhemense in Opp. hist. ed. *Freheri* P. II. p. 350 seq. J. G. Leuckfeld's antiquitates Bursfeldenses, od. histor. Beschreibung des ehemal. Klosters Bursfelde, und der daher rührenden Bursfeldischen Societät Benedictinerordens. Leipzig u. Wolfenbüttel, 1713. 4to. It was begun by John of Minden, who was at Constance at the Benedictine chapter as representative of the convent of Rheinhausen, and himself had been a zealous advocate of reform. Having been appointed Abbot of the convent Clus near Gandersheim by Otho, duke of Brunswick, 1430, he undertook and carried through a reform; as also in the convent of Bursfeld, where he was appointed Abbot, A. D. 1433. After this he connected himself with John Rode, Abbot of St. Matthews, near Triers, who was distinguished by like zeal in the cause, and the union of these two convents laid the foundation of the congregation of Bursfeld. By the influence of these convents, namely, many of the Benedictines in Saxony and Westphalia, as also on the Rhine, having been reformed (see *Symbolæ ad hist. monasterii Lacensis ex codd. Bonnensibus depromtæ*. Bonnæ, 1826. 4to. p. 8 seq.), an association was formed amongst them. In this reformation also the Regular Canons were called on to assist, see *Busch* l. c. 46. p. 844 seq. He relates, l. c. 43. p. 841: Præfati patres Johannes (v. Minden, whom he calls de Northem) et Rembertus (Prior in Wittenburg) a Concilio Basileensi bullas impetrarant, ut unusquisque eorum sui Ordinis monasteria sexus utriusque per Saxoniam et Ducatum Brunsvicensem assumpto adjutorio cum invocatione brachii sæcularis possent reformare: et cuncta ad id necessaria in bullis eorum sunt expressa, videlicet ut per censuras ecclesiasticas eos ad se reformandum possent compellere cum invocatione brachii sæcularis, cum absolutionibus a sententiis quibuscunque. He dates these bulls, however, before the reformation of the convent Clus, at which time the Council of Basil had not yet met; but probably both events took place in 1435, see note 4. The Council issued a new call for the reformation of the Benedictine convents, dd. X. Kal. Martii, 1439 (*Trithemii* opp. pia ed. *Busæus*, p. 1016 seq.).

<sup>6</sup> He empowered John Busch, and Paul, provost of the Maurice-convent in Halle, 1451, to reform all the convents of the Canonici regulares per provinciam Magdeburgensem et Moguntinam, Saxoniam et Thuringiam; see the document in *Busch* IV. c. 2, p. 956. The aim of the reform was given as follows: Volumus,

In spite of all these efforts, however, only a partial reformation could be effected.<sup>7</sup> The custom which had been introduced into almost all the convents of sharing the revenues, and the independence which this secured them, had for the monks too great a charm.<sup>8</sup> At Constance a Cistercian monk even undertook formally to justify this practice;<sup>9</sup> and afterwards the most frivolous pretexts were sought

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quod omni diligentia hujusmodi visitatores invigilent, ut tria substantialia omnis Religionis, scilicet *paupertas, castitas et obedientia*, exactissime observentur, et uniformitas habitus ac morum in vestro Ordine ubique observetur; ita quod nemo Canonicorum regularium Ordinis vestri utriusque sexus professus — sine Roqueto (Ital. *Rocchetto*) romano cum manicis deinceps incedere præsumat, omnibus dispensationibus — non obstantibus.

<sup>7</sup> *Jo. Aiderus* (a Dominican prior in Basil, † 1438) de visionibus ac revelationibus (or fornicariis) l. c. 7, ed. *v. d. Hardt*. Helmst. 1692. Svo. p. 97: De reformatione particulari in civitate Ecclesiæ possibili in multis statibus et religionibus non dubito. Quin eadem indes introduci videmus in quibusdam monasteriis et conventibus, sed cum quanta difficultate, novit altissimus. Si enim præsentè generali Concilio in Basilea annis sex nec unum quidem fragilis sexus monasterium cooperante etiam sæculari consulatione reformari potuit propter quorundam inhabitantium vitam malam et eisdem junctam sævitiam: quid quæso sperandum est de virorum nobilium vel literatorum collegiis, qui ruinas et deformitates suas, in spiritualibus existentes domibus, non modo armis chalybeis, sed etiam quæ deteriora sunt verbalibus et ligneis possunt defendere! The Augustine Eremitè, *Jo. Schipower de Meppis*, says, 1504, in his *Chron. Oldenburgensium Archiepiscopum*, in *Meibomii Rerum Germ. T. II. p. 170*, ad ann. 1426: Circa hæc tempora reformatio magna plurimorum monasteriorum in diversis mundi partibus fuit. Et nota, quod hujusmodi reformationes leguntur factæ, sed pene nulla remansit, quin solito more per successum temporis ad pristinum relaberetur languorem post venerabilium patrum mortem.

<sup>8</sup> See the account given by *Buschius* l. c. 4, p. 480, of the condition of the convent Ludinkerka in Friesland, before the reform, A. D. 1428: Ante reformationem pauci ibi fuerunt sacerdotes, et plures conversi ultra XXX. aut L., qui pactum fecerant cum conversis Coniani monasterii Ordinis Cisterciensis ad unum milliare inde distans, quod mutuo se juvare vellent cum centum viris armatis: idcirco totam illam Friisæ partem sibi subjugaverant. Quidam autem Vasallus circa monasterium in castro habitans — retulit ad Episcopum Trajectensem de mala et pessima eorum vita, quorum nullus erat continens, et omnes proprietarii, habentes secum moniales in monasterio, quæ aliquando imprægnatæ genuerunt. Cognovi ibi Abbatem, cujus pater conversus dictus fuerat, mater vero monialis. — Episcopus autem Fridericus de Blankenheim, vir prudens et literatus misit illic Ambasiatores suos, — qui personas dicti monasterii visitantes, invenerunt omnes pene conversos sine regula et professione ibi intrasse, et usque tunc in præsens ibidem per multos annos sic permansisse. Quærentes autem, quomodo ad habitum conversorum assumendum pervenissent, responderunt; quam primo hic intravimus, plures hic vidimus alba tunica et scapulari indutos, et tamen in armis bellicis expeditos. Comparavimus igitur etiam nobis album pannum, unde tunicas albas, caputia alba, scapularia nobis fieri procuravimus, et per nos ipsos eas induimus. Interrogarunt, an aliquid audissent de regula? Responderunt: nunquam, sed unusquisque nostrum aut monialem, aut conversam, aut aliam mulierem sibi assumpsit, cum qua sine copulatione matrimonii dormivit. It was not so bad in all the convents, but a division of property, incontinence, a worldly life, and neglect of the rules we find in all the unreformed convents.

<sup>9</sup> *Anonymi* Ordinis Cisterc. propositio affirmativa in Constant. Conc. ann. 1417, oblata et examinata, quod monachi Cistercienses possint propria possidere bona (in *v. d. Hardt* Conc. Const. III. p. 120 seq.), c. 1. Licitum et fas est interdum dispensare, quod monachus seu religiosus de scitu Prælati sui habet res temporales ad usum bonum et necessarium, quando cogit necessitas excusabilis, aut suadet utilitas notabilis. c. 5: To prevent discontent and murmuring, proficuum est,

out to ward off the impending reformation.<sup>10</sup> Not unfrequently the

quod in retroactis temporibus Abbates vel fecerunt conventuum consensu tacite, vel expresse in rei veritate, vel saltem gratiose cum religiosis eis subditis, quod ipsi et eorum quilibet habeant et possideant aliqua pro victu et vestitu. — Non tamen sic possidentes de scientia, scitu et consensu Abbatis, tales sunt dicendi proprietarii. Quia solum possident ad usum et non ad proprietatem, et possident nomine monasterii, et non nomine proprio. (Then c. 3: Illud in Monacho est proprium, quod celatur Abbati. c. 5: This follows from 12 qu. 1. *Non dicatis*. Nam ibi textus dicit, quod nihil possidere possent sine Abbatis licentia. Ergo Abbatis licentia possunt.) Cap. 6: Et sic quasi in omnibus monasteriis nostri Ordinis sive per statutum, sive per dispensationem, ut prædictum, consuetudo inolevit, etiam dudum pacifice observata et præscripta, propriis Prælati et etiam Dominis Visitoribus scientibus et consentientibus. Quæ consuetudo non debet leviter tolli, maxime ubi timetur verisimiliter scandalum plurimorum. This work was answered, Magni Monachorum Visitoris constitutio negativa, quod monachi propria non debeant possidere bona (l. c. p. 130 seq.). So too the Reformatorium condemns this work, and shows the evil consequences of a division of property amongst the monks (lib. III. Tit. X. c. 2, in *v. d. Hardt* l. X. p. 705): Cum abdicatio proprietatis ita monasticæ professioni et regula sit annexa, quod nec summus Pontifex contra eandem valeat dispensare; nihilominus tamen quamplures regulares personæ utriusque sexus, et quasi indifferenter omnes, paucis duntaxat exceptis, salutis suæ immemores, interdum ante ingressum religionis et quandoque post, pecunia sibi industrie congregata vel recepta ab amicis et parentibus, neonon jura, possessiones, redditus, pensiones, portiones, præbendas, animalia, et alia bona emerunt, seu eni fecerunt et procurarunt; proprio et sæpe nomine alieno multos contractus tanquam negotiatores exereent; pecunias inde acquisitas, vel alias undecunque provenientes ad libitum propriæ voluntatis expendunt; quamplures quoque hujusmodi pecuniam et alia prædicta contra scitum et voluntatem superiorum suorum occulte vel illicite tenent in suarum pericula animarum. Quorum prætextu et occasione ex tunc vestitum emunt, claustralia loca ad placitum deserunt, mansiones sibi seorsim procurant, vietum et potum singularem extra conventualem locum sibi disponunt, vel in mensa communi in præsentia pauperum fratrum aut sororum eadem scandalose consumunt, reliquis fratribus aut sororibus, similia non habentibus, magnam egestatem cum amaritudine animi patientibus. Ex quibus surgunt invidiæ, detractiones, rancores, scandala, applausiones, comessiones, inobedientia, incontinentia, aliæque infinitæ exorbitantiæ regularis disciplinæ. Allegantes, se posse hujusmodi abusus detestabiles de licentia et indultu suorum superiorum talibus consentientium, aut talia dissimulantium, licite exereere.

<sup>10</sup> *Jo. Niderus* (see above, note 7) de reformatione status cenobitici (ed. Antwerp. 1611. Svo., contents see in *H. v. d. Hardt* Autographa Lutheri et Coætaneorum. Helmst. 1693. Præf. p. 30 seq.) lib. I. c. 4 seq. answers in 15 chapters quindecim argumenta deformatum Clericorum et religiosorum, quibus se teneant, ne a forma sæculi recedant. Namely, obijciunt complexionis debilitatem; receptam consuetudinem; Prælatorum peccata; reformationem esse novitatem et singularitatem; esse expectandum cum reformatione usque ad generalem reformationem Ecclesiæ; reformare esse Ordinem dividere, et notam personarum in eo ponere; se jaectant vivere ut proceres eorum; obijciunt dispensationem eis datam; dicunt, necessaria in vietu se non habere; obijciunt status nobilitatem vel dignitatem; timent sequi in divino officio personarum paucitatem; conqueruntur, reformationem sequi pacis turbationem; arguunt, sequi lapsum graviorem et apostasiam vel hujusmodi; ostendere nituntur, quod ex laxa vita majora sequantur bona quam ex reformatione; obijciunt, modum procedendi in reformatione ineptum. Worthy of remark, lib. II. c. 9, on the question, unde proveniat, quod communiter omnes in Ecclesia elament reformationem debere fieri, et tamen fere nullus, quando reformari incipitur, id ferat. Of the difficulties experienced in reforming the Order of the Camaldulenses, see *Ambrosius*, from 1431 General of the Order, († 1439, Hodoëporicon, ed. Florent. 1678. 4to.) description of his visits to the convents, and Epistolarum, lib. XX. in *Martene et Durand* veterum Scriptorum amplissima collectio, T. III. p. 1 seq., compare *Meiners* Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissenen. Th. 2. S. 222 ff.: as regards the Regular Canons and the Benedictines, see *Joh. Busch*.

reform was resisted by open force.<sup>11</sup> In very few cases was it adopted

<sup>11</sup> At the Reformation of the Benedictine convent of St. Godehard in Hildesheim, John Busch having expelled one of the monks, who would not submit to the measures proposed, the monk's brother sent him a challenge (*Jo. Busch* I. c. 50. in *Leibnit.* II. p. 850: frater ejus carnalis militaris, in Ducatu habitans Brunswicensi, literam diffidationis sigillatam mihi misit, ad me et fratres meos captivandum, occidendum, bona nostra diripienda, et domos nostras comburendas), but was compelled by the bishop of Hildesheim and the duke of Brunswick-Lüneburg to recall it. At the convent of St. Michael in Lüneburg, 1470, the monks rung the alarm bell and summoned the citizens to their help, so that duke Otho, and the bishop of Verden, as well as the reforming abbots, had to seek their safety in flight (*Busch* I. c. 53. p. 852). At the convent of Laach, James de Fredis, who had been sent there as Prior with some monks, to introduce a reform, found himself in constant danger of his life (see *Jo. Boutzbach*, from 1499 a monk in this convent, in Gieseler, *Symbolæ* ad hist. monast. Lacensis, p. 25: in tantum sese irreformatis — opposuit, ut solus ipse, utpote præ cæteris constantior, ipsis magis odiosus habitus fuerit et oneri. Hinc sæpe conclave illius effringentes, eumque effugantes, evaginatis gladiis de dormitorio per fenestras fugientem persequuti sunt), and after six months' stay was forced to flee with his friends to Triers (l. c. p. 24). The elector of Triers had to expel the monks by force, cum assumpto sibi exercitu (l. c. p. 27). The nuns were even more troublesome. The Canonesses of Wennigsen told duke William of Brunswick, and the Reformers plainly (*Busch* II. c. 1. p. 858): nos omnes pariter conclusimus et simul juravimus, quod nolumus nos reformare, nec regulam nostram observare: rogamus, ut non faciatis nos perjuras. They then began in concert a song of execration: exeuntibus nobis de choro circa dormitorium, moniales statim omnes extensis brachiis et pedibus in modum crucis ad pavementum chori super ventres suos se posuerunt, et altissimis vocibus antiphonam: *Media vita in morte sumus*, per totum exclamaverunt. Nos autem hujusmodi voces audientes putabamus, responsorium fuisse: *revelabant cæli iniquitatem Julæ*. Unde Dux territus totam suam terram metuebat interire. The relatives of the nuns now interceded for them. This proving in vain, the nuns refused to admit the duke, so that it was necessary to force the doors. They were only induced to yield by the threat of being carried away in carriages already provided for the purpose: on the following day, however, they retracted their consent, and the duke, who had already departed, had to return with an armed retinue. One nun was now so much affected, that she statim corruens in terram, sensus suos amisit. This was construed as a miraculous punishment, and made the others more submissive. When getting together their effects, some of them were so infuriated, that they ollas suas tam valide a se projecerunt, ut pedes earum ad pavementum confringerent. Busch, on his journey back, was twice attacked by armed men, and narrowly escaped with his life. In the Cistercensian convent of Mariense (l. c. c. 3. p. 862 seq.) the nuns also set up a song of malediction: in choro incipientes antiphonam: *Media vita* super nos altissimis vocibus decantaverunt, et per Ecclesiam cum tali cantu nos prosequentes, etiam candelas de cera ardentés super nos et contra nos in terram projecerunt: et una juveneula, extra Ecclesiam super cimiterium nos secuta, cum cantarent: *Sancte Deus, Sancte fortis, sancte et immortalis*, etc., trina vice cantando, genibus flexis etiam terram in signum nostræ maledictionis ter momordit, et lapides æ terram post nos projecit. After this they took refuge in a gallery super testudinem chori et Ecclesiæ satis alte et late concenterunt, and could only be induced to come down by the threat of being sent out of the country. The Prior of Sulza was commissioned to reform the neighbouring convent of Derneburg, but found great difficulty in the undertaking (l. c. c. 13 seq., p. 874 seq.). The nuns gave away their means of support (c. 14), ut dicere nobis possent, quod non haberent, unde in communi viverent, et ita earum reformatio propter paupertatem impediretur. Etiam per hoc efficere gestiebant, ut parentes et cognati earum, qui annuos eis redditus dare consueverunt, jure hæreditario aut alias apud se dispositos ante reformationem, quando in propriis vixerunt; post assumtam communem vitam tales eis redditus dare denegarent, communitatem nutrire nolentes, qui proprias filias seu nepotes de propriis bonis suis libenter nutrierant. Busch was attacked by a friend of the nuns with a long knife. In visiting the cells of the nuns, one of them let him go in first, and then shut and fastened the door upon him, so as to keep him



by the monks voluntarily. For the most part it was forcibly carried through by the sovereigns, or the bishops,<sup>12</sup> or was made unavoidable by the poverty into which the excesses of the monks had brought them.<sup>13</sup> But though the most rigorous measures were sometimes adopted to subdue the obstinate monks,<sup>14</sup> the reformation of the con-

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for a long time prisoner. De cætero nunquam in aliquo Monialium monasterio in aliquam clausuram præcedere volui, ne mihi aliquid simile ibidem contingeret, præsertim unde leviter exire non potui. Sed quando due vel tres me præcedebant, tunc eas bene sequebar. Una sola præcedens non mihi sufficiebat, ne cum una sola ad tempus ne recluderent, dicentes super me, quod non cogitassetm. At last, after three years, the nuns succeeded by the help of their relations, in getting as a substitute for Busch, the Cistercian Abbot in Marienrode. He caused most of them to be transferred into other convents, and introduced into theirs the Cistercian rules.

<sup>12</sup> The most zealous advocates of this reform were Otho, the one-eyed, duke of Brunswick-Lüneburg, Albrecht, duke of Austria, and William III., duke of Saxony. See the decrees of the bishop of Halderstadt, and William, duke of Saxony, both dated A. D. 1451, in *Busch* IV. c. 4, 5. p. 959. Comp. *J. G. Reinhard* de jure Principum Germaniæ, comprinis Saxonie circa sacra, p. 139 seq.

<sup>13</sup> *Jac. Junterburgii* (see § 135, note 31) de negligentia Prælatorum lib. in *Walchii* monumenta mediæ ævi II. II. p. 109: Divitias peperit — religio, — proleque vastata mater, nec proles beata, dum disciplina cessat, regnatque simulas, i. e. hypocrisis, deficit Ecclesiæ virtus pariterque facultas. Nami aperte videmus, quod monasteria olim in reformatione opulentissima jam adeo depauperantur, quod etiam cum paucis et tenui victu parietes et tecta edificiorum a ruina conservari non possunt. Et ubi quondam reformationis tempore LXX. aut plures fratres commode nutriebantur regnantibus nondum proprietariis, octo aut decem vix educari possunt sine penuria. In hoc manum Domini contra proprietarios ad ulciscendum manifeste cernimus armatam. Deficiente nunc causa donationis temporalium bonorum, scilicet magna antiquorum patrum devotione et vitæ sanctitate, propter quam bona collata sunt, deficere et cessare debet effectus in ipsa bona temporalia, ideo non immerito eis modo auferuntur. Also vice versa it was often found, *Buschius* I. c. 52. p. 852: in monasteriis, ubi ante reformationem vix decem aut duodecim homines de bonis Monasterii vivere poterant et se nutrire, vidimus post reformationem plus quam quinquaginta aut centum in copia omnium rerum abundantissime se nunc nutrire. Sometimes such expedients as the following were resorted to, see *Bern. Wittii* (a Benedictine in Liesborn, about A. D. 1517) hist. antiquæ occidentalis Saxonie seu nunc Westphaliæ, Monasterii, 1778. 4to. lib. VIII. p. 558, ad ann. 1460: Eodem fere tempore in ipsa item Padeburnensi diocesi in monte dicto Hallesberge, in desolata quadam Ecclesia, nescio cui opilioni revelationem factam fuisse vulgatum est, quasi s. Jacobus, ejusdem Ecclesiæ patronus, se ibi, prout in Compostella Gallatiæ hætenus, peregrinis suis patrocinium concessurum spondidisset. Currunt certatim ad locum, prodigia et signa ibidem fieri publicatur, multa a peregrinis pecunia defertur. Fuere tamen, qui rem profundius ruminarent ac dicerent, nullum unquam ibidem verum miraculum factum fuisse, illusione diabolica rem procuratam, ut scilicet novam jam assumptam in Corbiensi monasterio reformationem eliminaret. Locus enim Corbiensi monasterio subjectus erat; hoc ipsum autem monasterium jam diu a regulari observatione defecerat, unde aliquando necessarium defectu reformationem accipere aut loco cedere artati sunt. At Abbas s. Jacobi thesauris ac peregrinorum oblationibus sustentatus aratrum deseruit, ac post tergum vidit, et membratim habentes unde voluptuose viverent, expulsis qui reformationem inducere laborabant, quam ob causam in sanctioris vitæ propositum consensissent, docuerunt. Eliminata autem religione iterum inchoata, paulatim et miracula et peregrinationes solitæ cessaverunt. Corvey was reformed 1486, and joined the congregation of Bursfeld.

<sup>14</sup> Especially by duke Albrecht of Austria, see *Busch* III. c. 22. p. 928, de reformatione per suspendium: A Benedictine abbot being unable to induce his monks to enter upon a reformation, Albrecht ordered them all to be assembled, and asked each of them singly whether they would submit. Those who refused were

vents was far from complete, and the complaints of the corruption of the monks still continued.<sup>15</sup> The reformed convents, therefore, of each order, united themselves into separate congregations, in which a strict supervision was exercised to prevent any relapse.<sup>16</sup> Of these the Bursfeld Congregation of German Benedictines became the most celebrated.<sup>17</sup>

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ordered to go out: the duke, however, had previously given orders to his servants, ut quemcunque de domo Capituli exire viderent, statim apprehenderent, et funem ad collum ejus ligarent, et in domo ad hoc deputata ad trabes suspenderent. Cap. 24. *Reformatio facta per flagella.* Another abbot, who could not manage his monks, availed himself of the assistance of the same prince to take them, magnisque catenis, manicis et compedibus pedes et manus eorum constringens, ad postes dormitorii eos fecit astringi et affigi. Divinorum autem tempore quando in choro horæ cantabantur, libros cantuales jussit eis anteponi, ut ibi horas cantarent canonicas, quas in choro cantare recusabant. Qui ibidem cantare noluit, tam diu, seapulis denudatis, magnis virgis cadebatur, seu etiam vestibus usque ad cingulum dimissis vel ultra, donec pœna urgente carne cuteque laceratus cantare compelleretur. Tempore refectionis fratrum conventualium fecit similiter. Cibum et potum jussit eis tunc anteponi, et si manducare nollent, fecit eos acerrime vapulare, donec cibum attingentes manducarent et biberent, ut jubebantur. Cumque per aliquod tempus die ac nocte ita cantare cogerentur, et suo tempore manducare, horum exactoribus cum virgis recentibus carnes eorum exsulantibus et livore conficientibus; tandem de necessitate fecerunt virtutem, promittentes, sponte et libenter se velle in choro cantare, et in refectorio comedere, ut ab iis plagis possent liberari; regulam quoque suam et tria substantialia libentissime se velle amplius servare, nec de teneritudine, impotentia aut perversitate aliqua amplius facere querelam, sed in eunctis se libenter velle obedire.

<sup>15</sup> Of the corruption of the convents in Switzerland in the 15th century, see Joh. v. Müller u. R. Glutz Blotzheims Geschichten Schweizer Eidgenossenschaft, fortgesetzt von J. J. Hettlinger. Bd. 6. Zürich, 1825. S. 254 ff. In France, see *Joannes Raulinus* (Doctor of Theol. in Paris, then a Cluniacensis monk, † 1514) Oratio de reformatione Cleri ad Capitulum generale, ed Basil. 1498 (see the extracts in the *Auctarium catal. test. veritatis*, p. 113). *Guido Juvenalis* (a Benedictine, afterwards Abbot of St. Sulpice in Bourges) reformationis monasticæ vindicia seu defensio. Paris. 1503. In Germany, see Geiler v. Kaiserberg's Leben. Lehren u. Predigten, dargestellt von F. W. Ph. v. Ammon. Erlangen, 1826. S. 92. *Wolfgangus Aytinger*, a priest in Augsburg, in the work: *Methodii, Euboici præsulis, suspiria pro reformatione, et querelæ de corruptione Ecclesiæ.* Basil. 1504. The reformations were often only temporary. See Valerius Anshelm's (Stadtarzt in Bern) *Berner Chronik* herausgeg. v. Stierlin u. Wyss. Bd. 1. (Bern 1825). See the ineffectual attempt of the Landgrave, William III., to bring about the reformation of the convents in Hesse, in Rommel's *Gesch. v. Hessen.* Th. 3. Abth. 1. (Cassel. 1827) S. 130 ff.

<sup>16</sup> Thus amongst the Benedictines the *Congr. S. Justinae*, founded by Lewis Barbo in the convent of St. Justina in Padua, and confirmed by Martin V. 1417. It extended widely in Italy, and from the year 1504, having been joined by the convent of Monte Cassino, was called by that name. *Histoire des ordres monastiques.* (par Hippol. Helyot) à Paris 1714. 4to. T. VI. p. 230 seq.; the *Congreg. of Valladolid*, which originated in the convent of St. Benedict, in Valladolid, l. c. p. 236 seq.; the *Congreg. of Sicily*, formed in 1483, but in 1506 united with that of Monte Cassino, T. V. p. 56 seq. Amongst the Cisterciensians the *Congr. Observantia* in Spain, founded by Martin de Vargas, 1425, T. V. p. 382 seq.; the *Congregation of St. Bernhard* in Tuscany and Lombardy, 1497, l. c. p. 388.

<sup>17</sup> See note 5. In 1506, 75 convents belonged to it, the names of which are given in *Trithemius Chron. Spanheimense* ad ann. 1429 (Opp. hist. ed. Freheri, P. II. p. 351): about 1630, however, the number of monks' convents only was 142, see the *Designatio in Leibnizii Scriptt. Brunsv. II. p. 972* seq.

In the Mendicant orders also, the discipline had become so relaxed, that a reformation was as much needed as in other orders. Amongst the Franciscans the *fratres regularis observantia*, hitherto objects of so much suspicion, now took a new stand, being formally approved by the Council of Constance, and by degrees distinguished by peculiar privileges.<sup>18</sup> In the convents of the other Mendicant orders, the same difficulties were found in carrying through a reform as elsewhere.<sup>19</sup>

<sup>18</sup> See § 110, note 15. In the Bull of Confirmation of Sept. 23, 1416 (v. d. Hardt IV. p. 515 seq.), it was provided that they should be under the superintendence of a *Vicarius ministri generalis*, to be chosen from their number, and in each province should have a *Vicarium ministri provincialis*. Afterwards their cause was much advanced by the zeal of Bernardinus Senensis, from 1438 *Vicarius generalis* for Italy, † 1444, and John Capi-stranus his successor, † 1456, both eloquent orators and honored as saints. Finally, in 1517, Leo X. committed to them exclusively the choice of the General of the order.

<sup>19</sup> *Jo. Niderus* (see above, note 7) de visionibus ac revelationibus I. c. 7. p. 100 : Scio præterea Ordinem inter mendicantium Ordines (meaning probably his own order, the Dominicans), cui Deus jam ante decennium providit de duobus bonis et benevolentissimis capitibus, quorum unus generalis Magister est totius sui Ordinis, alius vero provinciam grandem regit. Uterque zelator est reformationis tam validus, ut se pro ea et pro suo grege plus simpliciter vice, ad resistendum sæcularibus, mortis periculo subjacerit. Et tamen uterque modicum profecit in subditis. Paucos enim conventus reformare potuerunt, quibus velle adiacebat de omnibus, sed propter inobedientem materiam perficere nequiverunt. A prevailing excess amongst the Mendicants, was the unlawful intercourse between the monks and nuns in convents (Conc. Mogunt. ann. 1455, in *Hartzheim* V. p. 439, it was found necessary to condemn the principle, quia sanctimonialis professa, si carnis tentatione et humana fragilitate victa, castitatem servare nollet, minoris culpæ et facillioris veniæ esset, si cum Religioso quam cum sæculari delinqueret), and their resistance to a reform was obstinate in proportion to their privileges. See the account of the Reform of the Franciscans, male and female, in Heilbronn, which was carried through by force in 1465, in C. Jäger's *Mittheilungen zur schwäbischen u. fränk. Reformationsgesch.* Stuttgart, 1828. Bd. 1. S. 11 ff. Further of the Franciscan convent in Ulm and the Nunnery connected with it, which after having been for fifty years attempted, was at length carried through by force in A. D. 1484, see Schmid and Pfister *Denkwürdigkeiten der Württemberg. u. schwäbischen Reformationsgeschichte* Heft 2. Tübingen, 1817. S. 12 ff. Of the ineffectual attempts to introduce a reform in Hesse, see the letter of Landgrave William III. to Pope Alexander VI. dd. 16, Febr. 1493 (*Beurkundete Nachricht von dem Closter-Hauss Schiffenberg*, 2ter Theil. Giessen, 1755. Fol. Beilagen, no. 193.): Consideranti mihi jam dudum, multa præclara monasteria in temporali dominio meo — fundata et dotata jam proh dolor diebus istis tam miserabiliter a regulari vita defecisse, quod ne vestigium ullum pristinae honestatis et sanctitatis remanserit, imo declinasse ad tam abominabilem et bestialem vitam, quod justius scurrilitatum receptacula quam monasteria et domus orationum nuncuparentur: hæc inquam mihi cum gemitu consideranti, et correctionem talium a Prælati eorum requirenti Magister provincialis fratrum minorum tandem aliquo modo satisfacere temptavit, monasterium b. Francisci in oppido residentia: meæ Marpurg in tribus annis quater reformans. Semper eo recedente novissima pejora prioribus: tandem meliores quique locum deserentes ad Observantes se transtulerunt solis pessimis remanentibus. Quapropter videns me delusum, S. V. prædecessori pro opportuno remedio humiliter supplicare disposui: tum subito exoritur desiderabilis rumor, advenisse scilicet Dom. Raymundum quandam cum plena potestate reformandi etiam quæcunque monasteria. Aditur, rogatur, consentit et mandat ceteris Prælati de reformatione quorundam monasteriorum, scil. b. Francisci in Marpurg et de Gronenberg, necnon s. Dominici etiam in Marpurg et in Treysa, ac s. Augustini in Alsfeldia, et in Heyne Cisterciensis Ordinis, Maguntinensis diocesis: dicens, se ad hoc sufficiente potestate per apostolica scripta munitum. Quid plura? credulus ego et lætabundus

## § 140.

## INFLUENCE OF THE MENDICANTS.

Notwithstanding the corruption of the Mendicant orders, they exercised still the most various and extensive influence,<sup>1</sup> which was all

misi continuo ad Vicarium fratrum minorum de Observantia cum commissione et mandato prædicti Dom. Raymundi, petens, ut monasterium præfatum b. Francisci in Marpurg vellet quantocius reformare. Vicarius vero cum desiderium meum intellexisset, viso mandato ait obistere sibi adhuc, quod bullæ cuidam Pauli II. prædecessoris vestri, quæ Paulini seu bulla concordia dicitur, non videretur de verbo ad verbum sufficienter derogatum. Quod audiens vehementer dolui, perseverans tamen misi anno nonagesimo lapso ad s. Apostolicam sedem, humiliter petens indultum D. Raymundi approbari, et suppleri defectus bulla data. Sed totius boni inimicus Diabolus per se vel suos alluisse cognoscitur, ut allegatus defectus, qui erat ex parte Paulinæ quoad fratres minores, tortuosi serpentis calliditate retorqueretur ad alia quædam monasteria Regularissarum: sic enim sonat bulla, quod illa possint reformari non obstante Paulina. — Iterum illusus iterum Oratorem, scil. anno 92, ad Curiam misi, et relatam est mihi, quod obtinuerit signaturam. Sed Beatitudinis Vestræ prædecessore de hoc sæculo migrante, similiter et Oratore meo finiente vitam in urbe, rursus pium negotium frustratum est. Quapropter, beatissime pater, perpendat quæso clementer B. V. quotiens et quam diu fraudatus sum a desiderio meo, et quantum perversis et impiis ex hoc factus sum in parabolam et derisum, quasi homo qui cepit ædificare et non potuit consummare: et dignetur tandem Vestra Apostolica Benignitas mihi et Oratori meo præsentem in tam pio negotio efficaciter assistere, ac per indulti Raymundi de prædictis virorum monasteriis approbationem, et defectus, si qui sint, maxime derogatione Paulinæ ac alias necessarias clausulas de opportuno remedio providere: *ne suspicari cogar, quod ex industria lucusque illusus sim, et auferatur mihi et meis in antea credulitas et reverentia litterarum et nunciatorum Apostolicæ sedis, compellarque exerece potestatem secularis gladii, si spiritualis, quam diu quæsiri, negabitur*, quia tam gravem Dei contumeliam, et tam impiam fundatorum defraudationem, qui talibus absque dubio sua bona dare nunquam intenderunt, sed et derisionem meam nequaquam diutius perferam. See Rommels Gesch. v. Hessen. Th. 3. Abth. I. G. 139 ff. Anmerkungen G. 71 ff. — In Württemberg great pains were taken by Count Ulrich from A. D. 1476, to persuade the General of the Dominicans to undertake the reformation of the nunneries of the order in his territories. See Sattler Bd. 4. S. 146 ff. In Switzerland, on the other hand, they still continued in the convents their free and undisciplined life, see Müller's Schweizergesch. fortges. von Hottinger. Bd. 6. S. 264. Amongst the Dominicans also, congregations were formed of the reformed convents; thus the Congregation of Aragon, and of Lombardy, see Helyot III. p. 225 seq. — In the Carmelite order John Sorett, General of the order from A. D. 1451, was very active in the cause of reformation, and was rewarded for his zeal by being poisoned, A. D. 1471, see Helyot I. p. 323 seq.

<sup>1</sup> *Erasmus* Adagiorum Chil. 2. Cent. 8. Adag. 65.: Malorum Mendicantium ubique maxima turba est. Hi sic sese per omne reipublicæ corpus sparserunt, ut nihil usquam agatur sine illis. Regnam in concionibus, quod pecuniare munus Episcoporum; tyrannidem occuparunt in scholis, quod huic proximum munus; per hos ministrantur ecclesiastica Sacramenta, per hos sacerdotes sumus; hi plus quam censoria severitate pronunciant de fidei professione: *hic Christianus est, hic Semichristianus, hic hæreticus, hic sesquihæreticus*; in horum sinus populus effundit occultos vitæ actus, et secretissimas animi cogitationes. Nec his contenti sunt; nulla peraguntur Principum fœdera, in quibus hi non agant partes. Sine his nullum contrahitur matrimonium; in theatricis certaminibus, in publicis sortibus agonothetas agunt: adeo nihil pudet. Denique nec mori licet absque istis. Nulla est aula Principum, in quam non irrepserunt. Si quod impudens facinus destinarunt Principes, per hos exequantur; si quid moliantur Romani Pontifices,

directed to the support of the papal power, from which they had received their unbounded privileges,<sup>2</sup> and the advancement of their several orders. The chief resistance they met with was from the university of Paris. Before they could be admitted to teach there, they were obliged to submit themselves to its authority,<sup>3</sup> and every attempt to make themselves independent was met with the same decision,<sup>4</sup> with which their exaggerated assertions in favor of the papal power and the Mendicant orders were rebuked and punished.<sup>5</sup> In France the secular clergy were thus in some measure protected from the encroachments of the Mendicant orders;<sup>6</sup> but in other countries they

quod paulo sit alienius ab apostolica illa et prisca sanctimonia, horum potissimum utuntur ministeriis; veluti si quod bellum, si quis tumultus, si qua exactio, si qua condonatio parum prudens, in hisce fabulis isti primas agunt. Interim simplici popello specie sanctitatis imponitur. Sacerdotes ad hos collati, sacerdotes non sunt. Episcopi horum fiducia in utramvis aurem dormiunt. Plebs destituta pro unicus pastoribus gemino luporum genere disceperitur, dum et Præsules exercent tyrannidem; nec hi tamen pastores sunt, sed alia ratione prædones.

<sup>2</sup> To secure the privileges of the Dominicans and Franciscans, Sixtus IV. A. D. 1474, included them all in two Bulls, which were therefore called the Mare magnum of the Franciscans and that of Dominicans. These he enlarged and completed in the so-called Bulla aurea dd. 7. Kal. Aug. 1479.

<sup>3</sup> See the instrumentum submissionis, which the Franciscan Petrus de Cheriaco had to sign in the assembly of the theological faculty, A. D. 1428, in *d'Argentré* I, II. 226. He was appointed by his order ad legendum Bibliam: the Faculty consented to receive dictum fratrem Petrum ad legendum Bibliam pro anno præsentis, mediante quod submitteret se reparare certas propositiones et articulos aliquos in suis sermonibus et alibi expositos et prædicatos, et dictæ Facultati in uno rotulo per ipsum tradito contentos, ubi indigerent reparatione, toties quoties, et in quibuscumque locis placeret Facultati theologiæ, nec non veniam petere super aliquibus verbis per ipsum minus bene de Facultate artium prolatis in proxima ipsius Facultatis congregatione. Qui quidem F. Petrus se submitit et juravit supra dicta facere toties quoties requireretur ex parte ejusdem Facultatis, et omnia supra dicta adimplere.

<sup>4</sup> The Theological Faculty insisted that the Mendicant monks, who should be appointed as theological lecturers by their superiors, should first have gone through a certain academical course. On the other hand, the four Mendicant orders obtained from Eugenius IV. the Bull *Ad jugem* dd. 3. Kal. Apr. 1442 (in *Bulæi* hist. Univ. Paris V. p. 524) which provided that the monks who should be appointed by their orders ad legendum Bibliam or ad legendum Sententias, ac per Deputatos Facultatis theologiæ ad hoc sufficientes et idonei reperti fuerint, should be admitted to do so solutis juribus ejusdem Facultatis. On this the University at once resolved (l. c. p. 522), quod privarentur omnes tam graduati quam non graduati dictorum IV. Ordinum a consortio Universitatis, et — ab omnibus actibus scholasticis, donec et quousque dieti Mendicantes impetrassent aliam Bullam novam contrariam de verbo ad verbum isti Bullæ per eos impetratæ a summo Pontifice. The Mendicants had to yield, and take an oath, 10 Dec. 1442, nunquam uti Bulla prædicta, and within a given time to procure its repeal. At the same time it was determined by the faculty, quod studentes IV. Ordinum, qui mittentur ad legendum Sententias, stent Parisius ante dietam lecturam per III. annos, videlicet per annum ante lecturam Bibliæ, et per annum, in quo legent Bibliam, et per tertium, in quo se disponent ad lecturam Sententiarum, ut sententia ipsorum et mores comprobentur.

<sup>5</sup> Thus of the papal power, see § 135, note 23. Of their own privileges at the cost of the secular clergy, see § 137, note 2.

<sup>6</sup> Compare the new controversy of the University with the Mendicants, which began 1456, see *Bulæus* V. p. 601 seq. The Mendicants, namely, came forward in 1456 with a Bull of Nicholas V., who had then been dead a year, similar to that

could offer no resistance to their usurpations; and it was evident that the Mendicants, whilst it was easy for them to prove the corruption of their rivals,<sup>7</sup> aimed at nothing less than to destroy their influence entirely.<sup>8</sup> The undecided interference of the popes was wholly in-

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of Alexander V. (see § 109, note 3). The University pronounced this Bull scandalosa, turbativa pacis et concordie, subversiva Ordinis hierarchici Ecclesie ac subreptitia, and determined to appeal against it: the Mendicants were to be summoned to appear, visuri suas privationes, si dicta impetrationi renunciare noluissent, et impetrare revocatoriam ipsius: — requirantur Prælati, quod non admittant Fratres Mendicantes ad prædicandum in suis diocæsibus, donec renunciaverint, et obtinuerint hujusmodi revocatoriam. The Mendicants having refused to give up the Bull, and procure its repeal, it was decreed, Idcirco ipsa Universitas ex tunc omnes juratos de dictis Mendicantium Ordinibus reputavit et declaravit perjuros et privatos a gremio et consortio ipsius, non juratos autem resecauit a susceptione graduum quorumcunque et acquisitione temporis Parisius in quacunque Facultate. The Parliament attempted to reconcile the difficulty, but in vain, till in Feb. 1457 (more gall. 1456), the copy of a Bull came to Paris, in which Calixtus III. was said to have repealed the Bull of his predecessor (see *Bullæ* V. p. 612). The Mendicants now submitted (p. 613), and were again admitted as members of the university on the 18th Feb., after they had sworn to the conditions (p. 616), quod amplius non utantur Bulla existente in manibus Rev. D. Episcopi Parisiensis, neque similibus, et maneat dicta Bulla in manibus præfati Episcopi sicut est; et quod unus pro omnibus juratus de Ordine Mendicantium pro sua redintegratione habeat supplicare, et habeant Mendicantes antedicti obedire Bullæ revocatorie et ratificari [*facere*] per suos Generales infra annum. Item jurabunt, quod nunquam impetrabunt similes Bullas, alioquin ex tunc, prout ex nunc, reincident in similes privationes et pœnas. Soon afterwards it was found indeed that the supposed Bull had never been issued, for Calixtus III. called on the king in a letter of March 18 (p. 617), to protect the Mendicants, declared his predecessor's Bull genuine, and confirmed it: the Dominicans were forced by command of their General to go back from their promise, and were again excluded from the university: in Dec. 1457, however, they applied again for admittance, and submitted to the conditions (p. 620).

<sup>7</sup> See for instance the passage of the Augustine eremite *Johannes Schiphoverus de Meppis* in his Chron. Oldenburgensium Archicomitum (written 1505) in *H. Meibomii* Rerum german. Scriptt. T. II. p. 171 ad ann. 1440, where he is praising Count Dieterich as a patron of his order: Suis temporibus quidam ex pastoribus et capellanis conspirationem fecerunt contra Mendicantes, limitatores ibidem existentes, impugnantis privilegia apostolica, et præsertim de confessionibus audiendis, ignari et juris canonici imperiti, vix primis literis imbuti, qui vix sine confusione, ut ait Pastor in tractatu de Curatorum miseris, requiem cantare sciunt, et tamen singulis doctis viris tamquam cornuta bestie rebellant, et in sua asineitate perseverantes super omnes se extollunt. Quomodo autem prædicabunt, qui literis operam non dederunt? aut quam in prædicando indoctus sacerdos utilitatem auditoribus suis afferre poterit, qui scripturas nescit? verum temporibus nostris, in quibus est sicut populus, ita et sacerdos, studium scripturarum miserissimi sacerdotes abjiciunt, pro libris scripturarum calices exhauriunt, et cotidie se inebriant. Viderint Episcopi, qui tales idiotas et inscios ad sacerdotii dignitatem promovent, qui imperitis curam ovium Christi commendant! Sedit in insidiis cum potatoribus in tabernis, ludis et comessionibus vacant, non est timor Dei ante oculos eorum. Nomine sacerdotes sunt, conversatione asini, nihil penitus de scripturis intelligunt, discere contemnunt, et latina lingua loqui vel scribere nesciunt, vix in vulgari exponere Evangelia didicerunt. Quantos errores, fabulas et hæreses in Ecclesiis prædicando populus enunciant, quis nisi expertus credere posset? Pro libris liberos sibi comparant, pro studio concubinas amant. Tales, quamvis inscii, quamvis indocti, quamvis ignari, adhuc contra privilegia apostolica contra viros doctos latrare non erubescunt.

<sup>8</sup> *Jacobus Carthusianus* (see § 135, note 31) de arte curandi vitia (ex Ms. in v. d. *Hardt* Autographa Lutheri præf. p. 49): Licet multi Fratres Mendicantes prædi-

adequate to quiet such a dispute.<sup>9</sup> The Mendicants were, it is true, more active in the affairs of the church than any others of the clergy; but their activity was only, too often, devoted to increase the prevailing superstition,<sup>10</sup> and magnify the saint and the privileges of their

cent, et multi multa dicant; cum tamen ab observantia declinaverint, aliud opere et aliud verbis ostendunt. Et hi ut plurimum nimium audaces et idiotæ. Inde eorum prædicatione contentibilis redditur, et vertitur maxime profanam in divinationem. Nam eorum primarii, ut manifeste cernitur, non aliud videntur quærere, nisi favorem populi, libertatem vitæ, quantum honorum exteriorum. Quæ debite considerantes, omnia eorum facta videntur hypoëritica delinimenta. Nimirum parochiæ destruuntur, Prælati continentur, nulla disciplina contradicente. Sed cur non exercetur ipsa, nisi quia quilibet illorum quasi sibi conscius non audet illorum mala facta punire? The complaints of the secular clergy against the Mendicants were, see Reformatorii Constant. decretales Tit. X. c. 12. in v. d. *Hardt* Conc. Const. I, XII. p. 715: quod superiores dictorum Fratrum non eo modo, sicut deberent, sed in scriptis, imo interdum nomine non expresso, Ordinariis locorum suos terminarios, ut plurimum idiotas, et interdum minus quam presbyteri curati scientes præsentant; præsentati soli, absque socio, per apachias veluti vagi transcurrunt, absolutiones suas, ultra Curatorum efficaciores, tanquam apostolica auctoritate concessas, prædicant sæpius: quod in casibus eis non commissis absolunt, pecuniaria etiam pactione præcedente aut interveniente; decedentibus et testari volentibus secretius ingerunt, sibi et non Curatis legari, et apud suos Conventus sepeliri. Quibus omnibus secretius ingestis et practicatis canonicam ipsi Curatis non exhibent portionem (namely the quarta prescribed by Boniface VIII.) in dictorum Curatorum multiplex præjudicium et gravamen.

<sup>9</sup> Sixtus IV. was induced by the complaints of the German bishops, and especially by the dispute between the secular clergy and the Mendicants in Esslingen, to appoint Commissioners to reconcile the parties, and a compromise having been brought about, he sanctioned it by the Bull *Vices illius* (in the Extravag. Commun. lib. I. Tit. IX. c. 2.) to this effect: quod ipsi parochiani sacerdotes de cætero non dicant, a Mendicantibus hæreses processisse: cum in veritate fides nostra sit illuminata, et Ecclesia exaltata per eosdem, et præsertim per Ordines Prædicatorum et Minorum, ut jura testantur. Quodque Fratres Mendicantes non prædicent, populos parochianos non teneri audire missam in eorum parochiis diebus festivis et dominicis; cum jure sit cautum, illis diebus parochianos teneri audire missam in eorum parochiali Ecclesia, nisi forsitan ex honesta causa ab ipsa Ecclesia se absentent. Quodque etiam nec Fratres, nec Curati inducant aliquo modo laicos ad eligendum sepulturam apud eos, et bene caveant propter pœnas, quas imponunt canones, cum sit libera. Quod etiam ipsi Mendicantes desistant prædicare, quod parochiani non sint obligati, saltem in Paschate proprio confiteri sacerdoti. Per hoc tamen ipsi Fratres Mendicantes non ceaseantur exclusi, quo minus secundum juris communis et privilegiorum eisdem concessorum dispositionem confessiones audire, et pœnitentias injungere valeant. Quod etiam de cætero inter ipsos Fratres Mendicantes et Curatores, quoad effectum prædicandi, horas cantandi, et campanas pulsandi, servetur consuetudo antiqua, quæ temporibus antiquis servata fuit in ipso oppido Esslingensi. Et casu, quo veniat aliqua occasio sive necessitas, non fiat commutatio temporis vel horæ in ipsis prædicationibus fiendis, nisi de consensu partium. Quodque etiam ipsi Fratres in sermonibus eorum non detrahant Prælati et rectoribus parochialium Ecclesiarum, nec etiam populos a suarum Ecclesiarum parochialium frequentia et accessu abstrahant, sive retrahant quoquo modo. Et vice versa ipsi rectores et Prælati aliquo modo non detrahant Mendicantibus, sed illum favorem, quem possunt, eis impendant, et in omnibus et per omnia præsent, ita ut vera unitas et perfecta caritas inter eos ostendatur. It is easy to see from this what were the causes of controversy; but, of course, by such explanations and conditions, it could not be at once and for ever ended.

<sup>10</sup> As for instance in the case of the so-called *brethren of the Rosary*, the first of which fraternities was founded by the Dominican Jac. Sprenger in Cologne 1475 (*Echard* Bibl. Præd. I. p. 881). The Dominicans themselves strove to propagate the notion, which Leo X. adopts in his Bull of absolution to the Fraternity 1520 (see *Eus. Amort* de origine, progressu, valore ac fructu indulgentiarum. I. p. 171)

respective orders.<sup>11</sup> Nevertheless they were considered by the popes

quod olim, prout in historiis legitur, a s. Dominico quadam Confraternitas utriusque sexus fidelium, de Rosario b. M. V. nuncupata, ad honorem angelicæ salutationis instituta, et in diversis mundi partibus prædicata fuit sequentibus signis (comp. § 69, note 10). Sed cum ipsa Confraternitas decursu temporis fere neglecta fuisset, et in oblivionem transisset, ac anno 1175 civitas et diocesis Coloniensis gravibus bellis premeretur, eadem Confraternitas, ut civitas ab eis bellis liberaretur, in Ecclesia domus Prædicatorum Coloniensem innovata et de novo instituta fuit. Against this notion of an earlier origin see Acta SS. August. T. I. p. 428 seq. Sixtus IV. gave this Confraternitas de Rosario b. M. V. 1478 the first absolution A. D. 1478, in *Amort* l. c. p. 170, and designates it as ad honorem angelicæ salutationis instituta, ejus confratres et consorores tribus diebus cujuslibet hebdomadis orationem dominicalem quindicies, et angelicam salutationem centum et quinquaginta vicibus ad honorem ejusdem b. Mariæ Virginis juxta ipsius Confraternitatis instituta dicere consueverunt, quas quidem orationes Rosarium appellant; adding extra civitatem Coloniensem in aliis civitatibus et locis sint quam plures utriusque sexus ejusdem Confraternitatis confratres. This fraternity extended itself so rapidly, that as early as A. D. 1481, a similar one was established in Schleswick, the statutes of which are given in (Roodt's) *Beiträgen zur Erläuterung der Civil-, Kirchen- u. gelehrten historie der Herzogthümer Schleswig u. Holstein*, Bd. 2. (Hamb. 1752. 4to.) S. 31. Innocent VIII. bestowed on them, 1483, vivæ vocis oraculo full absolution semel in vita, et semel in mortis articulo, which Leo X. 1520. confirmed, see *Amort* l. c. p. 171.

<sup>11</sup> The Council of Basil condemned as late as 1444 the following assertions quæ maxime prædicabantur a Mendicantibus in Taurinensi et Astensi Diocesisibus, (*Patritii* summa Concill. c. 138. in *Hartzeim* Concill. Germ. V. p. 865): Parochianos non teneri de jure dominicis diebus et solemnibus missas in propriis parochialibus Ecclesiis audire, sed ubi pro eorum devotione maluerint, prætermisiss suis parochiis: et hanc libertatem non posse eis adimi a synodalibus constitutionibus; quodque Parochiani suis Curatis illis diebus non tenentur ad oblationem faciendam, sed in voluntate dantis sit, qui velit eam dare.—Obnoxium quavis causa faciendi missas celebrari pro vivis et defunctis, non satisfacere debito suo, si per curatum sacerdotem id fieri curet, quoniam ratione curæ ad id sit obligatus. Decimarum solutionem, etsi de præcepto sit, non tamen de præcepto esse, cui sit solvenda; liberum igitur esse omnibus cui velint eas solvere, vel in opera pietatis pro arbitrio impendere. Morientes in habitu et professione Ordinis Minorum ultra annum non passuros in pennis purgatorii, quoniam b. Franciscus ex divino privilegio quotannis ad purgatorium descendat, professoresque omnes sui Ordinis adducat secum ad eorum (comp. § 109, note 7). Fratres Mendicantes, etiam non presentatos Ordinariis, omnium confessiones posse audire; illosque, qui apud eos sint confessi, non obligari, etiam semel in anno confiteri proprio sacerdoti, nec petere confitendi veniam. Episcopos diocesanos etiam in suis Synodis non posse sibi reservare absolutiones aliquorum criminum præter casus in jure expressos. Thus the Synod of Nitra in Hungary, 1494, passed decrees against the impositions of the Mendicants, *Constitutiones* Syn. Nitriensis c. 30. (in C. Péterffy Conc. Hungariæ. P. I. p. 277): Nam sicut ad nostrum pervenit auditum, non sine multa temeritatis audacia, et deceptione multiplices animarum indulgentias populo motu proprio de facto concedunt; super votis dispensant; a perjuriis, homicidiis et peccatis aliis sibi confitentes absolvunt; male ablata incerta, data sibi aliqua pecuniæ quantitate, remittunt; tertiam et quartam partem de pœnitentiis injunctis relaxant; animas tres, vel plures parentum vel amicorum illorum, qui elemosynas eis conferunt, de purgatorio, ut asserunt mendaciter, extrahunt et ad gaudia Paradisi perducunt; confratribus et benefactoribus ipsorum remissionem plenariam peccatorum indulgent; et aliqui ex ipsis eos a pœna et culpa, ut eorum verbis utamur, absolvunt. Joh. Busch (see § 139, note 4.) was present at the preaching of a Carmelite from Brabant, (see *Busch* de reform. monasteriorum III. c. 16, in *Leibnitii* Script. Brunsv. II. p. 925), who, at the instigation of the unreformed Franciscans, directed his discourse against Busch as a Reformer, and at the same time maintained, amongst other things; quoties missa per mundum celebratur, toties una anima de purgatorio liberatur, and Mendicantes, Episcopis presentati a suis superioribus, sunt supra Plebanos.



as their truest servants;<sup>12</sup> and they were so, as long as the interests of their order was the same with his, but no further.<sup>13</sup>

Busch compelled him publicly to retract both assertions. The honor in which the Franciscans held their founders is seen in the propositions advanced by *Johannes Mercator* in Besançon and condemned by the Sorbonne, 1486 (*d'Argentré collectio judiciorum de novis erroribus* I, II. 318: I. Sedes Luciferi erat super choros angelorum et in decimo ordine, quæ erat vacua et modo mirabiliter preparata atque adornata, reservata b. Francisco soli, quia ab ea ejectus fuerat Lucifer propter suam superbiam. Et in hoc seculo nullus fuit inventus habens tantam humilitatem, quantum habuit b. Franciscus. II. B. Franciscus assimilabitur Christo in quadraginta modis seu maneribus. Quodque ipse est secundus Christus et secundus filius Dei. III. B. Francisci conceptio fuit prænunciata ab Angelo. Natus in præsepio inter bovem et asinum. Quem parere aliter, seu alio loco non poterat mater sua. IV. B. Franciscus stigmata suscepit successive, duabus horis semper interpositis, et in susceptione cujuslibet cecidit in terram propter nimium dolorem, quem in suscipiendo suscipiebat, ita ut spiritum emisisset, nisi Christus eum confortasset. V. B. Franciscus in suscipiendo prædicta stigmata tantos dolores sustinuit vel quasi, quantos habuit Christus in passione. VI. B. Franciscus incepit recipere prædicta stigmata a summo mane, et perseveravit in susceptione usque ad horam nonam, qua hora dominus noster Jesus expiravit. VII. B. Franciscus cum clavis retortis ab intus et extra, in ipsis stigmatibus inclusis, dicta stigmata portavit per duos annos. VIII. Christus in propria persona percutendo sua manu stigmata prædicta infixit. IX. B. Franciscus vulnus seu stigmata lateris sui suscepit, quando Christus latus suum vulneratum in cruce lateri ipsius b. Francisci applicuit. X. In susceptione stigmatum prædictorum petra scissa est, ut in passione Christi, in cujus petra scissura ipse Johannes, qui hoc prædicat, brachium suum immisit. XI. B. Franciscus obtinuit a Deo privilegium, quod anno quolibet descendit ad locum Purgatorii in die solemnitatis suæ, et animos quorumlibet Religiosorum et Religiosarum et omnium de habitu ipsius s. Francisci seu Fratrum Minorum in ipso Purgatorio existentium extrahit, et secum educit in Paradisum, quemadmodum Christus seu ejus anima descendit ad inferna, et tertia die animas patrum secum eduxit. XII. B. Franciscus etiam obtinuit a Deo, quod Religiosi qui non bene servant regulam suam, non possent diu remanere in hoc mundo nec in prædicta Religione; et quod murmurantes aut male loquentes de Religiosis et de Ordine prædicto graviter punirentur in hoc sæculo et in alio. Quod nulli in vita sua revelavit ipse b. Franciscus, nisi s. Leoni confessori suo, qui post ejusdem b. Francisci obitum revelavit. In their pretensions with regard to purgatory, the Franciscans were outdone by the Carmelites. These last had long maintained that whoever died in the Carmelite Scapula was saved (see Div. II. § 69, note 11): they now added to this, that on the next Saturday after their death they were always released by the Virgin Mary from purgatory. In confirmation of this they invented, in the course of the 13th century, a bull of John XXII., the so-called *Bulla Sabbathina*, which is first mentioned by Joannes Palæonydorus, a Carmelite at Malines, about 1496, see *Jo. Lauvoji* dissertt. de Simonis Stockii viso in his Opp. II. II. p. 406. According to this bull the holy Virgin had appeared to the Pope in the guise of a Carmelite nun, and told him (l. c. p. 404): Fratres professi dicti Ordinis supplicio solvantur et culpa, et die, quo ipsi sæculo recedunt, ac properato gradu accelerant Purgatorium, ego mater gratiosa descendam Sabbato post eorum obitum, et quot inveniam in Purgatorio liberabo, et eos in montem sanctum vitæ æternæ reducam. They pretended also that this bull had been confirmed by Alexander V. 1409 (l. c. p. 423), and the imposture was so successful, that the *Bulla Sabbathina* was really confirmed by Clement VII. 1530 (l. c. p. 440, 446), and Paul V. 1613. *Amort* hist. indulgentiarum I. p. 144 seq., supposes the *Bulla Sabbathina* and the confirmation of Alexander V. to be genuine.

<sup>12</sup> As a specimen of the praises which the Popes were accustomed to lavish on the Mendicants, see the beginning of the so-called *Bulla aurea* (see note 2): Sacri Prædicatorum et Minorum Fratrum Ordines, instar duorum primorum fluminum a cælestium voluptatum et amœnitatum Paradiso egredientium, sacrosanctæ Ecclesiæ terram, ne mundanarum cupiditatum et vitiorum calore areseat, præclaræ doctrinæ, virtuosorum operum, ac multiplicium meritorum imbribus irrigantes,

## § 141.

## OF THE FREER SPIRITUAL SOCIETIES.

In the beginning of this period the Beghards, and in particular the Fratres vitæ communis (called also Fratres bonæ voluntatis, Fratres collationarii, Clerici devoti, and in some places Fratres Hieronymiani, or Gregoriani), were violently assailed in the Netherlands by Matthew Grabo, Lector of a Dominican convent in Gröningen, who declared the whole institution unlawful and heretical. The brethren being supported, however, by the reformed canons of the Windsheim Chapter, Grabo was accused before the bishop of Utrecht; and on his appealing to the Pope, the matter came before the Council of Constance.<sup>1</sup> Here the most influential voices declared at once in favor of

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magis illam in dies fructuosam efficiunt. Hi sunt duo Seraphim, qui in sublimi contemplationis et seraphici amoris alis elevati, a terrenisque rebus abstracti, assiduo divinarum laudum clamore, et immensorum beneficiorum humano generi a summo opifice Deo exhibitorum declaratione, ferventissimis prædicationibus populos instruendo, et ad cælestem iter dirigendo insistentes, multiplicata talenta eis credita, Domino Deo mundæ segetis, animarum scilicet Redemptoris nostri Jesu Christi pretiosi sanguinis effusione redemptarum, copiosos in horrea s. Ecclesiæ manipulos referunt. Hi sunt duæ tubæ, per quas Dominus præcipit ad pabulum sacri Evangelii universum populum assiduè prædicationibus advocari, ut in omnem terram exiret sonus eorum, et redderent sibi populum acceptabilem, et bonorum operum sectatorem.

<sup>13</sup> Erasmus wrote 1519 to Albert Elector of Mayence (Epist. 477. Opp. ed. Lugd. Bat. T. III. P. I. p. 515): Mundus oneratus est constitutionibus humanis, oneratus est opinionibus et dogmatibus scholasticis, tyrannide Fratrum Mendicantium, qui cum sint satellites Sedis Romanæ, tamen eo potentia ac multitudinis evadunt, ut ipsi Romano Pontifici atque ipsis adeo Regibus sint formidabiles. His, cum pro ipsis facit Pontifex, plus quam Deus est: in his, quæ faciunt adversus eorum commodum, non plus valet quam somnium. In proof of this may be cited the opposition of the Franciscans to John XXII. (see § 110, note 7 seq.), the opposition of the Dominicans to the doctrine of the immaculate conception of the Virgin, notwithstanding the papal decisions in its favor, see § 141, note 14 seq., and the neglect of the Decretals of Boniface VIII. (see § 69, note 3), see notes 8, 9, 10, above.

<sup>1</sup> *Jo. Buschii* (see § 139, note 4) *Chronicon Canonicorum regularium Ord. S. Augustini Capituli Windesemensis* (Accedit Chron. Montis S. Agnetis auct. Thoma a Kempis, una cum vindiciis Kempensibus *Heriberti Rosweydi* Soc. Jesu pro libro de imitatione Christi. Antverp. 1621. Svo.), written 1464. lib. II. c. 58. p. 547: Quidam de Ordine Prædicatorum Frater, Matthæus Grabo nomine, grande volumen ediderat contra devotos Presbyteros, Clericos et Beginas, pariter in communi sine regulæ alicujus professione viventes. Quem Pastori in Daventria repræsentans adhæSIONem expetiit, et ut in ejus transiret sententiam publice contra eos sermocinando, rogavit. He, however, sent the book to the Rector of the convent of the fratres communis vitæ in Deventer, who sent it to the Prior of the Regular Canons in Nordhorn, by whom the complaint was brought before the bishop of Utrecht. On Grabo's appealing to the Pope, the bishop brought the matter before the Council, with the petition, ut iste audaacter Frater Matthæus Grabo digna feriretur animadversione. reprobis in exemplum, testifying at the same time, quod nihil unquam mali, dignum suspicione, contra morem Ecclesiæ, in devotis hujus patriæ sexus utriusque invenit delitescere, sed omnes et singuli vitam veram apostolicam Ecclesiæ primitivæ, ut veri Christiani, ad purum servarent. The contents of Grabo's work may be inferred from the letter sent to the Pope by

the brethren,<sup>2</sup> and Grabo was condemned and called upon to retract

the person who conducted his defence at the Council of Constance, in *v. d. Hardt* Conc. Const. III. p. 106: cum lector (M. Grabo) — videret, plures personas sexus utriusque novæ Religionis habitum assumentes, et conventicula facientes, nullum habitum approbatum profitentes, statuentesque sibi ipsis Superiores pro libitu voluntatis, et sub simulata devotione populum attrahentes, et multa contra veritatem sacræ Scripturæ ac sacros Canones attentantes, et de elemosynis Christifidelium domos sumptuosas ad modum monasteriorum regularium ædificantes, et se invicem in eis indolentes cum observatione quorundam rituum minime per Ecclesiam approbatorum: cæpit super hoc apud semetipsum ardentem cogitare, et an hoc stantibus regulis fidei et sacris canonibus Ecclesia dissimulare deberet; revolvensque diligentius sacræ scripturæ sanctorumque Doctorum libros et sacros Canones, quasdam conclusiones, reprobantes illorum modum vivendi, extraxit, et scripturæ commendavit. Quarum una principalis est, ex qua aliæ deducuntur exceptis paucis: *nullus potest licite et meritorie, imo nec veraciter, obedientiæ, paupertatis, et castitatis universalia consilia conjunctim, extra veras Religiones manendo, adimplere.* Namely, ad sæculares pertinet tantum particularia vota offerre, ad regulares autem universalia prædicta. Further, the conclusio undecima: *abdicare quemquam omnia propter Christum, extra prædictas religiones manendo, seu nisi veram Religionem ingrediatur, est sibi et suis, quorum cura sibi incumbit, vitam subtrahere:* quod est, homicidium tot hominum committere quot ejus curæ subduntur. Hæc est de mente *s. Thomæ Secunda Secundæ Qu. 33.* Ex quibus sequitur, quod *nullus potest abdicationem omnium propter Christum facere extra veram Religionem manendo sine peccato mortali:* quia subtraheret sibi vitam. — Ex quibus sequitur, quod *dicens pertinaciter, omnia esse meritorie abjicienda propter Christum in sæculo manenti, hæreticus est dicendus.* — Ex quibus sequitur, quod *proprietas temporalium rerum est statui sæculari essentialiter annexa.* Et per consequens *Dominus Papa salva auctoritate sua non potest dispensare cum sæcularibus, ut omnibus in singulari careant, seu nihil in singulari habeant.* — Si enim Dominus Papa posset hoc alicui concedere, — posset ei concedere propriæ vitæ subtractiones, etc. — Sequitur etiam, quod *religiosus sine peccato mortali non potest abdicare voluntatem habendi communia* (compare § 110, note 6 seq.): — quia sine illis vivere non posset, cum per suam professionem renunciaverit omnibus et singulis propriis singularibus. Grabo's assertions are given still more in full in the 25 Articles of the Council which follow. The last of which are: XXI. Excommunicati sunt omnes communem vitam ducentes extra Religionem approbatam. XXII. Quare similiter excommunicati sunt illi, qui vitam communem extra Religionem approbatam ducentibus præbent elemosynam. Et qui tales fovent consilio et auxilio vel defensione, similiter stant et sunt in statu perpetuæ damnationis. Et nisi de hujusmodi eorum excessibus magna contritione pœnituerint, ad vitam æternam non possunt pervenire, neque salvi permanere. XXIII. Omnes vitam communem ducentes extra Religionem approbatam sunt illi, a quibus Salvator noster præcipit esse abstinendum, et tanquam a falsis Prophetis attendendum. XXIV. Quilibet faciens contra jura canonica peccat mortaliter. XXV. Nullus corpore validus absque communi utilitate et necessitate potest extra veras Religiones sine peccato elemosynas Christifidelium tollere.

<sup>2</sup> Namely, Petrus de Alliaco and Jo. Gerson in their opinions of Grabo's propositions, in *v. d. Hardt* III. p. 112 seq. The former remarks ad Act. 4, 32, 34, quod in illa congregatione primitiva fuerunt multi uxorati et alii diversarum conditionum sæculares (all of whom, however, had every thing in common), qui scilicet non erant adstricti per votum ad tria consilia evangelica castitatis, obedientiæ, et paupertatis, quemadmodum sunt professi Religionum per b. Basilium, Benedictum et Augustinum ac similes introductarum. Quas iste, ponens hujusmodi conclusiones, appellat veras Religiones, tanquam extra illas non sit vera Religio, quod falsum est, imo hæreticum, si sic per præcisionem intelligatur: quoniam christiana vera est Religio etiam apud sæculares. He pronounces Grabo's tractatus hæreticalis et igni tradendus. To this opinion Gerson subscribed, and was especially vehement in condemning the abuse of the word Religio, see l. c. p. 116: Propositio III. Religio Christiana potest absque voto obligante ad consilia perfecte, imo

his errors.<sup>3</sup> From this time forward the increase of the order in the Netherlands and in Germany<sup>4</sup> kept pace with that of the Congrega-

perfectissime, observari. Patet de Christo, qui non legitur vovisse consilia, qui fuit tamen suae legis perfectissimus observator. Patet insuper de Apostolis et discipulis Christianis in primitiva Ecclesia, quorum multi erant uxorati, multi possessiones habuerunt, quidam in communi, quidam in proprio. — Prop. IV. Religio christiana non requirit ad perfectiorem sui observationem tam in præceptis, quam in consiliis, quod superaddatur alia religio. Quales dicuntur observationes institutæ per sanctos Basilium et Augustinum, etc., et quales Anselmus vocat religiones factitias. Prop. V. Religiones hujusmodi factitiæ satis improprie et abusive et forsân arroganter dictæ sunt status perfectionis. Gerson comes to the conclusion, Corollarium III., quod tota doctrina fratris istius inniditur stultæ et insanæ fantasiæ, imo et blasphemiæ. — Coroll. IV., quod fautores et defensores istius fratris sunt sibi injungenda libenter perferendi, et nisi desistere voluerint, graviter puniendi; ita tamen, quod non laxetur nimia licentia ad defensionem Begardorum et Beguttarum, si reperiantur effrenes, et discoli, et scandalosi in sacris observationibus.

<sup>3</sup> *Jo. Buschii Chron. Windeshemense lib. II. c. 58. p. 549:* The judges appointed by the council to investigate the matter dictum fratrem Grabonem miserunt in carcerem. Et nisi librum suum propter articulos erroneos in eo comprehensos ipse damnaret, et se plurimum errasse publice proclamaret, ceteraque similia juxta sua demerita justè sibi injungenda libenter perfereret, de carcere exire nisi ad ignem omnino non posset. Qui pelli suæ pertinens, saniori usus consilio, reum se cognovit, cuncta præmissa et multo majora in publica omnium audientia aperte confessus, librum suum damnavit, vitam et conversationem devotorum Presbyterorum, Clericorum et Beginarum Daventriæ, Zwollis et alibi in communi sine professione viventium valde recommendavit, et sic ignem mortemque evadens in pace fuit dimissus. Hæc omnia seriatim Patres dictarum congregationum registrata conservant. The form of retraction see in *v. d. Hardt III. p. 118 seq.* On the whole subject see *Mosheim* de Beghardis et Beguinabus, p. 461 seq.

<sup>4</sup> *Jo. Buschii Chron. Windesheim. lib. II. c. 15. p. 316:* Sicut magister Gerardus Magnus origo fuit et pater primus omnium hominum modernæ devotionis hujus patriæ, ad quem Deo servire cupientes securum semper habuere recursum, et post eum pater venerabilis Dominus Florentius Radewini primus Rector congregationis Clericorum in Daventria; ita devotus pater noster, frater Joannes de Huesden, Prior in Windesem (from 1391 — 1424), eorum fidelis factus est successor in cura consulendi, auxiliandi, et defendendi. Ipse enim discreta sua providentia, caritateque latissima omnium corda devotorum benigne ad se trahens, unum ex ipsis se fuisse, et etiam semper mansisse, verbis, rebus, et moribus ubique demonstravit. Qui totum mundum salvare cupiens, plurima servorum et ancillarum Dei habitacula undique in patria multiplicari procuravit: nam et fratres domus suæ, Capituli generalis ad hoc aptiores loca diversa transmisit pro novis monasteriis Ordinis nostri erigendis, fundandis et consummandis, antiquisque reformandis et in regulari observantia debite instituendis: patres etiam Congregationum valde sollicitavit, ut Presbyteros, Clericos, et sorores sive Beginas ad hoc utiles vel idoneos ad diversas mundi partes, in civitates, oppida et villas, pro novis congregationibus inchoandis, et in communi vita more suo instituendis, animo pio et volenti [*mittere*] non tardarent. — Factum est autem, ut plurima Ordinis nostri Monasteria, multaque Clericorum et sororum devotarum Congregationes per totam istam patriam Zallandiam, Westphaliam, Gelriam, Brabantiam, Hollandiam, Zelandiam, Drentheam, Twentheam, Frisiam, Trajectum, et circa patres Rheii in diebus nostris de novo sunt constructa, et etiam ex antiquis plurima reformata. Ex quibus *patres, fratres et sorores de tertia regula s. Francisci nuncupati plus quam centum domos sive Congregationes devotas extrahentes*, sub uno provinciali Capitulo regulariter vivere, et Deo fideliter deservire usque hodie comprobantur; et *ipsi patres Congregationum devotarum primi*, juxta morem Ecclesiæ primitivæ sub regula Christi caritate pariter in communi secundum Evangelium viventes, *habent adhuc hodie domos sexus utriusque unitas numero pæne quinquaginta*, virorum videlicet pæne viginti, et sororum triginta; nosque jam habemus *Monasteria Ordinis Canonicorum regularium sexus utriusque Capitulo generali de Windesem*

tion of Windsheim. Their numerous societies were equally distinguished for their mysticism and their usefulness.<sup>5</sup> Some of the brethren were engaged in instruction; <sup>6</sup> others employed themselves in various kinds of handicraft for their livelihood.<sup>7</sup> One of their chief objects was always to advance the religious education of the common people,<sup>8</sup>

*incorporata plus quam septuaginta, virorum videlicet sexaginta duo, et tredecim sanctimonialium.* — Patres ergo devoti in diebus Domini Florentii Radewini pro sui status et devotionis conservatione in Daventria simul ad colloquium consueverant convenire; post ejus transitum ad Congregationem Clericorum in Zwollis — ad colloquium annuale in Dei timore celebrandum omnes pariter convenerunt in *Dominica Misericordias Domini* post Pascha, aut in feriis consequentibus, cum Ecclesia generale Capitulum in Windesem celebraret, propter loci convenientiam, et Capituli nostri generalis propinquitatem, et maxime propter Priorem nostrum in Windesem, ad quem finitio colloquio cuncti Patres eorum principaliores accedere solebant, ut cuncta in ipsorum decreta colloquiis perpetue de ipsius consilio firmentur. Simili modo Patres Congregationum Westphaliæ, Saxoniar, Colonia *Dominica Jubilate* in Monasteriensem civitatem ad colloquium annuale pariter conveniunt, Priore de Northorn, aut Priore de Bodike ibidem tunc presente. See particular accounts of the separate fraternities in *Verhandeling* over de Bræderschap van G. Grote, en over den invloed der Fraterhuizen op den wetenschappelijken en godsdienstigen Tæstand, voornamelijk van de Nederlanden, na de XIV. Eeuw, door G. H. M. Delprat. Utrecht, 1830. Svo. p. 36 seq.

<sup>5</sup> See *Delprat*, p. 193 seq.

<sup>6</sup> Many of the fraternities opened schools themselves, e. g. in Delft, (*Delprat*, p. 92), in Herzogenbusch (p. 96), in Ghent (p. 106), in Utrecht (p. 127), in Liege (p. 142), and in Cambray (p. 145). The instruction in these places seems sometimes to have been very imperfect, see *Erasmi* epist. ad Lamb. Grunnum, note 13, below. In other places the brethren contented themselves with improving the public schools, furnishing needy scholars with lodgings, board, and books, taking them under their supervision, and giving them opportunities to earn something for themselves. Thus the school in Zwoll, for instance, owed its success, which began under the Rector Joannes Cele († 1417, see *Buschii* Chron. Windesem. lib. II. c. 68. p. 601 seq.) in a great measure to the fraternity established in that place (*Delprat*, p. 63). So too with the schools in Gouda (*Delprat*, p. 109), Gröningen (p. 116), and Harderwyk (p. 119): especially, however, the school in Deventer, so that under the Rector Alexander Hegius (from 1465–1498 concerning whom, see *Herm. Hamelmanni* oratio de doctis Westphaliæ viris in his Opp. genealog. ac hist. I. p. 94 seq. *Delprat*, p. 295) it became famous almost over the world, many of the brethren assisting in the instruction (*Delprat*, p. 54 seq.). In Herford the brethren instructed in the schools of the Pusinnen, see *Knefel's* Gesch. des Friedrichsgymnasiums in Herford. Herford, 1817. S. 9.

<sup>7</sup> The Congregations or Fraternities consisted of Presbyteri, Clerici, and Laici, whose occupations were of course different. The Presbyteri had the direction of the whole, conducted public worship and the instruction in the schools, the Clerici were young persons who were receiving instruction, for the most part as a preparation for a clerical life, the Laici were the pious laity who pursued their various crafts. The brethren employed themselves especially with copying manuscripts (*Delprat*, p. 314), the fraternity in Hildesheim furnished the reformed convents in the neighbourhood with such books as they required (*Busch* de reform. monast. I. 54, in *Leibnitii* Script. Brunsv. II. p. 855), in the fraternity at Gouda, a printing press was put up soon after the invention of the art, the first in the Netherlands (*Delprat*, p. 111, 313): in the fraternity in Herford, the parchment was prepared by the brethren, they brewed beer, made wafers, etc. *Knefel's* Gesch. des Friedrichsgymnasiums in Herford, S. 9.

<sup>8</sup> An important means of doing which were their assemblies for public worship on Sundays and festival days, in which extracts from the Scriptures were read and practically explained in the dialect of the country, and sometimes questions addressed to those who were present. The brethren likewise circulated religious

and especially to raise up from them a pious clergy; so that they soon became fruitful nurseries for monks.<sup>9</sup> This activity and the respect

tracts amongst the people (*Delprat*, p. 213, 261). Specimens of which see in *Delprat*, p. 306 seq. Compare *Jo. Busch Chron. Windesem.* lib. I. c. 47. p. 214: Quanta in sæculo sunt personæ sexus utriusque, quæ amicitia his (congregationibus) conjuncta a saeculi vanitate per eas conversæ, et ad meliora, sanctum videlicet propositum, et bonam voluntatem libenter Deo serviendi, ipsarum exemplo inductæ et provocatæ, quamvis ad omnia evangelica consilia statim arripienda propter multa impediencia nondum dare se valent, vitam attamen sanctam, a peccatis alienam, ad earum informationem student observare, quis enumerabit? This activity was least acceptable to the Mendicant monks, whence such occurrences as the following, related by *Jo. Busch de reform. Monaster. III. c. 17. in Leibnitzii Scriptt. Brunsv. II. p. 925 seq.*: Lector quidam Ordinis Fratrum Prædicatorum in Zutphania publice prædicavit, quod laici libros teutonicos habere non deberent, et sermones non nisi ad populum in Ecclesia fieri deberent. Ego autem simplex frater in Windesem, in Zutphaniam missus cum fratre pro negotio, hoc audiens et sciens, plus quam centum congregationes sororum et Beginarum in terra Trajectensi plures habere libros teutonicos, et eos quotidie legere singulariter et in refectorio, constanter contradixi. Busch applied to the Prior of the Dominicans. He at first replied: Laici quidam altos habent in teutonico libros, videlicet Sententiarum et similes, quos quidam Ordinis nostri transtulit in teutonicum ex latino, Valens Doctor; alii Misale etiam cum Canone habent in teutonico: ergo non valet, quod laici libros legant in teutonico. To this Busch answered: Hoc non approbo, quod simplices laici, viri vel feminae, tam altos et divinos libros habent teutonicos: imo et Canonem, in teutonico apud Moniales inventum, ego combussi. Veruntamen libros morales de vitiis et virtutibus, de incarnatione, vita et passione Christi, de vita et sancta conversatione et martyrio ss. Apostolorum, Martyrum, Confessorum et Virginum; homilias quoque et sermones Sanctorum, ad emendationem vitæ, morum disciplinam, inferni timorem, patriæque cælestis amorem provocantes, habere et quotidie legere cunctis doctis et indoctis utilisimum est. Quod si istos admittere non vultis, ego dicta doctorum s. Ecclesiæ, Augustini, Gregorii, Ambrosii et Hieronymi, cæterorumque orthodoxorum in scriptis vobis ostendam, quod hujusmodi habere libros omnino utile est et licitum. Finally, by threatening to carry the matter before the bishop of Utrecht, he compelled the Prior to call on the Lector to retract.

<sup>9</sup> *Jo. Buschii Chron. Windesemense II. c. 16. p. 321*: Licet nos Canonici regulares altiore in Ecclesia militante gradum super patres et fratres Congregationum devotarum obtinere videamur, et in oculis hominum statum gerere digniorem; tamen Pater noster Joannes Huesden (-see above, note 4) frequenter nobis valde eos commendavit, dicens, quod ipsi in veris virtutibus, vita sancta, conversatione et moribus in regno Dei nos sæpe præcedent, quia vere vitam ducunt apostolicam, in Ecclesia primitiva sub s. Spiritus regimine ab omnibus Christianis observatam, a mundo jam tunc despectam et parum reputatam. — Commendavit autem eos non solum ex eo quod vitam sanctam et communem, simplicem obedientiam, cordis et corporis castitatem, sub simplici habitu et humili statu, Deo notis, hominibus despectis, summa devotione gestiunt custodire; verum etiam et maxime quia cunctis Ordinibus reformatis, imo toti Ecclesiæ Dei de bonis religioni ac regimini aptis Clericis et personis quotidie satagunt providere. Frequentantes enim Clericos, et laicos servientes sæpissime ad se accersientes, ad mundi contemptum, emendationis vitæ propositum, religionis desiderium, morum disciplinam, Dei timorem, gehennæ horrorem, patriæque cælestis amorem suis sanctis exhortationibus miris modis solent inducere: quos consequenter ad amica familiariaque colloquia invitare, de vitiis exstirpandis, virtutibusque acquirendis ac tentationibus resistendis informare, et ad meliora provocare, in Dei timore conservare, humilem habitum facere portare, in confessionibus expedire, et si forent pauperes, hospitia et bona habitacula diligenter procurare, atque continuo ad monasteria transmittendos componere solent et præparare. Cumque in scientiis usque ad sacerdotium, et in sanctis moribus usque ad vitam regularem viderunt eos profecisse, tunc ad loca confugii, ubi animas suas poterunt salvare, videlicet ad monasteria Ordinum diversorum juxta desiderium omnium et singulorum per literas testimoniales eos solent dirigere,

in which the brethren were held by the people, excited powerfully the envy of the Mendicants, who availed themselves of the name Beghards, which the brethren owned in common with so many others, to persecute them.<sup>10</sup> Eugenius IV. took them under his protection,<sup>11</sup> but still not a few of their number were induced, as the only means of peace, to join themselves to the Tertiaries of the Franciscans.<sup>12</sup>

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aut propriis in personis ipsis conventibus ad habitandum præsentare. Tali namque modo cuncta Ordinis nostri monasteria jam annis plus quam septuaginta per Patres præfatos in debita observantia noscuntur conservata. — Quemadmodum igitur Patres jam prædicti nostra monasteria per idonearum Deum timentium personarum subministrationem in sancta religione probantur conservare; ita nos vicissim sanctam conversationem eorum et vitam Deo placentem *ab hominum iniquorum, maxime Mendicantium non reformatorum perniciosa infestatione omnino defendamus*: — qui omnes ex uno fonte initium nostrum primordiale agnoscimur habuisse.

<sup>10</sup> See notes 8, 9. Jo. Busch de reform. Monaster. III. c. 15, in *Leibnit. Scriptt.* Brunsv. II. p. 923: Prædicator Ordinis Fratrum Minorum, Dominus German, — Lector et Guardianus in Hanover, publice in ambone prædicavit in Hanover, omnes Beginas fore condemnandas, quæ sine tertia regula s. Francisci pariter habitarent, sive in communi sive in propriis viventibus. The Beguines in Hanover had recourse to Busch, at that time Provost in Sulza; he at once adopted their cause; the Guardian appealed to the constitutions of Clement V. (see § 112, note 1), and was disposed to complain, but was soon compelled to retract.

<sup>11</sup> In the bull addressed to all bishops in Germany, Brabant, and Flanders, *Piis votis fidelium* dd. IV. Idus Maji 1431 (see *Musheim* de Beghards et Beguinabus, p. 668 seq.), in which the bull of Gregory XI. (see § 112, note 5) is first adopted and confirmed; and then amongst other things: Et quanquam prædicti pauperes (before they are called *dilecti filii de cellis, seu voluntaria paupertatis pauperes*), viri de per se scilicet, et mulieres seorsum, in suis distinctis domibus absque mutua eorum conversatione commorantes, in paupertate et continentia, in humilitatis spiritu Ecclesias devote frequentant; et Romane Ecclesie ac eorum Ordinarii — in omnibus reverenter obediunt; nullisque erroribus seu ritibus, qui salutaribus præceptis et fidei orthodoxæ repugnant, se involvant; sed liberaliter — miserabiles ac alias honestas personas, ad eorum loca declinantes, gratia hospitalitatis recipiunt, ac requisitum infirmorum curam gerunt, decedentium fidelium corpora, etiam tempore furoris pestilentialis in terris, quas habitant, ad sepulturam ecclesiasticam deferendo, ac alia pietatis et caritatis opera exercendo; etiam de his, quæ manibus propriis et mendicatis acquirunt suffragiis, egenis erogando, viventes in communi; adeoque Christi-fideles populi zelo sinceritatis, favoris et dilectionis ipsos plurimum complectuntur: — verumtamen iidem pauperes, ut fidei digna relatione percipimus, a quibusdam hæreticæ pravitate inquisitoribus, ac diversis maxime Religiosis Ordinibus mendicantium, ac aliis eorum æmulis in ipsorum bono proposito indebite et injuste inquietantur et perturbantur; ac prætextu præmissorum, captatis exinde quibusdam occasionibus et fictis coloribus, eis diversa gravamina inferuntur pariter et jacturæ in animarum molestantium periculum, et pauperum hujusmodi læsionem et scandalum. Permission is then given to these societies to live as they had hitherto done; it is forbidden to disturb or molest them; and the Inquisitors and Mendicants are forbidden to exercise any authority over them: ita quod inquisitores fratres et quivis alii nullam inquisitionis, visitationis, jurisdictionis, superioritatis potestatem vel officium in eosdem, eorumque domos valeant exercere, nec in ipsos excommunicationis seu alias sententias vel pœnas promulgare. These regulations apply, however, only to the Regular Fraternities: the wandering Beghards are not to be tolerated. The fraternities are empowered to use all the censures of the church against those who shall disturb them. Finally, the bull is not to be understood as confirming statum prædictorum, ut ordinem religionis approbatæ. Another Bull of Eugenius IV. in favor of these fraternities, dd. 15 Dec. 1431, see in *Revius Daventria illustris*, p. 68 seq.

<sup>12</sup> According to Jo. Busch, and also Chron. Windesem. II. 15, see note 4, this was the case with more than 100 Congregations. Others, however, were more

Afterwards the Mendicants became more favorably disposed to this new institution, as they found their own numbers increase through the labors of the *Fratres communis vitæ* for the instruction of the people. In the North of Germany and in Switzerland, this new fraternity gained no entrance, and here therefore the associations of the *Beghards* continued to devote themselves to begging, and to be as fruitful as ever in heresies.

## § 142.

## NEW ORDERS.

The most remarkable of the new orders established in this period is that of the *Minimorum*.<sup>1</sup> Their founder, Francis of Paula,<sup>2</sup> a small town in Calabria, after having lived for a short time in an unreformed Franciscan convent, established himself as a hermit in the neighbourhood of his native city, and from 1457 gathered round him a society of those who shared his views.<sup>3</sup> The fame of his miraculous power soon extended his society, which was confirmed by Sixtus IV. 1474, under the name of the *Eremitæ s. Francisci*,<sup>4</sup> first in Italy, and afterwards in France, where the superstitious Louis XI. had summoned the founder of the order to his aid in his last extremity (1482),<sup>5</sup> at a later period in Spain. The order, distinguished always from the rest of the Franciscans by the observance of the *vita quadragesimalis*, received afterwards a rule from its founder,<sup>6</sup> and to distinguish themselves from the *fratres minores*, and to go one step beyond them,

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attached to their freedom. Thus the brethren in Deventer refused the offer of Cardinal Nicholas to change them to Canons, see *Dumbar Analecta*, T. I. p. 173. *Delprat*, p. 191.

<sup>1</sup> *Helyot* hist. des ordres religieux, T. VII. p. 426 seq. Pragmatische Geschichte der vornehmsten Mönchsorden. Bd. 9. S. 7 ff.

<sup>2</sup> His life see in *Acta Sanctorum* Apr. T. I. p. 103 seq. ad d. 2 Apr. The oldest and most credible account by a pupil of the saint in 1502, *ibid.* p. 106 seq.

<sup>3</sup> Even his first biographer relates many wonders of him. But still they are not very extraordinary, and the narrator allows himself, that the saint was not always successful in his attempts; see § 57, *Acta SS.* l. c. p. 119: *Hic vero posset interrogare aliquis, cur non ii omnes exauditi sunt, qui ejus opem imploraverunt? In promptu autem responsio est, multos languere corporaliter, ut spiritualiter vivant, etc.*

<sup>4</sup> By the bull *Sedes Apostolica*, dd. 23 Maji, 1474.

<sup>5</sup> See the account of the eye-witness *Philipp de Comines* *Memoires*, l. VI. c. 8.

<sup>6</sup> The first rule was confirmed by Alexander VI. 1492. Afterwards Francis made some changes, so that there were four different rules; the second confirmed by Alexander VI. 1501; the third, 1502; and the fourth and last by Julius II. dd. V. Kal. Aug. 1506. This last is distinguished into the *Regula fratrum*, *Regula sororum*, and *Reg. Tertiariorum*. In the second and third rules the three vows of monks were accompanied by the *votum vitæ quadragesimalis*: in the fourth this is prescribed, cap. 6, as follows: *ut singuli hujus Ordinis fratres a cibus carnalibus omnino abstineant, et dignos pœnitentiæ fructus in cibo quadragesimali taliter agant, quod ipsi carnes ac omnia sementinam originem a carnibus ipsis trahentia penitus vitent. Carnes igitur et pinguedo, ova, butyrum, caseus, et quævis lactinia ex eisdem congesta et producta, intus et extra, omnibus et singulis, fratribus ipsis et oblati, sint omnino et irrefragabiliter interdicta.*



assumed the name of *Ordo minimorum fratrum Eremitarum Fratris Francisci de Paula*. Their founder was sainted soon after his death († 1507 in Plessis les Tours);<sup>7</sup> and they began, as had been done in the case of St. Francis, to find out likenesses in him to Christ,<sup>8</sup> and after his canonization (1519),<sup>9</sup> these absurdities were carried still further by his followers.<sup>10</sup>

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## CHAPTER FOURTH.

### INTERNAL HISTORY OF THE CHURCH.

#### § 143.

##### HISTORY OF SCHOLASTIC PHILOSOPHY.

The scholastic philosophy had long ceased to create, the various schools contenting themselves with repeating and defending what their founders had taught, and their highest ambition being to surpass each other in the arts of disputation. The Nominalists still maintained the advantage they had gained, notwithstanding that some suspicion of their orthodoxy always rested upon them. In 1473 their doctrines were forbidden by Louis XI.,<sup>1</sup> but as early as

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<sup>7</sup> The Bulla beatificationis by Leo X. dd. Non. Jul. 1513, in the Act. SS. l. c. p. 165.

<sup>8</sup> Thus it is stated in the processes instituted to procure his canonization, that having been refused a passage to Sicily, he passed over the straits on foot, see Act. SS. l. c. p. 168: *disces-it ab eis usque ad balistæ ictum, et orationem fecit et mare benedixit. Et in illo instanti aspexerunt b. Franciscum solum super undas euntem: et sic per illam partem transfretavit in Siciliam.* True, the whole rests on the testimony: (*testis*) *apud maritimam terræ Royæ audivit dici: afterwards, however, the account became more and more particular.* Then, p. 173, it is related how the saint distributed a few apples amongst a great number of people, *cum unusquisque malum unum cepisset, nihilominus cistula evacuata non fuit, sed plena remansit; so too, p. 186, how he fed a multitude with a little bread, et non videbatur deficere nec diminui, sed potius crescere; p. 182, how he stilled the raging sea, and so saved a ship: viso navigio cœpit clamare: Jesu, Jesu, signum crucis faciendo. Unde immediate mare tranquillum factum est, et tempestas fugata est et cessavit.*

<sup>9</sup> See Acta SS. l. c. p. 217.

<sup>10</sup> Thus the fiction, that at the birth of the saint hymnodiam personuisse angelicam, sicut Christo nato, first found in a work of *Nicolaus Rovillardus, Romæ 1623*, see Act. SS. l. c. p. 198.

<sup>1</sup> See the royal edict of March 1, 1473, in *Bulæi hist. Univ. Paris. V. p. 706 seq.*, see p. 708: *Et ulterius statuimus et edicimus, quod prædicta Aristotelis doctrina ejusque commentatoris Averrois, Alberti M., s. Thomæ de Aquino, Ægidii de Roma, Alexandri de Hales, Scoti, Bonaventuræ aliorumque Realium Doctorum, quorum doctrina, ut dictum est, retroactis temporibus sana securaque comperta est, tam in sacra theologia quam in artium Facultatibus in prædicta Universitate Paris. deinceps more solito legatur, doceatur, dogmatizetur, discatur et intimetur. Alteram autem prædictorum Nominalium — in eadem civitate aut alibi quoquoersum*

1481, he found himself obliged again to permit them,<sup>2</sup> and thus their triumph was decided. The Nominalists maintained always, it is true, a certain freedom of opinion, as may be seen in the writings of the last distinguished man amongst them, *Gabriel Biel* of Tübingen († 1495);<sup>3</sup> but for the most part they were bound down to a barren logic. Amongst the moralists of the time, the most distin-

in regno nostro deinceps palam nec occulte quovimodo nullatenus esse legendam, docendam et dogmatizandam, aut aliquatenus sustinendam expresse decernimus. All the teachers at the university must bind themselves by oath to observe this edict. The contemporary *Robertus Gaguinus*, Ep. 25. tells a friend in Rome (l. c. p. 711): Res autem eo deducta est, ut Nominalibus veluti Elephantia pruritu pestilentibus edictum sit exilium. Quorum celebriores libri, quos et bibliothecis Pontificum interdieto distrahi nefas erat, ferro et clavis tanquam compedibus, ne introspectentur, vinctos esse jussit Rex Ludovicus. Putares miscellos codices arreptitia quadam phrenesi et dæmonico furore, ne viscentes impetant, esse ligatos. Sic indomitos leones et belluas vinculis cohibemus et carcere. A work written in defence of the Nominalists, gives the following account of the origin of this persecution (*d'Argentré* collectio judiciorum de novis erroribus l. II. p. 287): Cujus potissimum tres causæ reperiuntur. Prima est laus et gloria eorum, qui huic doctrinæ insudant. Secunda causa est, quia qui dicuntur Nominales, ita aliquos et maxime Thomistas superant disputando, ut nullo modo eis resistere possint, et ob hoc eos penitus exterminare nituntur. Tertia causa est ex quadam hæresi conficta in Universitate Lovanii. Quidam enim Lovaniensis Regens (*Petrus de Rivo*, see the history of this controversy, l. c. p. 258) tractatum composuit in quo negabat certitudinem et præsentiam divinam de contingentibus, asserens propositiones de futuro contingenti, etiam contentas in Biblia et a Christo prolatas, non esse veras. Quem tractatum his hæresibus plenum approbavit Lovaniensis Universitas, promotoremque suum Parisiis misit sollicitare Facultatem theologiæ, quatenus dictum tractatum approbaret. Cui cum multi dictæ Facultatis Doctores, et illi maxime, qui doctrinæ Nominalium exterminationem procurant, favent; se viriliter objecerunt et opposuerunt illi qui dicuntur Nominales, nullum periculum pro defensione fidei formidantes, impediuntque, ne theologiæ Facultas dictum tractatum approbaret. Quod molestissime illi, qui dicuntur Reales, tulerunt, et usque ad XXIV. se dicto tractatui subscriperunt et illum approbaverunt.

<sup>2</sup> *Bulæus* V. p. 739. *d'Argentré* l. II. p. 302. The Provost of Paris writes to the rector of the university: Le Roi m'a chargé faire decloner et defemier tous les livres des Nominaux, — et que je vous fisse sçavoir que chacun y estudias qui voudroit. The Germans and Picards looked upon this order as a victory of the truth. The Germans proclaimed, quod veritatis et doctrina et via, quæ diu latere non potest, publicaretur; — et clausi in compedibus seu catenis libri, ut lubet, aperirentur, a Studiosis visitentur, et a Doctoribus dogmatizentur, quicumque etiam Magistri doctrinam, quam lubet, libere doceant.

<sup>3</sup> His most remarkable works are an unfinished *Collectorium* ex Occamo in libb. IV. *Sententiarum* (ed. *Tubingæ*, 2 voll. fol. 1502, and often: sometimes also cited as a *Comm.* in libb. IV. *Sent.* whence these titles are sometimes supposed to belong to two different works) and *Expositio Canonis Missæ* (ed. *Tubing.* 1499, and often). The freedom of his views is seen in his maintaining the supremacy of the church over the Pope, *Expos. Can. Lect. XXIII.* fol. 30. col. 1.; in his defending the decrees of the Council of Basil (*Coll. Lib. III. Dist. III. Qu. 1. Art. 2: Sunt impudentes, qui dicere ausi sunt, Basileense Concilium non fuisse legitime congregatum, et ideo constitutiones suas nullas fore, contra acceptionem eorum in concordatis Principum*); in his questioning the possibility of changing the character by the operation of certain sacraments (*Coll. lib. IV. Dist. VI. qu. 2. art. 1. concl. 1. Characterem esse ponendum, nec ratio necessaria, nec evidens auctoritas probat: See the whole Quæst.*); in his declaring absolution non judicialis (*Coll. lib. II. Dist. XXVII. : Non unquam sacerdos absolvit eum, qui non prius a Deo, summo sacerdote, absolutus est. Unde sacerdos absolvendo confitentem pronunciat eum absolutum, non remittit peccatum*). Compare *H. IV. Biel* diss. theol. de Gabriele Biel celeberrimo Papista Antipapista. Vitemb. 1719. 4to,

guished is St. Antoninus,<sup>4</sup> but here too, unfortunately, the fondness for dialectic subtleties quite overbalanced the love of moral truth.<sup>5</sup> In the course of this period, the scholastic philosophy sank in public estimation, just in proportion as the newly-awakened zeal for the study of antiquity increased.<sup>6</sup> The contest between the two became more and more unequal, all the most distinguished men turning their attention to this last, till the gloomy halls of the scholastic philosophy became the resort chiefly of the narrow-minded, the ignorant, and the rude, who not only made themselves ridiculous by their ignorance, but despicable by their frivolous and often impious trifling on useless questions of their own suggestion,<sup>7</sup> as is well, though with some

<sup>4</sup> Concerning whom see the authorities prefixed to this Division. Summa theologica in 4 Partt. Extract therefrom in de Wette's *Gesch. d. christl. Sittenlehre*. Zweite Hälfte. S. 179 ff.

<sup>5</sup> Thus the writer of the preface to *Petri de Alliaco* de emendatione Ecclesie liber (s. loco et anno, though probably 1511) perhaps Ulrich v. Hutten says: Theologia ista scholastica, quæ est ingeniosa cum ad conscientias in nugis aggravandas, tum rursus ad inveniendas excusationes in peccatis multo solertissima.

<sup>6</sup> Their ignorance of the Scriptures and the Church Fathers was the most striking. cf. *Erasmus* de ratione veræ theologiæ, p. 87: Quale spectaculum est, theologum octogenarium nihil aliud sapere quam mera sophismata, et ad extremum usque vitæ nihil aliud quam argutari? Nam hujusmodi non paucos vidimus olim Lutetiæ, quibus si quid deprimendum fuisset ex Paulo, videbantur sibi prorsus in alium mundum translati. Ejusd. epist. apologetica ad Mart. Dorpium (Opp. ed. Lugdun. T. IX.): Possem tibi producere, qui annum egressi octogesimum tantum ætatis in scholasticis tricis perdidissent, nec unquam contextum evangelicum eolverint, id quod a me compertum ipsi quoque demum confessi sunt. *Bilibaldi Pirekheymeri* epist. apologetica pro Reuchlino. Nurebergæ 1517 (in *v. d. Hardt* hist. literaria reformationis. P. II. p. 135): Non parum multos invenies, qui absque depravata illa concertatione, ac argutiarum fuligine sanctissimam theologiam consistere minime posse existimant. Hinc est quod vetus testamentum a similibus negligitur, novum quasi idiotis scriptum vilipenditur, Apostolorum doctrina vix lectione digna putatur. Hinc quod divus Hieronymus tanquam grammaticus contemnitur, b. Augustinus etiamnum ignorantie damnatur, quem dicaculi illi nec argumenta sua, si in vitam reverteret, intellecturum somniant, non propter rudem illam et insignem barbariem, sed quia instantiarum, relationum, ampliacionum, restrictionum, formalitatum, hæccitatum, quidditatum, et reliqua id genus portentosa vocabula ignoraret. Quicquid enim syllogismorum spinositate non interroquetur, id penitus a theologica eruditione alienum putant. *Robertus Stephanus* in the pref. to the *Responsio ad censuras theologorum Parisiensium*, quibus biblia a se excusa calumniose notarunt, 1532: Ante paucos annos quidam ex Sorbona sic loquebatur: miror quid isti juvenes nobis semper allegent novum testamentum. Per Deum ego plus habebam quam quinquaginta annos, quod nesciebam, quod esset novum testamentum.

<sup>7</sup> cf. *Jacobus Carthusianus* (or de Paradiso, see § 135, note 31) de arte curandi vitia (ex Ms. in *v. d. Hardt* Autographa Lutheri pref. p. 48): Quid theologo nostro tempore student, nisi de potestate Dei, de providentia, de communicatione idiomatum, de natura Angelorum? Et de hujusmodi altis et raris et dubiis disputant in altis cathedris, magnis quæstionibus et libris se ostentantes. De practica autem emendationis vitæ, et de modo agendi pœnitentiam, de practica caritatis Dei et proximi, de humilitate servanda, ac de zelo animarum, de abusionibus deponendis et confutandis, quæ sunt in Ecclesia Dei adeo magnæ et multe, ut vix verus ordo vivendi secundum Christianam Religionem possit apparere. *Erasmii* annot. in 1 Tim. i. 6, says in reference to the useless questions of the Scholastics: Hæc si vel animi laxandi gratia, vel citra contentionem agitentur, ferri poterant. Nunc quibusdam tota ætas in hujusmodi quæstionibus consumitur, et res usque ad clamorem, usque ad vera dissidia, usque ad convitia, nonnumquam usque ad pugnos

exaggeration, described in the *Epistolis obscurorum virorum*. Thus even before the Reformation, the scholastic philosophy had ceased to have any true life; from that time forward its mere skeleton only was preserved, chiefly in the convents, so that it need no longer engage our attention.

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procedit. — Quid autem nunc loquar de quæstiunculis, non solum supervacaneis, sed pene dixerim impiis, quas movemus de potestate Dei, de potestate Romani Pontificis? An Deus possit quodvis malum, etiam odium sui præcipere, et omne bonum prohibere, etiam amorem et cultum sui; an possit actu infinitum secundum omnem dimensionem producere; an potuerit hunc mundum etiam ab æterno meliorem facere quam fecit; an possit producere hominem, qui peccare nullo modo queat; an revelare possit alicui suum futurum peccatum, aut damnationem; num possit aliqua distincte intelligere, si ad illa non habeat distinctas relationes rationis; an possit respectum producere sine fundamento et termino; an possit naturam universalem producere et conservare sine singularibus; an possit aliquo prædicamento contineri; an potestatem creandi possit communicare creaturæ; an possit ex facto facere infectum, ac per hoc ex meretrice facere virginem; an qualibet persona divina possit quamlibet naturam assumere, quomodo Verbum humanam assumpsit; — an hæc propositio: Deus est scarabeus, aut ecurbita, tam possibilis sit, quam hæc: Deus est homo; an Deus assumpsit individuum humanum, an speciem; an potius conveniat Deo, non posse facere impossibile, an impossibile non posse fieri a Deo, etc. — Jam vero de Romani Pontificis potestate pene negotiosius disputatur quam de potestate Dei, dum quærimus de duplici illius potestate, et an possit abrogare quod scriptis Apostolicis decretum est; an possit aliquid statuere quod pugnet cum doctrina evangelica; an possit novum articulum condere in fidei symbolo; utrum majorem habeat potestatem quam Petrus, an parem; an possit præcipere Angelis; an possit universum purgatorium quod vocant tollere; utrum simplex homo sit, an quasi Deus; an participet utramque naturam cum Christo; an elementior sit, quam fuerit Christus, cum is non legatur quenquam a purgatorii pœnis revocasse; an solus omnium non possit errare. Sexcenta id genus disputantur magnis editis voluminibus, idque a magnis theologis, præsertim professione religionis insignibus. — Et tamen hujusmodi quæstiunculis serio occupantur quorundam theologorum schola. His ætas rerum omnium fugacissima conteritur, cum pleraque sint ejus generis, ut doctius nesciantur quam sciuntur, ut ridicule quærantur, temere definiuntur. Breve tempus est, et arduum est negotium agere vere Christianum. Quin igitur omnis rebus supervacaneis ea potissimum spectemus, quæ Christus nos scire voluit, quæ prodiderunt Apostoli, quæ proprie ad charitatem faciunt, de corde puro, et conscientia bona, et fide non ficta, quam unam Paulus appellat finem et perfectionem totius legis. Tot jam annis cavillamur in scholis, quibus verbis sit loquendum de Christo. An hæc propositio sit vera: Christus fuit ab æterno, an recte dicatur compositus ex utraque natura, an constare, an conflatus, an commixtus, an conglutinatus, an coagmentatus, an ferruminatus, an copulatus. Nihil horum placet, tantum placet unitus, etc. — Si hæc essent colloquia pomeridiana Christianorum, probarem hujusmodi sermonibus excludi fabulas ineptas. Nunc hæc videntur fidei nostræ præsidia. Quærimus ea, quæ nec scire possumus, nec scire jubemur. Illa negligimus, quæ sola fuerant meditando. Sunt autem quædam hoc ipsa perniciose, quod obscuritate sua remorantur ac fatigant ingenium, melioribus alioqui rebus occupandum. — Et in hæc theologia tam non simplici vitam omnem consumunt, qui simplicem et apostolicam profitentur. Et qui ipso etiam cognomine summam modestiam profitentur, hujusmodi philosophiæ professione tollunt cristas. — Novi quemdam theologum, qui negabat annos novem sufficere ad intelligenda quæ Scotus scripsit tantum in præfationem Petri Lombardi. Audivi rursus alium, qui prædicabat fieri non posse, ut quis intelligeret unam propositionem in toto Scoto, nisi metaphysicam ipsius universam teneret memoria. Hujusmodi labyrinthis Basilides, Valentinus et Marcion captabant animos simplicium. Denique fingamus hæc esse frugifera, quanta hic occurrunt opinionum pugna? Fingamus rursus omnia convenire, quam multa frustra quærentur, quam multa temere definiuntur? Et prætexunt, has argutias ad revincendos Ethnicos et hæreticos esse necessarias: quum illa nusquam sint usui, nisi

## § 144.

## HISTORY OF WORSHIP.

As in every part of the history of the church in this period, so in the history of its public worship, we find the most shameless abuses and impositions accompanied by bold though ineffectual attempts to bring about a reform.<sup>1</sup> Thus, though constant objection was made to the excessive practice of canonization,<sup>2</sup> the impositions of the priests in pretended miracles and relics exposed,<sup>3</sup> and the legends of the saints subjected to a rigorous criticism,<sup>4</sup> yet the number of saints, of

inter ejusdem scholæ sodales. In a letter from Paris, A. D. 1499, ad Thomam Grejum in Edit. Lugd. Epist. 85. T. III. P. 1. p. 77 seq., *Erasmus* bitterly derides nostræ tempestatis theologastros, amongst whom he lives, quorum cerebellis nihil putidius, lingua nihil barbarius, ingenio nihil stupidius, doctrina nihil spinosius, moribus nihil asperius, vita nihil lucatius, oratione nihil virulentius, pectore nihil nigrius.

<sup>1</sup> *Jacobus Carthusianus* (or de Paradiso, see § 135, note 31) de arte curandi vitia (ex Ms. in *v. d. Hardt* Autographa Lutheri præf. p. 48): Tot sunt superstitiones, tot malæ, imo pessimæ et scandalosæ consuetudines in Ecclesiis tam sæcularium quam religiosorum; ita ut tota fere religio christiana videatur suffocata, velut zizania quadam inimicus homo superseminavit tritico. Ita ut iterum merito Christus posset nostris temporibus replicare, ut olim Judæis fecit: *propter traditiones vestras prævaricati estis mandata Dei*. De his omnibus et plurimis aliis nemo Prælatorum aut theologorum moderno tempore facit mentionem debitam: et si contingat aliquando fieri, hoc tamen fit adeo superficialiter, cum tot excusationibus, ut nullus eis, nec aliis inde sequatur fructus emendationis.

<sup>2</sup> *Gerson* de probatione spirituum Consid. VIII. Opp. I. p. 40. Claræ memoriæ Magister *Henricus de Hassia* (see § 103, note 1) comprimendam esse tot hominum canonizationem scripsit. *Jo. Bodinus* (the King's procurator in Laon, † 1596) methodus historica, c. 4: Bessarion (Cardinal, † 1472) quum inter divos inepta quadam ἀποθιώσει Romæ quam plurimos referri videret, quorum vitam improbarat, se valde dubitare dixit, utrum vera essent, quæ ab antiquis prodita fuerunt.

<sup>3</sup> *Jac. Carthusianus* (see § 135, note 31) de septem Ecclesiæ statibus (in *Walchii* monim. mediæ ævi II. II. p. 60) includes in the reformation which he thinks necessary, ut cum severitate debita coërceantur divinatores, incantatores, arioli, aruspices, somnia observantes, carnibus illicitis insistentes, et benedictionibus superstitiosis, necromanticis artibus operam impendentes: *altaria aut Ecclesiæ in conventiculis locorum sub specie miraculorum aut sanctorum erigentes propter turpem quæstum*. An example in *Wittii* hist. ant. Saxonix, see § 139, note 13. — A Bernhardine monk preached in Vienna about 1509 (*Conspectus hist. Univers. Viennensis* Sæc. II. p. 73), quod sacerdotes in Ecclesia non ostendant veras reliquias, sed reliquiarum loca imponant ossa equorum, et sic decipiant homines.

<sup>4</sup> Thus *Gobelinus Persona* (see works cited before, Div. IV.) *Cosmodronium* .Ætas VI. c. 15, in *Meibomii* Rerum Germ. I. p. 201 seq., shows very strikingly that the legend of a St. Catharine, who suffered martyrdom in Alexandria, under Maxentius, must be false. *Nicolaus de Cusa*, and especially *Laurentius Valla*, show that the investiture by Constantine was a fiction (see § 20, note 21). *Jac. Wimpeling* involved himself in a dispute with the Augustines by asserting (*lib. de integritate*, 1505) that Augustine was not a monk, at least was not such an one as they: the Pope, however, put an end to the controversy by enjoining silence on both parties, see *Auctarium catalogi test. veritatis* ed. Cattopoli, 1667. p. 272 seq. *Erhard's* Gesch. des Wiederaufblühens wissenschaftlicher Bildung. Bd. 1. S. 448 ff.

shrines,<sup>5</sup> of holy frauds, and absurd fables increased daily. In particular, the miracle of *bloody hosts*, the purpose of which was to justify the decree of the Council of Constance, prohibiting the communion of the cup to the laity,<sup>6</sup> \* was very common, and not unfrequently the work of the most manifest imposture. In the case of the

<sup>5</sup> *Polydorus Vergilius* (see § 138, note 14) de rerum inventoribus, lib. VI. c. 13, writes, A. D. 1499: Cæterum illud æque adeo desiderari posset, ut sacerdotes frequentius populum docerent, quoniam pacto deberet et venerari ejusmodi imagines, et apud eas sua offerre donaria: quod quia illi tacent, et vulgo ex suo usu tacere putantur, ideo eo insaniam deventum est, ut hæc pietatis pars parum differat ab impietate. Sunt enim bene multi rudiores, stupidioreque, qui saxæas vel ligneas, marmoreas, aneas, seu in parietibus pictas, variisque coloribus litas imagines colant, non ut figuras, sed perinde quasi ipsæ sensum aliquem habeant, et iis magis fidant, quam Christo, vel aliis divi, quibus dicatæ sint. Quo fit, ut stultitiam stultitia cumulantibus, illis offerant aurum, argentum, annulos gemmatis, omnifariasque gemmas ibidem senio perituras, et ut ad id faciendum plures inescuntur illi, qui talem segetem metunt, nummos perforant, filoque pendentes in collo aut manibus ipsarum imaginum suspendant, donaria in locis conspicuis egregie collocent, titulosque apponant, quo nomina offerentium et diis et hominibus notiora fiant. Sic bona pars hominum per hæc magis delirare inducitur, ac insuper longa aliquoties itinera conficere, ut unam imagunculam adeat, ibique donaria sua relinquat, prætermisso cuncto alio aut pietatis aut charitatis officio, rata se omnino sat largitionis fecisse, sat penituisse, si inter itionem lautius victitando aurum obtulisset, in cujusvis thecam nummariam inde iturum.

<sup>6</sup> See § 77, notes 10–12. Decretum Constantiensis Consilii contra communionem sub utraque, et contra Jacobum de Misa in the Sessio XIII. d. 15 June, 1415, in *v. d. Hardt* Conc. Const. III. p. 646, and IV. p. 333: Cum in nonnullis partibus quidam temerarie asserere præsumant, populum Christianum debere Eucharistiæ sacramentum sub utraque panis et vini specie suscipere, et non solum sub specie panis, sed etiam sub specie vini populum laicum pasim communicent; etiam post cœnam, vel alias non jejunum communicandum esse pertinaciter asserant, contra laudabilem Ecclesiæ consuetudinem rationabiliter approbatam, quam tanquam sacrilegam damnabiliter reprobare conantur: hinc est, quod sacrum Constantiense Concilium adversus hunc errorem salutem fidelium providere satagens, matura plurium Doctorum tam divini quam humani juris deliberatione præhabita, declarat, decernit et definit, quod, licet Christus post cœnam instituerit et suis Apostolis ministraverit sub utraque specie panis et vini hoc venerabile sacramentum, tamen hoc non obstante sacrarum canonum auctoritas, laudabilis et approbata consuetudo Ecclesiæ servavit et servat, quod hujusmodi sacramentum non debet confici post cœnam, neque a fidelibus recipi non jejunis, nisi in casu infirmitatis aut alterius necessitatis, a jure et ab Ecclesia concessa et admissa. Et sicut hæc consuetudo ad evitandum pericula aliqua et scandala rationabiliter introducta est, sic potuit simili vel majori ratione introduci et rationabiliter observari, quod, licet in primitiva Ecclesia reciperetur hoc sacramentum a fidelibus sub utraque specie, tamen postea a conficientibus sub utraque specie, et a laicis tantummodo sub specie panis suscipiatur: cum firmissime credendum sit, et nullatenus dubitandum, integrum corpus Christi et sanguinem tam sub specie panis quam sub specie vini veraciter contineri. Unde cum hujusmodi consuetudo ab Ecclesia et sanctis Patribus rationabiliter introducta, et diutissime observata sit, habenda est pro lege, quam non licet reprobare, aut sine Ecclesiæ auctoritate pro libito immutare. Quapropter dicere, quod hanc consuetudinem aut legem observare sit sacrilegum aut illicitum, censeretur debet erroneum: et pertinaciter asserentes oppositum præmissarum tanquam hæretici arceri sunt, et graviter puniendi per diœcesanos locorum seu officiales eorum, aut inquisitores hæreticæ pravitatis in regnis seu provinciis, in quibus contra hoc decretum aliquid forsitan fuerit attentatum aut præsumtum, juxta canonicas et legitimas sanctiones, in favorem catholicæ fidei contra hæreticos et eorum fautores salubriter adinventas.

\* [Probably because the visible appearance of the blood in the consecrated bread was supposed to prove that it was not necessary to take it separately. Tr.]

holy blood in *Wilsnack*, the imposture was openly acknowledged and censured, both by a synod in Magdeburg, 1412,<sup>7</sup> and afterwards by individuals;<sup>8</sup> Cardinal Nicholas de Cusa, as papal legate in 1451, forbade all such miracles;<sup>9</sup> but still in general the popes not only

<sup>7</sup> Comp. § 116, note 14. *John Huss* first pointed out the imposture in this case, in his work *De omni sanguine Christi glorificato* (Opp. l. p. 198 seq.), which led to the Article of *Ottoni Havelbergensi Episcopo in Magdeburgensi Concilio ann. 1412, propositi* (in *Hartzheim Concil. Germ. V. p. 35*): I. In oppido vestro Wilsnack illicita fieri perhibentur in opere, sermone, et fallacibus signis: et primo quidem innumerabilia et incredibilia miracula, et sæpe quod mortui resurgant, quorum tamen nemo visus est. II. Licet talia signa sint publica, nunquam tamen audivimus, aliquem vestrorum Clericorum propter hoc esse punitum, ut aliis cederet in exemplum; cum tamen scriptum sit, peccantem coram omnibus arguere, ut et ceteri timorem habeant. III. In majorem confirmationem errorum magna miraculorum volumina conscripta sunt, et diutina talia signa conscribuntur, ita quod de Christo, et ejus Apostolis non tot scripta sunt, quam ibidem habentur: et hæc magna præsumptio est, posteris nostris talia relinquere in scriptis, quasi per prædecessores Prælatos et Doctores sint approbata. IV. Veneratur ibidem populus cruorem, nescimus quem: cum tamen nullus ibidem habeatur, nec aliquid simile cruori. Hoc primo ortum habuit ab illius loci quondam Plebano, cui fides non debuit haberi, ex eo quod per se factus est in Magdeburg, qualiter egit, testibus fel. mem. Christiano s. theol. Doctore de Ord. Minorum, et quondam Magistro in theol. Henrico de Geysmania et Petro Steinbecke. V. Alii cautius loquentes asserunt, non cruorem, sed sacramentum ibidem venerari, contra quos communis nominatio loci militat, quia dicitur *ad sacrum sanguinem*, et invocatio talis est: *adjura me sacer sanguis, vel sacer sanguis me liberet*. Quando tamen necesse non est, ad illum locum propter sacramentum recurrere, eum ubique in Ecclesiis habeatur. VI. Pro reliquiis ibidem exponitur nescimus quid de cera candelæ, quo fideles consignantur, eum juris sit dispositio, nullas venerari reliquias, nisi a sede Apostolica sint approbata. VII. Dicuntur ibidem publicari indulgentiæ multæ et magnæ, nec tamen constat, quis easdem dederit. VIII. Clerici ibidem ministrantes divina, leves et multiloqui, absque timore Dei abolvunt in exsibus gravibus, nescitur ejus auctoritate. IX. Sumptuosum ibi ædificium erigitur, ex quo fama loci confortatur et dilatatur in remotiora, quod non expedit, antequam res examinetur et justificetur. X. Multa insuper ibidem dominatur avaritia: ille pro pecunia visitat peregrinos; ille vendit signa, quibus tamen nullum correspondet signatum; alius, si petatur pronuntiari aliquid miraculum, petit pecuniam; alius etiam a pauperibus mendicantibus exigit pecuniam pro eedula, in qua innotescit, talem et talem ex ipsis ibi fuisse; alius petit ad structuram, alius ad sacras candelas, etc. Quapropter eum non medicum imputetur Ecclesiæ Magdeburgensi et ejus Pontifici, quicquid ibi committitur erroris, petit sacrum hoc Concilium, super omnibus ac singulis præmissis informari a vobis.

<sup>8</sup> The Dominican, John Cuno, in Leipsic, and the Franciscan, John Calbe, in Meissen, drew upon themselves much persecution by their interference in this matter; still the credibility of these miracles is manifestly considered doubtful in the decrees of the universities of Leipsic and Erfurth on their cases. The Dominican John Wünschelberg, in Hamburg, in his treatise on false signs and wonders, A. D. 1446, attributes all those in Wilsnack to the avarice of the Pope. They were most vehemently attacked, however, by Heinrich Tacke, Canon in Magdeburg. He at length brought the matter to Rome, and Pope Nicolas V. commanded the bishop of Lubeck to investigate it, who wrote to the bishops of the Mark a warning letter, A. D. 1450. See especially *Matthæi Lubeci*, Decanus of the Cathedral in Havelburg, history of the invention, wonderful effects, and final destruction of the pretended holy blood in Wilsnack, 1586, 4to.; a collection of older writings and documents on the subject (some of them may be found also in *Ludewig Reliqu. Mss. VIII. p. 286 seq., and 348 seq.*). *Lentzen's Stiftshistorie von Havelburg*. Halle. 1750. 4to. S. 43 seq.

<sup>9</sup> dd. Halberstadt, 5 Jul. 1451 (in *Lentzen's Stiftshistorie von Havelburg*, S. 64 f.): Sane multis probatissimorum virorum relatibus et visibili experientia

tolerated but even encouraged them,<sup>10</sup> and hence they continued to find favor and to be the source of great profit. But this period was most distinguished by the zeal manifested to glorify the Virgin, as the real controller of all events.<sup>11</sup> A sanctuary, dedicated to her near Recanati, was in the last half of the 15th century declared to be her habitation, which had been brought thither from Palestine by angels, and is the foundation of the famous shrine of Loretto.<sup>12</sup>

comprobavimus, fideles ad multa loca nostræ legationi subjecta concurrere ad adorandum Christi Dei nostri pretiosum eruorem, quem in nonnullis transformatis hostiis speciem rubedinis habere arbitrantur. Attestantur autem verbis suis, quibus communiter talem rubidinem Christi eruorem nominant, se sic credere et adorare, et quia sacerdotes, qui ob pecuniarum quæstum ista non solum fieri permittunt, sed etiam ut sic credant et adorent, per miraculorum publicationem populum alliciunt et sollicitant. Nos igitur, qui rem tam perniciosam et nostræ fidei contrariam sine Dei maxima offensa sub silentio pertransire non possumus, cum corpus Christi glorificatum sanguinem glorificatum penitus invisibilem habere catholica fides nos instruat, ad tollendam omnem occasionem, per quam simplex vulgus taliter seducitur, præsentium tenore, auctoritate, qua fungimur, statuimus et ordinamus, quod, ubicunque tales hostiæ transformatæ reperiuntur, per omnes provincias Alemanniæ nostræ legationi subjectas, statim postquam ad notitiam sacerdotum, qui locis illis præfuerint, hæc nostra ordinatio perducta fuerit, ab ulteriori publica ostensione transformatarum hostiarum penitus cessent, et nequaquam amplius populo palam miracula publicent, aut signa plumbea ad instar transformatarum hostiarum fieri permittant, sed istas transformatas hostias potius per sacerdotem celebrantem sumi in communione præcipiant, quam sacratissimam Eucharistiam in spiritualem refectionem nobis divino munere datam per specierum corruptionem desinere permittant. Omnem autem locum, in quo post monitionem ab ostensione hostiæ transformatæ cessatum non fuerit eo ipso quod ter ipsa prohibita ostensio continuatur, ex nunc prout ex tunc, et ex tunc prout ex nunc strictissimo supponimus interdicto, quousque Archiepiscopus provinciæ loci illius, ubi inhibita ostensio præsumta fuerit, habita certitudine de obediendo huic nostræ ordinationi hujusmodi interdictum duxerit amovendum. Volentes, quod ostensores ipsi post nostram eis insinuatam ordinationem ab omni officio, quousque ab Archiepiscopo absoluti fuerint, suspensi existant. Pariformiter et sub eadem interdicti lætæ sententiæ pœna statuimus et mandamus, omnes tales imagines et picturas ad oculis simplicis vulgi amoveri, ad quas propter figuram visibilem in suis adorationibus vulgus ipsum specialius recurrit, et per publicum concursum in figura ipsa se salutem quærere, verbo aut signo ostendit. Still it may be seen how little this prohibition was heeded in Wilsnack by the summons of the archbishop Friedrich of Magdeburg (see Lentzen, S. 65), to the clergy of Wilsnack to answer for their conduct at a later date, shows how little this prohibition was regarded. Equally ineffectual was the preaching of John Capistranus, and the Augustine monk, Joh. Dorsten in Erfurth, see Consultatio de concursu ad Wilsnack (1472-1475).

<sup>10</sup> Thus Eugenius IV. bestowed many years' absolution on the pilgrims to Wilsnack, dd. VI. Non. Jan. 1446, see *Raynald.* ann. 1447, no. 9, and ordered for the preservation of the bloody hosts that a consecrated host should be laid between them (*ibid.* no. 10): and Nicolas V. dd. IV. Id. Sept. 1447, repeated these decrees (*Ludewig Reliquiæ Manuscriptorum VIII.* p. 366). As late as A. D. 1500, four Cardinals granted absolution for this pilgrimage.

<sup>11</sup> See especially *Bernardinus de Bustis*, an Italian Franciscan, † after 1500, *Mariale* (Mediolani 1494. 4to. and often) a series of discourses in honor of the Virgin. As a specimen we cite Part. XII. Sermo II. P. I.: A tempore quo virgo Maria concepit in utero verbum Dei, quandam ut sic dicam jurisdictionem seu auctoritatem obtinuit in omni Spiritus Sancti processione temporali, ita ut nulla creatura aliquam a Deo obtineat gratiam vel virtutem, nisi secundum ipsius piæ matris dispensationem.

<sup>12</sup> The first writer who notices this Sanctuary is *Flavius Blondus*, secretary of Eugenius IV., and the following Popes till Pius II. † 1463, in his *Italia illustrata*,



The Ave Maria became the favorite prayer.<sup>13</sup> The doctrine of the immaculate conception of the Virgin, which had always been maintained by the Franciscans, was more and more triumphant,<sup>14</sup> whilst

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in Piceno, p. 339: Recanatam inter et Adriaticum mare, paululum a Musione recedit celeberrimum totius Italiae, ut in aperto immunitoque vico, sacellum gloriose Virginis Mariae in Laureto appellatum. Quo loco preces supplicantium a Deo genitricis suae intercessione exaudiri, illud maximum certissimumque est argumentum, quod eorum, qui votis emissis exauditi fuerunt, ex auro, argento, cera, panis, veste linea laneaque appensa donaria, magno luenda pretio, basilicamque omnem pene complementa, Episcopus in Dei Virginisque gloriam intacta conservat. From this we may infer that the wonderful removal was either wholly unknown, or only known as a popular tradition. The first writer who mentions the account of this wonderful removal, which is now found at the sanctuary itself, is *Baptista Mantuanus* (see § 138, note 7) *Redemptoris mundi Matris Ecclesiae Lauretanæ historia* (in ejusd. *Opp. omn. Antverp. 1576. Svo. T. IV. p. 216 seq.*). According to this account, which is the oldest authority, this house was removed by angels to Tersato in Dalmatia, in A. D. 1291, and in 1294 was moved again to the neighbourhood of Recanati, and there its position twice changed. Teremannus, who gives this account, refers to the authority of two citizens of Recanati, one of whom affirmed, quod avus avi ejus vidit, quando Angeli predictam Ecclesiam per mare, etc. The account was undoubtedly written between 1450 and 1480, and was the means of spreading the story. It was first attacked by *Petr. Paul. Vergerius de idolo Lauretano*, ital. scripsit, Ludovicus ejus nepos vertit ann. 1556, in the *Primus tomus operum Vergerii adv. Papatam, Tubing. 1563. 4to. p. 301.* It was defended by the Jesuits *Petr. Turrianus, Petr. Canisius, and Horat. Turseellinus*, especially by the last in the *Lauretana historia, Mogunt. 1599. Svo. Baronius* also, ann. 9, no. 1, undertakes to defend it, and is rebuked therefor by *Is. Casaubonus Exercit. VII.*, and about the same time *Matthias Berneggerus*, Professor in Strasburg, *Hypobolimæa divæ Mariæ deiparæ camera, s. Idolum Lauretanum. Argentor. 1619. 4to.*, refuted triumphantly all defenders of the fiction.

<sup>13</sup> The Vesper prayer for which absolution had before been granted (see § 117, note 3) was now made of still more importance as a means of resisting the Turks, A. D. 1456 (*Antonini Summa hist. P. III. Tit. 22. c. 14. init.*): ubique terrarum fidelium singulis diebus inter Nonas et Vesperas pulsari in omnibus Ecclesiis ad Ave Maria ter, in qua pulsatione quicumque diceret genibus flexis ter Ave Maria et Pater noster, consequeretur indulgentiam trium annorum et trium quadragenarum. The importance of the Ave Maria was magnified chiefly by the Dominicans and their fraternities of the Rosary (see § 140, note 10): Sixtus IV. 1479, granted a new indulgence for the Psalterium b. M. V. (see *Amort de indulgentiis I. p. 170*): Nobis fuit propositum, quod in ducatu Britanniae et pluribus aliis locis ab aliquo tempore certus modus sive ritus orandi pius et devotus, qui etiam antiquis temporibus in diversis mundi partibus observabatur, videlicet quod quilibet dicit qualibet die ad honorem b. V. et contra imminetia mundi pericula toties angelicam salutationem, quot sunt Psalmi: et iste ritus Psalterium b. V. vulgariter nuncupatur. Nos hujusmodi modum orandi approbamus, et universis præfato modo orare volentibus pro qualibet vice, qui sicut præmittitur oraverint, pro qualibet quinquagena præfati Psalterii quinque annos et totidem quadragenas indulgentiæ relaxamus. After the example of the celebrated Dominican, Vincentius Ferrerius († 1419, see § 120, note 10) the salutation of the angels was made the beginning of Sermons, see *Dom. Marci hierolexicon (Romæ 1677. fol.) v. Salutatio angelica.*

<sup>14</sup> A general view of the disturbances on this subject in *Wadding* legatio Philippi III. et IV. ad Paulum P. V. et Gregorium XV. de definienda controversia immaculatæ conceptionis b. V. M. Lovan. 1624. fol. p. 377 seq. The most distinguished opponent of the doctrine is the Dominican Vincentius Bandellus, Prof. of Theology in Bologna, † 1506, in the works lib. de veritate conceptionis gloriose Virginis Mariæ, 1475, and tract. de singulari puritate et prærogativa conceptionis salvatoris nostri J. Chr. 1481, see the extracts in *Wadding*, p. 133 seq. Amongst its defenders *Bernardinus de Bustis* (see note 10) stands first: The first part of his

the Dominicans on their part strove to show their reverence for Mary by their numerous *fraternities of the Rosary*.<sup>15</sup> True, the decree of the Council of Basil in favor of the immaculate conception could not afterwards be made the law of the church,<sup>16</sup> and even the Franciscan Pope, Sixtus IV., did not venture openly to oppose the powerful Dominicans on this point;<sup>17</sup> but the doctrine was decidedly upheld by the

Mariae consists of 8 Sermones de conceptione Mariæ, then follows the Officium immaculatae conceptionis gloriosæ V. M., which was confirmed by Sixtus IV.

<sup>15</sup> See above, § 140, note 10.

<sup>16</sup> Conc. Basil. Sess. XXXVI. d. XV. Kal. Oct. 1439, therefore during the Controversy of the Council with the Pope (see *Mansi* XXIX. p. 183): Hactenus difficilis quæstio in diversis partibus et coram hac sancta Synodo super conceptione ipsius gloriosæ virginis Mariæ matris Dei, et exordio sanctificationis ejus facta est: quibusdam dicentibus, ipsam virginem et ejus animam per aliquod tempus aut instans temporis subjacuisse actualiter originali culpæ; aliis autem e converso dicentibus, a principio creationis suæ Deum ipsam diligendo gratiam eidem contulisse, per quam a macula originali illam beatissimam personam liberans et præservans, sublimiori sanctificationis genere redemit, cum fundaret eam altissimus ipse, et ipsam fabricaret Filius Dei Patris, ut esset mater ejus in terris. Nos vero, diligenter inspectis auctoritatibus et rationibus, quæ jam a pluribus annis in publicis relationibus, ex parte utriusque doctrinæ coram hac sancta Synodo allegatæ sunt, aliisque etiam plurimis super hac re visis, et matura consideratione pensatis, doctrinam illam disserentem, gloriosam virginem Dei genetricem Mariam præveniente et operante divini numinis gratia singulari nunquam actualiter subjacuisse originali peccato, sed immutem semper fuisse ab omni originali et actuali culpa, sanctamque et immaculatam, tanquam piam et consonam cultui ecclesiastico, fidei catholicae, rectæ rationi, et sacre Scripturæ ab omnibus catholicis approbandam fore, tenendam et amplectendam diffinimus et declaramus, nullique de cetero licitum esse in contrarium prædicare seu docere. Renovantes præterea institutionem de celebranda sancta ejus Conceptione, quæ tam per Romanam, quam per alias Ecclesias sexto Idus Decembris antiqua et laudabili consuetudine celebratur, statuimus et ordinamus eandem celebritatem præfata die in omnibus Ecclesiis, Monasteriis, et conventibus Christianæ religionis, sub nomine Conceptionis festivis laudibus colendam esse, cunctisque fidelibus vere penitentibus et confessis, ea die Missarum solemnium centum, primis autem vel secundis vespers totidem, sermoni vero verbi divini de ea festivitate interessentibus centum quinquaginta dies, concessione perpetuis temporibus duratura, de injunctis sibi penitentibus hæc sancta Synodus largitur.

<sup>17</sup> In a Bull A. D. 1477 (*Extravag. Comm.* lib. III. tit. XII. c. 1.) he recommends the festival of the Conceptio immaculata virginis (which he does not however venture to call Conceptio immaculata virginis), by bestowing on all who shall take part in it, the absolution of Corpus-Christi day. The second Bull A. D. 1483 (l. c. c. 2) is directed first against the diversorum ordinum prædicatores (evading the direct mention of the Dominican-), who in suis sermonibus ad populum publice per diversas civitates et terras adfirmare hactenus non erubuerunt, et quotidie prædicare non cessant, omnes illos, qui tenent aut adserunt, eandem gloriosam et immaculatam Dei genetricem absque originalis peccati macula fuisse conceptam, mortaliter peccare, vel esse hæreticos; ejusdem immaculatae conceptionis officium celebrantes, audientesque sermones illorum, qui eam sine hujusmodi macula conceptam esse adfirmant, peccare graviter. Sed et præfatis prædicationibus non contenti, confectos super his suis adsercionibus libros in publicum ediderunt (meaning the writings of *Vincencius Bandellus*, see above note 13), ex quorum adsercionibus et prædicationibus non levia scandala in mentibus fidelium exorta sunt, et majora merito exoriri formidantur in dies. All these notions and these works are condemned and forbidden under penalty of excommunication. The same punishment however is decreed for those, qui ausi fuerint adserere, contrariam opinionem tenentes, videlicet gloriosam virginem Mariam cum originali peccato fuisse conceptam, hæresis crimen vel peccatum incurrere mortale, cum nondum sit a Rom. Ecclesia et Apostolica seide decisum.

universities,<sup>18</sup> who even went so far, after the example of the university of Paris, 1497, as to bind their members by an oath to maintain it;<sup>19</sup>

<sup>18</sup> That the more moderate party inclined to this opinion is seen in *Gabr. Biel*. (§ 143, note 3) *Collectorium* lib. III. Dist. III. Qu. 1. Art. 2: Auctoritas Ecclesie major est auctoritate cujuscunque Sancti, saltem post canonicos scriptores: nam Ecclesia statuit festum Conceptionis generaliter per universum celebrandum: ergo ejus conceptio fuit sancta et per consequens peccato immaculata, ergo sine originali. — Nec propter hoc culpandus est divus Bernardus, sed nec s. Thomas, s. Bonaventura, ceterique Doctores cum magno moderamine oppositum opinantes, quoniam eorum tempore hoc licuit, quoniam nulla determinatio vel Apostolica sedis facta fuit. Nec festivitas illa generaliter tunc fuit per orbem celebrata. Quæ si præcessissent, haud dubium, quin promptissime suæ opinioni ecessissent.

<sup>19</sup> The occasion of this measure at Paris is related by *Trithemius Chron.* Hirsaug. ad ann. 1497. T. II p. 568: Eodem anno in festo purissimæ Conceptionis beatissimæ Mariæ semper Virginis (or rather as is seen from the Acts in *d'Argentré* I, II. p. 336 seq. on this same festival, 8 Dec. 1496) — quidam Frater Ordinis s. Dominici, theologus Parisiensis, verbum salutis dicturus ad populum in Dieppe oppido Rothomagensis Diocesis, amplo inter alia boatu clamabat, eandem castissimam Dei genitricem non fuisse præservatam ab originali peccato, sed post contractum mox purgatam et mundatam a Deo. Erat ei nomen, qui hoc dixit, Frater *Johannis Veri* (*le Ver*). Ex hæc temeraria positione magnum in populo Dei scandalum fuit secutum, propterea quod s. Romana Ecclesia, Cardinales quoque, Archiepiscopi et Episcopi, pene omnes Doctores Parisienses, Colonienses, Lovanienses cum aliis multis, simul et Claustralium regularium Professores cuncti cum toto populo christiano præter paucos Fratres Ordinis memorati, sentiunt, credunt, docent et prædicant, beatissimam Dei genitricem peccato nunquam subjacuisse originali, sed præservatam et immunem scæper ab omni macula delicti tam originalis quam actualis in æternum. Trithemius then informs us that Jo. Verus was forced by the Sorbonne to retract on the 16th Sept. 1497 (p. 570), and that this led to the institution of the oath above mentioned on the 17th Sept. According to the Acta in *d'Argentré* I, II. p. 333 seq. this is not quite correct. Jo. Verus (see p. 337) refused at first to submit to the sentence of the Sorbonne and appealed to the Pope. For this he was sentenced to imprisonment by the civil tribunal, and appealed to Parliament, but procured his release at length by retracting on the 18 Sept. 1497. The theological faculty had, however, already retracted on the oath in an assembly of March 3, 1496 (i. e. more gall. also 1497) (l. c. p. 333): Cum proximo sæculo questio de puritate conceptionis felicissimæ Dei et Domini nostri Jesu Christi genitricis Mariæ solito frequentius agitari cœpisset, Spiritu Sancto scilicet ejus rei veritatem aliquando propalari volente, diligentius utriusque partis libratis rationibus primum (Majores nostri) pro tempore suum prudentissimè suspenderunt judicium. Demum in eam partem inclinatiores, quæ Virginis gloriæ et puritatis astipulari videbatur, ita — vanissimam temeritatem — confutaverunt, — ut contrariam questionis partem, quæ Virginem, dum conciperetur, specialem Dei munere ab originali macula fuisse immunem affirmat, et pietati, fidei et rectæ rationi et scripturis divinis valde quadrantem decernerent. Quæ sententia paucos post annos ita sacro Basileensi plenario Concilio — Spiritu Sancto inspirante placuit, ut eam tandem doctrinam — tenendam dilinierit. — Quod sanctum Synodi decretum cum omnium Ecclesiarum, tum etiam totius populi Christiani judicio, consensu ac religione comprobatum confirmatumque videamus, non possumus quorundam vanam, superbam, temerariam insanamque obstinationem non admirari, — qui hoc nostro adhuc tempore ejusmodi piam et religiosam doctrinam, universalis Synodi et Ecclesie, quæ juxta Christi promissionem errare non potest, judicio auctoritateque probatam aut oppugnare, aut in dubitationem revocare non verentur, implacabile impiissimumque bellum adversus piissimæ Dei genitricis eximiam dignitatem gerentes. Quorum furori ut alacrius fortiusque occurramus atque resistamus pro nostra professione, ordine et gradu, Majorum nostrorum vestigia sequentes, universi tertio congregati post multam, gravem et maturam deliberationem in ejus piissimæ doctrinæ, quæ benedictissimam Dei Matrem ab originali peccato Dei singulari dono fuisse præservatam affirmat, quamque jam pridem veram credidimus et credimus, defensionem ac propugnationem speciali sacramento conjuravimus nosque devovimus. Statuentes, ut nemo deinceps sacro huic nostro

and the burning of four Dominicans in Berne for their impostures, the object of which was to put down this doctrine (1509), seemed to establish its triumph.<sup>20</sup>

### § 145.

#### STATE OF RELIGION AMONGST THE PEOPLE AT LARGE.

The religion of the people was made to consist entirely in obedience to the church. An unhesitating willingness to submit to the creed and commands of the church, in all cases whatsoever, passed for true piety; and as every effort to advance the real spiritual good of the individual was of course regarded with suspicion by the hierarchy, very little was done for the religious instruction and excitement of the community. Most of the clergy could not even preach:<sup>1</sup>

Collegio adseribatur, nisi se hujus religiosæ doctrinæ assertorem strenuumque propugnatores semper pro viribus futurum simili juramento profiteatur. Quod si quis ex nostris, quod absit, ad hostes Virginis transfuga, contrariæ assertionis — patrocinium quacumque ratione suscipere ausus fuerit, hunc honoribus nostris omnibus privatum atque exauctoratum a nobis et consortio nostro, velut Ethnicum et Publicanum, procul abjiciendum decernimus. Then follows a call on the bishops and clergy to adopt this doctrine. The oath was taken in their other congregations by 112 Doctors of Theology (p. 334). The example of the Sorbonne was followed by the theological faculty in Cologne (Chron. Hirsaug. II. p. 574), and 1501 in Mayence (l. c. p. 583).

<sup>20</sup> Contemporary accounts are: De quatuor hæresiarchis Ord. Prædicatorum de Observantia nuncupatorum apud Switenses in civitate Bernensi combustis anno Christi 1509. 4to. (reprinted in *Hottinger* hist. eccl. N. T. Sæc. XVI. seu Pars V. p. 334 seq.) and Valerius Anshelm's Berner Chronik, Bd. 3. S. 371 ff. Bd. 4. S. 1 ff. Compare the Berner Gespenstergeschichte in Rauschnick's Denkwürdigkeiten aus der Geschichte der Vorzeit. Bd. 1. Marburg, 1822. The original occasion of this imposture was the ill success of the Dominican Wigand Wirth in Frankfurt. This man had attacked John de Trittenheim, in an anonymous work, 1494, for having maintained the immaculate conception in his work De laudibus s. Annæ, c. 7, but had only thereby brought out a number of works in defence of the doctrine, and had finally been compelled to retract. At Rome also, the endeavours of the Dominicans to procure the condemnation of Trithemius had been unsuccessful (see *Trithemii* Chron. Spanheimense in ejusd. Opp. hist. ed. Marqu. Freherus, P. II. p. 405 seq.). Afterwards Wigand engaged in a controversy with a priest in Frankfurt on the same subject. He was condemned by a papal commissary appointed at the instance of the Dominicans, and drew upon himself a new accusation in Rome by an abusive work on the subject. The Dominicans then held a chapter in Wimpfen in 1506, at which some of the leaders planned privately certain miracles to support their own doctrine, which was carried into effect by the means of a poor, bigoted tailor in a convent in Berne, A. D. 1507. The Prior, Subprior, Lector, and Procurator combined to play off on him pretended visions of St. Barbara, the holy Virgin, St. Cecilia, and St. Catharine of Siena. They stamped on him the holy 5 wounds, colored hosts with blood, made an image of the Virgin weep before him, &c.: the purpose of all which was to make him the organ of revelations against the doctrine of the immaculate conception. At length he discovered the imposture, and they were about to poison him, when he escaped from the convent, and informed against them.

<sup>1</sup> Thus in the *Necrologium* of St. Gallen it is remarked of a monk Bernhard, 1499: Nota, quod Bernardus iste fuit tam magnæ scientiæ, ut per aliquos annos prædicaturam habuerit, see *Arx* Gesch. v. St. Gallen. Th. 2. S. 473. Compare *Trithem.* institutio vitæ sacerdot. c. 1 and 4. above, § 138, note 1.

those who did, for the most part Mendicant monks, usually entertained their hearers with absurd fables, the object of which was to magnify the importance of their various relics,<sup>2</sup> or made an exhibition of their barren scholastic learning,<sup>3</sup> as may be seen in the sermons

<sup>2</sup> *Jacobus Carthusianus* de arte curandi vitia (see § 140, note 8). *Trithemius*, l. c. c. 4. *Henr. Bebelius* (see § 138, note 7) de falsa etymologia propriorum nominum conficta per auctorem legenda aurea (see Div. II. § 78, note 4) in the Collection Commentaria epistolarum conficiendarum Henrici Bebelii, etc. Phorcæ 1510. 4to. fol. CXXVIII. verso: quas aniles fabulas adeo magis detestor, quo plures inveniuntur, qui has referendo et populis prædicando non solum inducunt homines ad earum fidem, verum etiam in iis demorantes ea, quæ vera sunt et in salutem animarum dici possunt, omittunt. Sunt enim plures et præsertim aliqui monachi, qui dum concionantur ad imperitam plebem, ut phaleratis et ampullosis verbis populum demulceant, ut famam eruditionis et discretitudinis consequantur, et ut culinam suam vel Fratrum lautius instruant, vel potissimum dum Evangeliiis tamquam consuetis atque rebus quotidianis pudet esse contentos, non veniunt excogitare nunc somnia, nunc revelationes (ut ipsi aiunt) sanctorum Patrum, quibus in Christum, nedum sanctos, falsa et mendacia aliquando comminiscuntur, dum non credunt satis placere se, nisi exotica aliqua atque peregrina in medium afferant, ut plebs postmodo gloriabunda jactet, se audisse a Domino Sixto vel Fratre Johanne quod antea nunquam audiverit a quoquam. Et, ut paulum digrediar, ego omnem ferme hæresim quam dicunt existimo inde maxime exortam, ut homines superbi et magnæ opinionis freti eruditione et fama anhelaverint aliquid dicere, et persuadere novum et inauditum, quo cunctis seculis et nationibus suam famam insinuent. Sed ut redeam, cum Dominus Sixtus vel Frater Lollarus in nigra barba sic famam suam illustravit, ne existimationem suam in posterum extenuet, aut plebem in laudem suam tepidiorem reddat, non dubitat dies atque noctes somnari et fragmenta componere, quo semper clariorem se reddat et magis admirandum: tandem eo usque progreditur, ut fabulis, quæ ipsi exempla vocant, totos dies consumat, quas ipse pro sua existimatione magnificanda satis admirabiles jam primum excogitavit: et dum totus in eloquentia volubilitateque linguæ, et rerum nullibi gestarum diurnali recitatione hæret, fit, ut nihil vel parum de sacris literis proferat, parum dicat, quod sit animæ salutarium. — Illud mihi ridendum videtur, quod concionatores isti, cujuscunque sancti festum celebrant, concionando clamant, fulsisse illum super omnes alios sanctos virtutibus et vitæ sanctimonia, vel singulari sanctitatis privilegio dotatum persuadent; postquam ad alium venerint sanctum, itidem faciunt, semper præsentem super omnes alios extollendo. Taceo de laudibus, quas aliquando præter fidem tutelaribus sanctis, quos Patronos vocant, sacerdotes in dedicationibus adscribunt, ubi omnis modus laudationis exceditur, omnisque ingenii vis quasi quidam torrens effunditur, adeo, ut ea quæ incerta sunt et vix vera, et ubi fides desideratur, impediunt etiam quæ vere de illis dici possunt. Aut quis risum continebit, dum quidam Fratres sui Ordinis auctores et primates postergatis virginibus, confessoribus, martyribus, Apostolis et Evangelistis, Patriarchis atque Prophetis, adeo alte conantur locare, ut adhuc solum quærant, ubi eos reponent in cælestibus: alii suum dictum a Christo magnum patrem persuadere volunt, alii suo doctori Paulum apparuisse Apostolum atque dixisse, suas illum epistolas melius omnibus aliis doctoribus esse interpretatum. Quæ nisi cogar, nunquam credam, etc.

<sup>3</sup> *Jo. Trithemius* Epistt. famill. lib. I. ep. 26, ad Jac. Kymolanum, dd. Coloniae, 22 Jul. 1505 (in ejusd. Opp. hist. cd. Freheri II. p. 461): Nostri concionatores majore in numero purissimos Dei sermones Aristotelicis Julianisque intermiscunt opinionibus, crebrius philo-sophos gentiliū, quam Christi Apostolos allegantes. Proh pudor tam celebris facta est verbi Dei præconibus Peripateticorum auctoritas, ut in cathedra Christi crebrius Aristoteles citetur in medium, quam Paulus aut Petrus sacratissimi principes Apostolorum. Quid talium sermones simplici et indocto Dei populo proficiunt, in quibus ad ostentationem totum, ad compunctionem vero nihil inducitur? Ad scholas Gymnosophistarum istæ meretriculæ gentiliūque traditiones remittendæ sunt, ut in schola Christi nihil aliud quam doctrina Christi pura et immaculata prædicetur. Furfures enim purissimæ farinæ commis-

still extant of Meffreth, a priest in Meissen, A. D. 1443 — 1476,<sup>4</sup> of Leonardus de Utino, a Dominican in Bologna, † 1470,<sup>5</sup> and even in those of Gabriel Biel,<sup>6</sup> otherwise so distinguished for their practical tendency. A feeling of the unfruitfulness of such preaching, led several able men to attempt new modes of awakening the moral feeling of their hearers by scenes and warnings taken from real life, in which they strove to make the vices of the time not only disgusting but ridiculous. This, sometimes humorous, style of preaching was adopted by Gabriel Barletta in Italy, about 1470,<sup>7</sup> John Geiler of Kaisersburg, preacher in Strasburg, † 1510,<sup>8</sup> and the two Franciscans, Olivier Maillard, † 1502,<sup>9</sup> and Michael Menot († at some time previous to 1519),<sup>10</sup> in Paris. In the smaller and more quiet circle of the Mystics, no one exercised so much influence as Thomas Hemerken of Kempis (Thomas a Kempis), a pupil of the Brethren of Common Life, and a Canon in the monastery on St. Agnes' mount near Zwoll, † 1471, by his various devotional works,<sup>11</sup> and especially by his book

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cuit, quisquis hunc prædicandi modum primus adinvenit. *Melancthon* in *Apologia Augustinæ Confessionis*. Art. II. de justificatione (ed. Rechenberg. p. 62): Audivimus quosdam pro concione, ablegato Evangelio, Aristotelis Ethica enarrare.

<sup>4</sup> He wrote *Hortulus Reginæ*, a collection of Sermons for the whole church-year, distinguished into *Pars hiemalis*, *Pars æstivalis*, and *Sermones de Sanctis*, ed. Norimb. 1487; Basil. 1488; Monachii 1615. fol.

<sup>5</sup> *Sermones de Sanctis*, ed. Utinæ 1566, and often. *Quadragesimale de legibus*. Lugd. 1494. 4to. and often.

<sup>6</sup> See § 143, note 3. *Sermones de tempore*, ed. Wendelinus Steinbach, Tubing. 1500. 4to. (the most remarkable, the three *Sermones medicinales contra pestilentiam*. *Domin.* 22—24. post fest. Trinit.). *Sermones de festivitâtibus glor. Virg. Mariæ*, 1499.

<sup>7</sup> *Sermones Quadragesimales*. Breſcia 1497. Svo. *Sermones de Sanctis*. *ibid.* 1498. 4to. It became a proverb: qui nescit barlettare, nescit prædicare. Compare *Niceron's* *Nachrichten von den Begebenheiten u. Schriften berühmter Gelehrten*. Th. 3. S. 83 ff. *Baumgarten's* *Nachrichten von merkw. Büchern*. Bd. 7. S. 124 ff.

<sup>8</sup> Collections of Sermons, under the titles: *Seelenparadies*. Strasb. 1510, *Usslegung über das gebette des Herren* 1515, *Predigen Teutsh.* Augs. 1510, *Navicula s. speculum fatuorum*. 1511. *Predig d' himelfart* Ma. 1512. *Navicula pœnitentiæ*. 1512. *Christenlich bilgerschafft zum ewigen vatterland*, 1512. *Das Evangelibuch*, 1513. *Postill*, 1522. *Die Ameis (Ameise)* 1517, etc. Compare *Vierling de Jo. Geileri Cæsaremontani scriptis germanicis disp.* Præs. J. J. Oberlino. Argent. 1786. 4to. F. W. Ph. v. Ammon Geiler v. Kaisersbergs *Leben, Lehren und Prædigten*. Erlangen 1826. Svo.

<sup>9</sup> *Sermones de Adventu, quadragesimales, dominicales, et de peccati stipendio et gratia premio*. Argent. 1506. 4to. *Niceron mémoires pour servir à l'hist. des hommes illustres*. T. 23. p. 47 seq. *Baumgarten's* *Nachr. von einer hallischen Bibliothek*. Bd. 4. S. 51 ff.

<sup>10</sup> *Sermones quadragesimales*. Paris. 1519. and often. *Niceron*, T. 24. p. 386 seq. *Baumgarten* Bd. 4. S. 59 ff. *J. C. Shelhorn amonitates hist. eccl. et liter.* T. I. p. 778 seq. *Michael Menot*, ein Beitrag zur Gesch. der Homiletik von J. G. V. Engelhardt. Erlangen, 1823. Svo.

<sup>11</sup> Some notices of his life may be found in the *Chronicon Canonicorum Regularium montis s. Agnetis* (ed. Herib. Rosweyds, appended to *Jo. Buschii* *Chron. Canon. Regularium Ord.* S. August.) Antwerp. 1621. Svo. p. 29, 51, 104, 137, written by himself. Then there is a life of him by *Jodocus Badius Ascensius* († 1535) in his *Opp.* ed. Sommalii, p. 11 seq. Amongst his devotional works are:

de imitatione Christi.<sup>12</sup> Amongst the Mystics, too, probably the various translations of the Bible were used, which now appeared in print.<sup>13</sup> Their more general circulation was prevented by the steady

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Soliloquium animæ, Hortulus rosarum, Vallis lilyorum, De tribus tabernaculis, Doctrina juvenum, De vera cordis compunctione, De solitudine et silentio, etc. Opp. ed. Norimb. 1494. Paris. 1520. fol. ab *Henr. Sommalio* e Soc. Jesu. Antwerp. 1607. 4to., and often.

<sup>12</sup> It was from the first uncertain by whom this book was written. And when afterwards it became so extremely popular (it has been translated into almost every language, and there are supposed to have been 2000 editions of the original, and 1000 of the French translation only) it became a matter of much controversy. From A. D. 1415, the book was circulated without its being determined by whom it was written. Many of the old Codices, however, and the earliest editions, bear the name of Thomas a Kempis. Two Codices, that of Löwen and that of Antwerp, are written by his own hand. For him, too, there is one indisputable testimony, his contemporary and brother of the same order, John Busch (see § 139, note 4), who must have known him personally, and who ascribes the work to Thomas in the Chron. Windesemense (see § 141, note 1) lib. 11. c. 21. To this is added the testimony of *Petrus Schottus*, prefixed to an edition in 1488, and of *John Tritheim* de scriptoribus ecclesiasticis (written 1494) c. 707. And finally, the whole style of the book, and the numerous Germanisms, strengthen the probability that it was written by Thomas. — It was very natural, too, that so popular a work should have been ascribed to John Gerson (see § 113, note 11), rather than the comparatively obscure Thomas a Kempis. The oldest Codex that gives his name is that of Salzburg, 1463, the ed. of the French translation in 1488, is undecided between St. Bernhard and Gerson; that of 1493, however, ascribes the work decidedly to Thomas a Kempis; a French edition of 1573 is the first that bears the name of John Gerson as the author, on its title page. The contents of the work show also that its author was a monk. — In several Codd. we find the name Jo. Gersen, Gessen, Gesen, which is plainly meant for Jo. Gerson. But after *Petrus Manriques*, 1601, had supposed the book to be older than Bonaventura, because it was cited in the *Collationes*, ascribed to that writer; the Italian Benedictine *Cajetan*, 1615, ascribed the work to a John Gersen of Cabaliaea, Abbot of a Benedictine convent of St. Stephens, in the citadel of Verceili, between 1220 and 1240, on the authority of the Ms. of Arona, which was supposed to belong to the 13th century. The order of Regular Canons now took up the cause of Thomas, whilst the Benedictines were zealous in behalf of their newly discovered abbot, and thus arose a vehement dispute between the two orders, which the parliament of Paris was called upon to decide; which they did in 1652, by decreeing that the book should in future be printed with the name of Thomas a Kempis. Amongst the disputants in favor of Thomas, *Eusebius Amort*, Canonicus in Polling in Bavaria († 1775), was much distinguished. The controversy is not, however, yet ended. For Gerson we have *Ant. Alex. Barbier*: dissertation sur 60 traductions francaises de l'imitation de J. Ch. Paris. 1812; and *J. B. M. Gence*, in a new edition of the work in question, Paris. 1826. Svo. For the Abbot Gersen: *Mémoire sur le véritable auteur de l'imitation de J. C. par G. de Gregory*. Revu et publié par les soins de M. le Comte Lanjuinais, Pair de France. Paris. 1827. 12mo. For Thomas a Kempis: Gersen, Gerson und Kempis; or: ist einer von diesen dreien, und welcher ist der Verfasser der vier Bücher von der Nachfolge Christi? von J. P. Silbert. Wien 1828. Svo.

<sup>13</sup> The French translation by Gujars des Moulins, a Canon in Aire in the diocese Terouane, made 1291–1294, was printed by command of Charles VIII., that is, before 1498 (*du Pin* Prolegomenes sur la Bible, p. 249 seq.). The Italian by the Venetian Benedictine, *Nicolaus Malermi*, in 1471 and 1477. The German translations are more numerous. One in the high German dialect, printed first in Mayence, 1462, was reprinted 11 times before the Reformation, in Strasburg, Augsburg, and Nuremberg. See *G. W. Panzer's* literar. Nachricht von den allerältesten gedruckten deutschen Bibeln, Nürnberg, 1777. 4to. Ibid. Gesch. der Nürnbergesischen Ausgaben der Bibel. 1778. Ibid. Beschreibung der ältesten Augspur-

opposition of the hierarchy to all translations of the Scriptures into the national dialects.<sup>14</sup>

### § 146.

#### OF ECCLESIASTICAL PUNISHMENTS AND INDULGENCES.

The abuse of indulgences was fully recognised by the Council of Constance, and an attempt made to check it; <sup>1</sup> but the restraint was

gischen Ausgaben der Bibel, 1780. 4to. A translation into the Lower Saxon was printed three times, in Cologne 1470, Lübeck 1494, and Galberstadt, see J. M. Götz's Versuch der gedruckten Niedersächsischen Bibeln v. J. 1470 bis 1621. Halle, 1775. 4to.

<sup>14</sup> Compare § 86, notes 28, 29. Even *Jo. Gerson* *Lectio altera contra vanam curiositatem* Consid. IX. (Opp. I. p. 105), says prohibendam esse vulgarem translationem librorum sacrorum nostræ Bibliæ, præsertim extra moralitates et historias. Claras rationes ad hoc plurimas invenire facile est. The zealots opposed the having any religious books in the national dialect, see § 141, note 8. A similar prohibition was passed by the archbishop of Mayence against the printing of German translations, A. D. 1486, in *Guden's* codex diplom. anecdotorum res Moguntinas illustrantium IV. p. 469: Vidimus ipsi libros de divinis officiis et apicibus religionis nostræ, e latina in germanicam linguam traductos, non sine religionis dedecore versari per manus vulgi. — Dicant translatore tales, si verum colunt, — anne lingua germanica capax sit eorum, quæ tum græci, tum et latini egregii scriptores de summis speculationibus religionis christianæ et rerum scientia accuratissime argutissimeque scripserunt? Fateri oportet, idiomatis nostri inopiam minime sufficere, necesseque fore, eos ex suis cervicibus nomina rebus fingere incognita; aut, si veteribus quibusdam utantur, veritatis sensum corrumpere, quod propter magnitudinem periculi in litteris sacris magis veremur. Quis enim dabit rudibus atque indoctis hominibus, et femineo sexui, in quorum manibus codices sacrarum litterarum incidere, veros excerpere intellectus? Videatur sacri Evangelii, aut epistolarum Pauli textus: nemo sane prudens negabit, multa suppletionem et subauditionem aliarum scripturarum opus esse. The archbishop forbids therefore the printing and sale of all German translations, unless approved by certain commissaries, under penalty of excommunication.

<sup>1</sup> The Commissioners appointed by the Council (see § 130, note 13) proposed the following decree, see *v. d. Hardt* I. XII. p. 751: Quia tempore hujus nefandi schismatis, quo singula quasi spiritualia publicæ exponebantur venditioni, multæ quæstiones ac petitiones cum quamplurimum indulgentiarum et concessionum privilegio, ut verosimiliter præsumitur, pro pecunia plus quam animarum salute sunt concessæ, in gravamen pauperum et ecclesiastici status ridiculum, et quibus ex facilitate (so *Amort* II. p. 35, instead of *qualitate*) veniæ incentivum præbatur delinquendi: ideo hæc s. Synodus omnes hujusmodi novas quæstiones, sub cujuscunque facti aut factæ nomine ab Apostolica sede concessas, necnon omnia et singula privilegia indulgentiarum, concessionum aut gratiarum, cujuscunque etiam sint tenoris et continentiar, dictis novis et etiam antiquis quæstionibus et petitionibus, tempore jam lapsi schismatis, imo et tempore unionis, post constitutionem felicis recordationis quondam Domini Clementis V., quæ incipit *Abusionibus* (*Clementinar.* lib. V. Tit. 9. c. 2), qualitercunque concessa, revocat, irritat, cassat, et annihilat, eaque ut antea nullius vult esse roboris vel momenti. Per hanc revocationem hæc Synodus antiquis quæstionibus et petitionibus, dummodo per Presbyteros bonæ famæ, habiles et idoneos, sine sermone publico, sed cum literarum, petitionum suarum et indulgentiarum antiquarum vera expositione, sine commixtione falsitatis, et secundum formam dictæ Clementinæ fiant, aliquatenus derogare non intendit. The Germans now urged Martin V. to adopt this decree, see *Avisamenta* Nat. Germ. Art. 17, in *v. d. Hardt* I. XXII. p. 1011 (compare § 130, note 18). He, however, modified it to this effect, see *Responsio Martini*



only temporary, and was succeeded by such an increase of abuses,<sup>2</sup> that no century is more marked by them than the 15th. The years of Jubilee were multiplied more and more,<sup>3</sup> till at length it was established as the regular rule by Paul II. A. D. 1470, that they should recur every five and twenty years.<sup>4</sup> Indulgences were offered also for joining expeditions against unbelievers, and all who opposed the papal power, and for contributing funds for the same ;<sup>5</sup> as well as for other services rendered the church.<sup>6</sup> The various ecclesiastical associations,<sup>7</sup> especially the monks,<sup>8</sup> were not only endowed with

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Art. 17. l. c. p. 1038 (compare § 130, note 18) : Cavebit Dominus noster Papa in futurum nimiam indulgentiarum effusionem, ne vilescant ; et in præteritum concessas ab obitu Gregorii XI. citra perpetuas, item quæ dicuntur de pœna et culpa, sive de plena remissione, concessas locis, item omnes concessas ad instar alterius indulgentiæ, revocat et annullat.

<sup>2</sup> The Council of Basil bestowed itself many indulgences, compare the papal instructions in *Raynald*, 1436, no. 6, see above, § 131, note 39, and *Jo. Polemar*, § 131, note 45. This increase was justified, too, by the Scholastics, see *Gabriel Biel* expos. *Missæ Lect.* 57 : ante tempora b. Gregorii modicus vel nullus fuit usus indulgentiarum : nunc autem crebrescit earum usus. Quod sine dubio Ecclesia habens Spiritum Christi, et ideo non errans, singula, prout expedit, temporibus suis distribuit, nota et illuminata a Spiritu Dei, qui novit tempora, quæ Pater in sua posuit potestate, quorum mysteria indagare non sufficimus. Possimus tamen conicere aliquas causas, cur magis modo, quam olim usus indulgentiarum crebrescit. Quoniam, ut timor transgressionis mandatorum Dei induceretur in conversos fideles, graves pœnitentiæ injungebantur et pœnæ. Item, nunc tepescente charitate, nec satisfactiones condignæ injunguntur, nec modice injunctæ perficiuntur ; ideo valde necessarius est copiosus indulgentiarum usus.

<sup>3</sup> The years 1425 and 1450 were celebrated as years of jubilee, and in 1451 the jubilee-absolution of the diocese of Augsburg was purchased in Poland, Spain, Hungary, and various places in Germany ; see *Eus. Amort* de origine, progressu, valore ac fructu indulgentiarum. Aug. Vind. 1735. fol. P. I. p. S7 seq.

<sup>4</sup> The bull dd. 13 Kal. Maji 1470, see in *Raynald*, 1470, no. 55. in *Amort* I. p. 91, gives as the ground of this change : Nos — attendentes humanæ conditionis statum fragilem, ad peccandum proclivem, et ad declinationem usque adeo celeri cursu — properare, brevissimum quoque vitæ spatium, et peccatis nostris exigentibus crebras pestilentias, varios morbos letiferos, gravissimas quoque Turcarum et infidelium adversus fideles persecutiones assiduas, atque universam Christianitatem retroactis temporibus quassatam adhuc variis non quidem minoribus injuriis lacerari, et calamitosis casibus et dispendiis subjacere, aliasque plurimas arumnas in Christi populo adeo invalescere, ut eis atque aliis sinistris casibus plerumque causantibus admodum pauci remissionum et indulgentiarum hujusmodi participes fieri mereantur, etc.

<sup>5</sup> 1411 against Ladislaus, king of Naples, 1420 and 1421 against the Hussites, 1453 (see § 132, note 10), 1455 (see § 132, note 12) and 1463 against the Turks, 1457 against the Moors, see *Amort* I. p. 74. Also 1502 jubilee-indulgence was granted to support the war against the Turks, *Amort* I. p. 101, *Cruciata* for K. Emanuel, king of Portugal, against the Moors, 1505, see *Raynald*, ad h. a. no. 5 seq. The *Bulla Cruciata*, which is still sold in Spain, was first issued by Julius II. 1509, to get funds for the war against the Turks ; in 1519, Leo X. bestowed the profits of it on the king of Spain, who still receives them, see *Amort* I. p. 79.

<sup>6</sup> Especially for the contributing money to build churches. The most celebrated indulgence of this kind is that of Julius II. for the building of St. Peter's, first issued in 1506, and often afterwards (e. g. 1510, see the bull in *Amort* I. p. 205), which eventually proved the cause of the reformation.

<sup>7</sup> e. g. the *Confraternitas præputii dominici* in Antwerp, from Eugenius IV. 1446 (*Amort* I. p. 201), the *Confraternitas s. Rosarii* from Sixtus IV. 1478 (see § 140, note 10), several instances given in *Amort* I. p. 169 seq.

ample indulgences for their own members, but likewise with others to enable them to carry on a traffic with the laity.<sup>9</sup> The numerous shrines, too, were endowed with rich indulgences,<sup>10</sup> and finally there were indulgences for certain festivals,<sup>11</sup> for certain prayers,<sup>12</sup> and even to honor eminent personages.<sup>13</sup> It had long been maintained by some theologians that the papal indulgence extended also to purgatory, though by others it had been disputed:<sup>14</sup> the prevailing doctrine now was that the Pope had such power *per modum suffragii*,<sup>15</sup> which

<sup>8</sup> See *Amort* I. p. 132 seq. Sixtus IV. decreed 1480, that the Portiuncula-indulgence (see § 69, note 8; § 109, note 7) could be obtained by any member of the order of Franciscans in any of their churches on the 1st August, *Wadding Annales Minorum* ann. 1480, no. 41; 1481, no. 38.

<sup>9</sup> Indulgences for those who frequented the churches of the Mendicants, for their benefactors, etc., see *Amort* I. p. 141 seq.

<sup>10</sup> e. g. the holy blood in Wilsnack, § 141, note 9. The shrines were innumerable. The most noted were Rome, Loretto, St. Jago di Compostella, Einsiedeln, Aix, Triers. The tunica Domini inconsutilis in Trier was endowed by Leo X. 1512, with a general absolution, and other privileges. see *Wittii* hist. Westphaliæ, p. 639 seq., and in that same year drew a crowd of pilgrims, with whom a lucrative trade was carried on in relics, see *Scheckmann* Chron. S. Maximini in M u n c h ' s Franz v. Sickingens Thaten, &c. Bd. 3. S. 116 ff.

<sup>11</sup> Martinus V. decreed an indulgence of 100 days to the festo corporis Christi, *Amort* I. p. 201, which was doubled by Eugenius IV., see l. c. p. 204, Sixtus IV. 1472 to the festival of St. Francis an indulgence of 50 weeks, 1475 to the festo conceptionis b. M. V., one of 700 days, l. c. p. 203.

<sup>12</sup> Especially for the Ave Maria, see § 141, note 12.

<sup>13</sup> Thus in 1481 Sixtus IV. bestowed a rich indulgence on those, qui seren. Principem Venetiarum ad divina comitantur officia, et rempublicam consilio et opera gubernant et adjuvant, see *Amort* I. p. 203.

<sup>14</sup> First maintained by Alex. Halesius and Thomas Aquin. see § 82, notes 17 and 18. Compare *Amort* II. p. 59 seq. — *Gerson* sermo II. pro defunctis opposes the notion, indulgentias acquiri posse pro mortuis. *Jo. Viderus* Summa Confessorum lib. III. qu. 191 (see *Amort* II. p. 92) maintains the contrary: non enim est aliqua ratio, quare Ecclesia merita communia possit transferre in vivos, et non in mortuos.

<sup>15</sup> Such is the view of a contemporary writer on indulgences, *Nicolaus Weigel* or *Wigelius*, professor in Leipsie, and deputy of that university at the Council of Basil (see *Walch* monumenta mediæ ævi, vol. II. fasc. I. Præf. p. XXV., and the Leipsic Easter-program of 1786: De legato Academiae Lipsiensis ad Conc. Basileense), from whose work against the Hussites, *Opus de indulgentiis*, written 1441, *Amort* II. p. 94, gives an extract. Cap. 59, p. 111, on the question, *an possint indulgentiæ dari iis, qui sunt in purgatorio*, the extract says: Doctores varie respondent. Quod possint dari, potest probari 1. Levit. 25. frater fratrem redimit: ergo idem potest Ecclesia. 2. Petrus habet claves regni. 3. Deus omnibus providit, ut juvari possint ab alio, ergo et animabus. 4. Animæ illæ non pertinent ad Ecclesiam triumphantem, ergo ad militantem. 5. Suffragia piorum juvant animas, ergo et indulgentiæ. 6. Thesaurus sufficit etiam pro purgatorio. 7. Papa sæpe facit prædicare cruceem, ut aliquis habeat pro se, et tribus vel quatuor suis caris in purgatorio detentis. 8. Papa ligat et solvit post mortem 24. qu. 2. 9. Papa constitutus est iudex vivorum et mortuorum. Sed ad illam partem, quod non, sunt multæ rationes et satis fortes. 1. Animæ non sunt de foro Papæ. 2. Non possunt aliquid operari in bonum Ecclesiæ. 3. Non possunt a Papa ligari. 4. Si Papa potest eos absolvere, esset crudelis, si non quotidie eos absolveret. Pro concordantia auctor ex Richardo de Media-Villa dicit, quod prosint *per modum suffragii*, secundario ac indirecte.

was formally confirmed by Sixtus IV. 1477.<sup>16</sup> From this time forward, however, the popes were in the habit of making provisions in their bulls for the souls in purgatory, without regard to this limitation, and as if they had the absolute disposition of them,<sup>17</sup> as the keepers of

<sup>16</sup> See his Declaratio in *Amort* II. p. 292: *Cum superioribus mensibus nobis relatum esset, in publicatione indulgentiæ, per nos alias Ecclesiæ Sanctonensi (Sainctes) concessæ, plura scandala et discrimina fuisse exorta, prædicantesque in hujusmodi publicatione multos abusus commisisse, multosque errores prædicasse, ac inter alia occasione dictæ indulgentiæ, quam animabus in purgatorio existentibus per modum suffragii concessimus, nonnullis scripta nostra male interpretantes publice asseruisse atque asserere, non esse ultra opus pro animabus ipsis orare, aut pia suffragia facere: — nos scandalis et erroribus hujusmodi ex pastoralis officio obviare volentes per Brevia nostra ad diversos illarum partium Prælatos scripsimus, ut Christifidelibus declarent, ipsam plenam indulgentiam pro animabus existentibus in purgatorio per modum suffragii per nos fuisse concessam, non ut per indulgentiam prædictam Christifideles ipsi a piis et bonis operibus revocarentur, sed ut illa in modum suffragii animarum salutis prolesset, perindeque ea indulgentia proficeret, ac si devotæ orationes, piæque elemosynæ pro earundem animarum salute dicerentur et offerrentur.* This explanation, however, was likewise misunderstood by the evil-minded, for its meaning was by no means, indulgentiam non plus proficere aut valere, quam elemosynas et orationes. But rather: eam perinde valere diximus, i. e. per eum modum, *per, acsi*, i. e. per quem orationes et elemosynæ valent. Et quoniam orationes et elemosynæ valent tanquam suffragia animabus impensa; nos, quibus plenitudo potestatis ex alto est attributa, de thesauro universalis Ecclesiæ, qui ex Christi Sanctorumque ejus meritis constat, nobis commisso, auxilium et suffragium animabus purgatorii afferre cupientes supradictam concessimus indulgentiam, ita tamen, ut fideles ipsi pro eisdem animabus suffragium darent, quod ipsæ defunctorum animæ per se nequeant adimplere. *Gabriel Biel* in his *Expositio Missæ Lect. 56*, is still very doubtful as to the question, utrum indulgentiæ prosint defunctis; but in *Lect. 57*, he had fallen upon the Declaratio Sixti P.: this he of course at once adopted, but strove at the same time to get a more distinct view of the subject: *Et quod frequenter repetitum est per modum suffragii, non est intelligendum, quasi modus suffragii tollat efficaciam indulgentiarum, ita quod opus illud, pro quo dantur indulgentiæ, non plus valeat animabus, quam si idem opus factum esset pro eis, nullis indulgentiis adjunctis, sicut quidam intelligere voluerunt: sic enim frustra daretur indulgentia pro animabus. Sed quod additur per modum suffragii, excludit modum judicariæ potestatis, quæ dicit judicalem absolutionem. Cum enim defuncti implere non possint opus, pro quo dantur indulgentiæ, dum illud pro eis fit ab alio, jam opus alterius suffragium eis, ut possint consequi indulgentias, non minus quam si ipsi per se opus illud implevissent: et ita indulgentiæ proficiunt eis per modum suffragii, i. e. propter aliquod opus ab alio factum, et eis per modum suffragii applicatum.*

<sup>17</sup> Till the year 1490, absolution for the dead was very rare: in that year, however, Innocent X. adopted the following means of procuring money for the war against the Turks (*Trithemii Chron. Hirsaug. II. p. 535*): misit in universam Germaniam plenarias indulgentias Jubilæi non solum pro vivis, sed etiam pro defunctis, quæ sicuti eatenus fuerunt rara, ita etiam plurimorum disputationi expositæ. Summa disputationis hæc erat, quod Papa de plenitudine potestatis non solum viventibus contritis et confessis pœnam possit remittere peccatis alioquin debitam, sed etiam omnium in Purgatorio existentium animarum ita remittere pœnas, ut ipsum Purgatorium si velit penitus evacuare possit. Habuit hæc assertio nova impugnantes, habuit et assertores, qui varia in utramque partem ut movebantur synthemata scripserunt: cautius tamen quam liberius ne forte proscriberentur et ipsi. The Popes retained the formula per modum suffragii, but at the same time speak as if this suffragium must be of course effectual. Thus in *Alexandri P. VI. declaratio Jubilæi ann. 1500, in Amort I. p. 96*, and in *Julius II. bull of indulgence for the church of St. Peter, A. D. 1510, l. c. p. 209: Et ut animarum salus eo potius procuretur, quo magis aliorum egent suffragiis, et quo minus sibi ipsis proficere valent, auctoritate Apostolica de thesauro s. Matris Eccle-*

siæ animabus in purgatorio existentibus, quæ per charitatem ab hac luce Christo unitæ decesserunt, et quæ dum viverent, sibi ut hujusmodi indulgentia suffragaretur, meruerunt, paterno affectu, quantum cum Deo possumus, succurrere cupientes, de divina misericordia ac potestatis Apostolicæ plenitudine volumus et concedimus, ut si qui parentes, amici, ac cæteri Christifideles pietate commoti pro ipsis animabus purgatorio igni pro expiatione pœnarum eisdem secundum divinam justitiam debitæ expositis dicto anno Jubilæi durante pro reparatione dictæ Basilicæ s. Petri aliquam eleemosynam juxta dictorum penitentiariorum — ordinationem, dictas Basilicas et Ecclesias modo præmisso devote visitando, in capsâ in eadem Ecclesia seu Basilica s. Petri deputata posuerint, ipsa plenissima indulgentia per modum suffragii ipsis animabus in purgatorio existentibus, pro quibus dictam eleemosynam pie erogaverint, pro plenaria pœnarum relaxatione suffragetur. How rapidly the privileged altars were multiplied may be seen from the testimony of the papal legate, Raymundus, A. D. 1500, which *Joh. de Paltz*, Provost of the cloister of Neuen Werke near Halle, had from him, and relates in his *Cœlifodina* (ed. 1510) Append. qu. 9 ad 3. According to this account (see *Amort* II. p. 283), five churches in Rome were endowed with such indulgences. Namely, 1. A chapel in the church s. *Potentianæ*, in which there was an inscription: hæc est illa sacratissima Capella, in qua Princeps Apostolorum, scil. s. Petrus, suam primam celebravit, habetque eadem Capella gratiam hanc, ut quicumque celebraverit, vel celebrari fecerit unam Missam in illa Capella, liberat unam animam a pœna purgatorii, ut patet in Bulla. 2. *Eccles. s. Praxedis*, in qua quicumque celebraverit vel celebrari fecerit quinque Missas, liberat unam de Purgatorio. 3. *Eccles. s. Laurentii extra muros*, quam Ecclesiam si quis visitaverit in omnibus diebus Mercurii per totum annum, habet a Deo et Sanctis Laurentio et Stephano istam gratiam extrahendi unam animam de purgatorio. 4. *Ecclesia s. Sebastiani* etiam extra muros, in qua est scriptum apud Altare, sub quo est reconditum corpus s. Sebastiani sic: Sub hoc Altari reconditum est corpus s. Sebastiani Martyris, et in omni Missa, quæ celebratur super eodem, liberatur una anima de purgatorio. 5. Capella, vocata *Scala cali*, ubi decollatus fuit s. Paulus Apostolus, in qua Capella sic est scriptum: Hæc est secunda Capella, quæ fuit fundata in toto mundo ad honorem b. Mariæ V. et vocatur Scala cæli, super quam meruit s. Bernardus videre scalam erectam usque ad cælum. In qua quicumque celebrant vel celebrari faciunt pro animabus existentibus in purgatorio, meritis ejusdem b. M. V. dictæ animæ cito liberantur. Hæc ex publico instrumento a R. D. Raymundo mihi in indulgentia prædicanti misso in Missiva. Pontifices concedunt etiam Laicis quartis feriis per integrum annum devote visitantibus Ecclesiam s. Laurentii, quod possint etiam unam animam indulgentialiter liberare. Insuper idem R. D. Raymundus in declaratione Bullæ quondam publicatæ in prima sui legatione dicit, quod Calixtus P. dederit indulgentias pro animabus redimendis de purgatorio ad Hispaniam Ecclesiæ Tyrasonensi. Similiter easdem indulgentias concessit P. Sixtus IV. Ecclesiæ Sanconensi in Francia sub commissione ejusdem R. D. Raymundi. Sub quo et Innocentius VIII. easdem misit indulgentias per Germaniam, quod et modernus P. Alexander VI. per eundem fecit anno sequenti immediate post Jubilæum Romæ celebratum anno 1500, mittendo ipsum cum amplissimo Jubilæo tam pro vivis quam pro defunctis nedum per totam Germaniam, sed et per totum regnum Daciæ. The papal preachers spoke of the power of the Pope over purgatory as beyond all doubt; thus *Jo. Angelus Arcimbaldus*, Commissarius apostolicus, in his instructions to his delegates, A. D. 1514 (in *Kappen's Nachlese einiger zur Erläuterung der Reformationsgesch. nützlicher Urkunden*. Th. 3. S. 180): Advertant prædicatores, ut bene informet populum super validitate et efficacia præsentium indulgentiarum, ut eo facilius ad eas promerendas invitentur, cum per verbum prædicatoris intelligant, clarum esse et omni scrupulo et dubietate carere, Sanctissimo Domino nostro Papæ omnimodam et plenissimam competere facultatem, indulgentias istas plenarias pro vivis et defunctis, et omnium peccatorum et pœnarum, quas quis in purgatorio debet pati, remissionem — concedendi. — Et qui de hac potestate dubitaret, de fide christiana dubitaret, nec christianus esset. Accordingly the limitation of this power to the modus suffragii came soon to be considered inadmissible (see *Morung's* fate, below, note 19), and the formula per modum suffragii frequently omitted, e. g. in the letters of indulgence granted by the Pope's commissary, *Christian Baumhauer*. 1510 (see *Riederer's*

the keys of heaven, and dispensers of eternal happiness.<sup>18</sup> Those who ventured to call in question these claims were persecuted,<sup>19</sup> and only the Sorbonne imposed any check on their pretensions.<sup>20</sup> With

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Nachrichte zur Kirchen-, Gelehrten- u. Büchergeschichte. Bd. 3. S. 413, and *Kist en Royards* Archif voor kerkelyke Geschiedenis Deel I. p. 215): Notum facimus, quod D. N. Papa cunctis Christifidelibus, — ultra plenissimas peccatorum indulgentias sacratissimi Jubilæi — ac alias plures gratias et facultates, quas ad hoc dispositi pro se ac certis defunctorum animabus respective consequuntur, de plenitudine ac liberalitate potestatis apostolicæ misericorditer concessit, et voluit, ut tam ipsi quam omnes et singuli eorum parentes ac benefactores cum charitate defuncti in omnibus precibus, suffragiis, — et cæteris omnibus spiritualibus bonis, quæ fiunt et fieri poterunt in tota universali sacrosancta Ecclesia militante, — participes in perpetuum fiant.

<sup>18</sup> See the promises in the bull of Pius II. A. D. 1463, above, § 132, note 38. Still more confidently Julius II. 1505 (*Raynald*, ad h. a. no. 5) promised to all who should take part in the expedition of Emanuel, king of Portugal, plenariam omnium peccatorum suorum remissionem et indulgentiam, adding: ac eorundem omnium, quos in hac sancta expeditione proficisci contigerit, animas in sanctorum Angelorum consortio in cælestibus regnis et æterna felicitate permansuras perpetuo decernimus collocandas; ita ut, si forsàn designato tempore, non excepto ipsorum aliquo, postquam iter pro prosecutione tam sancti operis arripiunt, ex hac luce migrare contingat, indulgentiam hujusmodi omnino consequantur.

<sup>19</sup> Thus one of the heresies of Petrus of Osma (see § 135, note 24), which Sixtus IV. (*Raynald*, 1479, no. 32) condemns as falsas, s. catholicæ fidei contrarias, erroneas et scandalosas, etc., is: Romanum Pontificem purgatorii pœnam remittere non posse. The Canon, Dietrich Morung, of Bamberg, was imprisoned for maintaining the same thing; see the contemporary, *Joh. Linturius*, in his continuation of the Werner Rollewinck in *Pistorii* Script. rer. Germ. T. II.: Anno 1489 quidam Legatus a latere missus cum Jubilæo et maximis indulgentiis a Papa Innocentio, dum Norimbergæ moram duceret, Doctor Theodoricus Morung, Canonicus Bambergensis — bullis contradixit papalibus in eo, quod Papa non haberet animis in purgatorio annum jubilæum impertiri, nisi per modum suffragii (i. e. just as had been declared by Sixtus IV., see note 16). Et idem Norimbergam veniens, in egressu ad Herbipolin, circa Norimbergam capitur per clientes Marchionis Friderici, et vulneratus ducitur in Kaldspergk. Absolvit Legatus clientes, et ad manus Sanctissimi eundem Doctorem captivum tenuit, committendo ipsum dicto Principi. Tandem etiã ipsum inhabilitavit propter libellum famosum, quem *Passionem Sacerdotum sub Principe Marchione Alberto*, patre dicti Friderici, intitulaverat, editum tempore persecutionis sacerdotum sub Principe illustri Marchione Alberto ex parte cujusdam *Steuræ* (on account of a tax), quam ab eis aliquatenus exegit idem Princeps in suo districtu, qui libellus per eundem Doctorem confectus fuisse dicebatur: etiã propterea, quod Papalibus bullis, contradixit, et quod sacrilegus incantator, et quod sub Laici vestitu nocturno tempore armatus, ut cliens equestris, incessit. Et hic Doctor captus tenebatur anno 1494 circa festum Michælis, incarceratus a Marchione Friderico in quodam castro Rauhenculm.

<sup>20</sup> Thus the Sorbonne decreed in Nov. 1482 (see *d'Argentré* I. II. p. 307): Hæc propositio: *Omnis anima existens in Purgatorio ex justitia divina adjudicata ibidem stare pro quantocunque tempore, immediate evolat ad cælum, sive immediate a pena liberatur, si quis vivorum pro ea sex albos dederit per modum suffragii, seu elemosynæ in reparationem Ecclesiæ S. Petri Xantonensis*: non sequitur ex Bulla, nec ex contentis in ea, seu ex indulgentiis concessis prædictæ Ecclesiæ S. Petri Xantonensis; nec sequitur ex eadem Bulla de aliqua determinata anima, puta patris, aut matris, vel uxoris, aut alicujus alterius, quod tali modo liberetur, ut propositio dixit. Secundo, talis propositio non est simpliciter, absolute, et catholice asserenda, nec ex tenore Bullæ seu virtute indulgentiarum prædictæ Ecclesiæ S. Petri Xantonensis concessarum, sane nec secure populo quovis modo prædicanda. The proposition here rejected shows how little effect the formula *per modum suffragii* (see note 16) had in restraining the pretensions of

the papal absolution were connected other indulgences,<sup>21</sup> some of which, as, for instance, those with regard to property unjustly acquired,<sup>22</sup> were plainly of an injurious moral tendency; whilst others, as, for instance, the permission to eat food prepared with milk, in time of fast,<sup>23</sup> tended at least to confuse the moral notions of the

the Popes. Soon after this, in Feb. 1483, the Sorbonne condemned amongst other propositions of the Franciscan *Johannes Angeli* (see § 135, note 23) the following (see *d'Argentre* I. II. p. 395): *Animæ in purgatorio existentes sunt de jurisdictione Papæ: et si vellent, possit totum purgatorium evacuari.* with the remark, *Hæc propositio in se est dubia, et ad mentem asserentis per modum jurisdictionis et ordinariæ potestatis de falsitate suspecta et scandalosa, et nullatenus populo publice prædicanda.*

<sup>21</sup> e. g. the allowing the confessors to give dispensation for irregularities, for marriages within the forbidden degrees of relationship, also to change certain vows into mere convenient acts of duty, etc. See Alexander's Jubilee-bull of A. D. 1500, in *Amort* I. p. 94. Julius' bull of A. D. 1510, l. c. p. 206 seq.

<sup>22</sup> Paul II. empowered his legate, 1467, who was sent to preach a crusade against George Podiebrad (see the bull, which is wanting in *Raynald*, ad h. a. no. 8, translated in *Eschenloer's* *Gesch. d. Stadt Breslau*, herausgeg. v. Kuni-sch. Bd. 2. S. 68), to give dispensation to those who should take the cross, or contribute to the expense of the crusade — for the income and fruits of all ill-gotten property, as long as such income should be used only to carry on the war against heretics. In Alexander's Jubilee-bull of 1500, in *Amort* I. p. 94, the power is granted, *super male ablatiis incertis, et male quæsitis, de quibus cui restitutio fieri debeat, notitia non habeatur, etiam secundum qualitatem personarum, et quantitatem male ablatorum et male quæsitorem componendi, et residuum eis remittendi.* In the bull by which Alexander extends the jubilee to Whitsuntide, 1501, for all Italy (l. c. p. 98), it is stated thus: *super male ablatiis incertis, vel per usurariam pravitatem quæsitis, etiam certis, quando fenerator ab alio feneratoro extorsit, vel ipse usuras restituere paratus non esset, vel alicui privata Ecclesiæ deberentur, in quibus tamen Romana Ecclesiâ succedere posset.* So too in the Jubilee-bull of Julius II. 1510 (l. c. p. 206 seq.). *Arcimbaldus* says, in his instructions to his subdelegates (see note 17) in *Kappen's* *Nachlese* III. S. 195: *Istos omnes casus debent prædicatores populo explicare, et super eis bene insistere, ut bene intelligantur, præsertim in primo casu super male ablatiis incertis, quia in hoc multi sunt illaqueati, præcipue mercatores, qui aliquos incognitos aliquo modo decipiunt plus vendendo quam merces valent, vel vendendo malum pro bono, vel accipiendo aliquid plus in pretio ex eo, quia solutionem pretii per tempus expectant, vel aliquo alio modo, qui infiniti sunt.* Such directions operated of course to encourage dishonesty.

<sup>23</sup> Such permission was granted by Arcimbaldus to the nuns of Bethlehem in Ninwegen (*Archief voor kerkelyke Geschiedenis* I. p. 227) in a letter of indulgence, A. D. 1517: *Præterea ut liceat vobis, una cum hospitibus et familia vestra, pro tempore existente, quamdiu vixeritis, quadragesimalibus usque ad Dominicum Palmarum inclusive, et aliis diebus, quibus lactiniorum usus est prohibitus (cum, ut accepimus, in partibus vestris oleum olivarum non crescat) butyro loco olei, caseo, absque alicujus licentia; ac etiam consensu utriusque medici tempore infirmitatis lactiniis hujusmodi, ac etiam tunc et quocumque tempore prohibito ovis et carnibus vesci, pariter indulgemus.* When Innocent VIII. granted permission to the subjects of the duke of Saxony, 1491, to use such food on all fast days, in consideration of a tax imposed for the building of a church in Freiburg, the Dominicans in Freiburg resisted, especially *Georgius Frichenbusius* and *Johannes de Bambergo*, and maintained that the dispensation was forged. They were joined by *Joh. v. Breitenbach*, professor of the canon law in Leipsic, who maintained in his *Consilium* (see extracts in *Seckenbork* *Comm. de Lutherianismo*, p. 43 seq.) contributors sine conscientie scrupulo butyro et lactiniis libere vesci non posse. Alexander VI. 1496, commanded them to be silent, and renewed the indulgence (see *Andr. Molleri* *Chron. Friburg.* P. I. p. 51; P. II. p. 139). The last was done also by Julius II. 1512, the proceeds of the tax being devoted partly to the

people. The influence of this system, which must evidently have been bad enough at the best, was made still worse by the impostures which were constantly practised with regard to indulgences. False indulgences, which even surpassed the real ones in absurdity, were palmed upon the people;<sup>24</sup> the venders of absolution went beyond their powers, and did not hesitate at any means of getting rid of their wares to advantage.<sup>25</sup> Hence the sale of indulgences came to be

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building of the bridge in Torgau, partly to the building of St. Peter's church, see the bull (Butterbrief) in Kappelen's *Nachlese* III. S. 155 ff.

<sup>24</sup> Thus Nicholas V. had to call to account several of the clergy in Spain, amongst whom was even a Benedictine abbot (*Raynal*, 1453, no. 19.), for offering for sale plenary indulgences on the authority of fictitious bulls, and amongst other things for having pretended to have the power *animas parentum et amicorum pro certo pretio pecuniarum a purgatorio et inferno extrahendi*. In old prayer books of the end of the 15th, and beginning of the 16th centuries, there is a form of prayer to the Holy Virgin, accompanied with the assurance that Sixtus IV. had granted indulgence for 11,000 years *eam devote recitantibus* (see *Amort* I. p. 52. *Archief voor kerkelyke Geschiedenis* I. p. 243.), which *Amort*, though only from internal evidence, pronounces to be a fiction. In a Dutch prayer book of the beginning of the 16th century, many similar prayers are accompanied by similar indulgences, see *Archief*, I. p. 241 seq. One with an indulgence of more than 100,000 years. *Johannes Major* (see § 135, note 3) in *Sent. IV. Dist. 20. Qu. 2: fatuæ et superstitiosæ sunt quædam inscriptiones viginti milliorum annorum, ubi quis dixerit quinquies Pater noster ante talem imaginem, etc. Et deberent Prælati illas rejicere et prohibere, quia cedunt in derisum et contemptum indulgentiarum, nec continent veritatem*. How far this sometimes went is seen from the passage of *Bernardino Corio*, who in his *Historia di Milano*, written about 1500, relates (ed. Venet. 1565. 4to. p. 629) that Boniface VIII. granted, on application of Galeazzo Visconte the Jubilee-indulgence to Milan, A. D. 1301, cioè, che ciascuno nel dominio del Visconte, *se uncho non fosse contrito, ne confessò, fosse assoluto di ogni peccato, in questa città dimorando dieci di continui; ma ogni giorno dovesse visitare cinque Chiese, etc.* The *Congregatio Indiciis*, A. D. 1621, ordered this passage to be omitted (*Muratorii Scriptt. Rer. It. IV. p. 123*).

<sup>25</sup> cf. *Jo. Huss* Quæstio disputata ann. 412, in the *Hist. et Monum. Jo. Hussi* I. p. 232, see below, § 149, note 14. As early as 1433, the clergy in Landshut, entered a complaint at the Council of Basil, de abusu Quæstuariorum, see *Amort* II. p. 37. Afterwards the abuse grew still worse. Compare *Johannes Major* (see § 135, note 3) in *Sent. lib. IV. Dist. 20. Qu. 2: Innumeris sunt indulgentiis abusus, potissimum per eos, qui eas falso communiuntur. Deinde magnæ fiunt impensæ, ut habeantur, et habitæ ab Episcopis divulgari permittantur. Mille quoque modi a quæstuariis istis adinventi pro habenda pecunia a plebe. Laudo factum optimi ejusdem viri et doctissimi Joannis Raulini († 1514), qui, cum in theologia Licentius esset, et hi quæstuarii sibi offerrent pecuniam pro suo Doctoratu ea lege, ut cum eis profici-secretur de parochia in parochiam concionando; quamvis pauper esset, id tanquam se indignum recusavit. Quales confessores admittantur in his locis publicis, Deus novit, et quam celeriter finem imponant, ut lanam ab ovibus colligant! Nam ubi solent esse casus conscientia intricatissimi, quibus in promptu vix posset respondere consummatus theologus, asellus quispiam ægre capiens significationem propositi casus omnia ocyssime expedit. A monk, *Thomas*, who lived before Luther's time, gives the following description of this traffic in indulgences (in *Florimundi Ramundi* de ortu et progressu hæresium lib. I. c. 8. ed. Colon. 1614. p. 63 seq.): utque tanto melius ac facilius deglubere eos (populos) possint, cum Parochis rem et consilia conferunt, dicentes: Domine Paroche, apportamus indulgentias plenarias. Quod si vestro mandato populus convenerit, et processiones factæ fuerint, nos tertiam ejus, quod inde collegerimus, vobis dabimus, et de bonorum hominum fortunis una læti convivabimur. Ibi Parochus concubinarium, inductus, mercenarius et non pastor, quo ventrem suum replere et scortum alere possit, cum istis Bullarum portatoribus transigit. Qui pecunia per*

universally considered as a mere matter of traffic,<sup>26</sup> and it was con-

fas et nefas collecta convivantur, saltant, genioque indulgent. cf. *Mich. Menot*, below, note 30. See also *Joannis Episc. Chemensis* (see § 135, note 29) *onus Ecclesiæ* c. 15. *Franc. Belcarius (Beaucaire)* bishop of Metz († 1591) *commentarii rerum Gallicarum* lib. XVI. no. 15, of the indulgence traffic under Leo X.: Tanta pontificiorum ministrorum impudentia erat, ut harum (indulgentiarum) obendarum munus palam nundinarentur inter se, et nonnunquam parum sobrii, præsertim in Germania, in diversoriis aut alias, aut alio ludi genere ad alios transferrent. Of the noted Dominican, John Tetzel, who hawked about the papal indulgences in Germany, first as commissioner of Arcimboldus, and then of the Elector Albrecht of Mayence, the following account is given by Frederick Mecom or Myconius, then a Franciscan in Annaberg, in his history of the reformation (ed. by E. S. Cyprian, 2te Ausg. Leipzig, 1718. Svo. S. 14): "Incredible is it how far this ignorant and shameless monk dared to go. He said that if a man had slept with his own mother, he could buy of the Pope absolution therefor, and that if the Pope forgave him, God also must forgive him. Also that if they made haste to give in their money, and bought grace and absolution enough, all the mountains about Annaberg would become clear silver. Also, that as soon as the ring of the money was heard in his bason, the soul for which it was put in would ascend out of purgatory. — Such was the reverence in which the indulgence was held, that when Tetzel came into a city, the bull was carried before him on a velvet or a golden cloth, and all the priests, monks, the Council, schoolmasters, scholars, the men, women, and children went in a procession with flags and torches, to meet him. Then all the bells were rung, all the organs played, he was escorted into the churches, a red cross erected in the midst, on which the Pope's banner was hung, &c. — Ad 1517, when Tetzel offered indulgences for sale in the countries bordering on Saxony, for the building of St. Peter's, *Myconius* relates, p. 20: His impudentia non passæ all bounds. He gave letters of indulgence for sins, which men intended to commit. He said that the Pope had more power than all the apostles, all the angels and saints, and even than the Virgin Mother herself. For these were all inferior to Christ, but the Pope equal to him. Nay, that since the ascension Christ would exercise no more authority in the church till the day of judgment, but had committed all power to the Pope as his vicar. Similar accounts of Tetzel's proceeding by *Luther*, in his book against Hansworst, 1541, from which *Sleidanus*, lib. XIII. ed. am Ende, II. p. 208, gives extracts: the passage: Is inter alia docebat, se tantam habere potestatem a Pontifice, ut etiam si quis *virginem matrem* vitiasset ac gravidam fecisset, condonare crimen ipse posset intervenitu pecuniæ: deinde non modo jam commissa, verum etiam futura peccata condonabat, has led to much controversy whether it should not read *virginem aut matrem*. The character of these hawkers is seen from what is said by the papal legate, Cardinal Raymund, who wrote to the German princes, 1503 (see *Bernardi Wittii*, a Benedictine in Liesborn, hist. Westphaliæ, written 1517, ed. Monast. 1778. 4to. p. 610): Quanto nos magis istis pecuniis pepercimus, tanto inhonestius quidam ex nostris Commissariis eas disperserunt: in pluribus enim diœcesibus, ubi non fuimus in propria, nihil penitus de tertia parte remansit propter eorum excessivas expensas atque immoderatos usus. Sunt enim plures, quorum avaritiæ nec hodie possit satisfieri, etc.

<sup>26</sup> Thus *Bernardus Witte*, l. c. p. 587 ad ann. 1490: Eodem anno et sequenti maximæ, immo inauditæ præteritis sæculis indulgentiæ pro terræ sanctæ recuperatione per Raymundum, tunc Romanæ Curiæ Protonotarium et Apostolicum Legatum, universum pene nostrum per orbem perlata sunt, infinitaque pecunia collecta. Verum in eum usum, ubi hætenus translatus fuerat, et hic thesaurus collocatus est. O auri sacra fames, quantum te Domina mundi cruciat! p. 605, ad ann. 1503: Raymundus — Apostolicæ sedis ad Germaniam Datiamque, etc. Legatus missus, ut Christifideles ad recuperationem terræ sanctæ ac in Turcos Christi inimicos in pugnam animaret, promissa peccatorum indulgentia cunctis, qui contra Turcum militare vellent, parum quidem profecit, æs autem inopis et simplicis vulgi Romanæ Ecclesiæ gazis impendit. — Surdus profecto opulentum aures Evangelio, nec divinus sermo Principibus auditus est: contenti præsentis rerum statu potentes futurum Christi regnum non nisi morientes inquirunt. Credula paupertas facile prædicatoribus obedit. P. 653, ad ann. 1516: of the absolution, which Arcimboldus



stantly occurring that what was offered as the highest spiritual gift, was altogether rejected by the temporal princes,<sup>27</sup> or regarded with suspicion,<sup>28</sup> or bitterly complained of.<sup>29</sup> There were some also who opposed the whole system of indulgences as injurious to all true religion and morals,<sup>30</sup> though, for the most part, they only made themselves the objects of persecution.

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was commissioned by Leo X. to offer for sale, the proceeds being destined to the building of St. Peter's church at Rome. *Hujus rei gratia et quia in superioribus annis sub Alexandro et Julio summis Pontificibus similes quasi indulgentiæ emissæ fuerunt, provincia nostra satis extenuata est sed utinam vel Romana Curia semel satiata! sed perpetuam quise saturabit esuriam?* *Trithemii Chron.* Hirsaugiensis ad ann. 1490. T. II. p. 536, of the sale of indulgences by Raymond by Raymund: Multa certe florenorum millia ex ea gratiarum largitione per Germaniam fuere collecta, quorum tamen nescio si vel unus denarius in predicatum Cruciatæ opus contra Turcos fuerit expositus. *Guicciardini* historia d'Italia, l. XIII.: Leone aveva sparsa per tutto il mondo senza distinzione di tempi e di luoghi indulgenze amplissime, non solo per poter giovare con esse a quegli, che ancora sono nella vita presente, ma con facultà di potere, oltre a questo, liberare le anime dei defuncti dalle pene del purgatorio; le quali cose non avendo in se nè verisimilitudine, nè autorità alcuna, perche era notorio, che si concedevano solamente per estorquere danari dagli uomini, che abbondano piu di semplicità, che di prudenza, ed essendo esercitate impudentemente dai commissari diputati a questa esazione, la piu parte dei quali comperava dalla corte la facultà di esercitarla, aveva concitato in multi luoghi indegnazione e scandalo assai, e specialmente nella Germania. How far the proceeds of these sales were from being uniformly applied to the purpose for which they were professedly intended, see *Guicciardini* ed. Venet. 1592, p. 395 b. il Pontifice (Leone), il quale per facilità della natura sua essercitava in molte cose non poca maestà l'ufficio ponteficale, donò a Maddalena sua sorella l'emolumento e l'essatione delle indulgenze di molte parti di Germania. *Leonis X.* epist. ad Albertum Electorem Mogunt. dd. 26 Nov. 1517 (in H. Schmidt's Einleitung zur Brandenb. Kirchen u. Reformations-Historie. Berlin, 1718. 4to. S. 244: Fraternalitati Tuæ committimus et mandamus, ut postquam acceperit dictum librum Titi Livii (namely, the 23 *de bello Macedonico*), ipsi Johanni solvat seu solvi faciat CXLVII Ducatos auri de Camera ex pecuniis indulgentiarum concessarum per illas provincias in favorem fabricæ Basilicæ Principis Apostolorum de Urbe.

<sup>27</sup> For the year of Jubilee, 1450, the Teutonic Order forbid all their dependants to make the pilgrimage to Rome, see Voigt in Raumer's hist. Taschenbuche f. 1833. S. 138. For the Post-Jubilee-year, 1451, the sale of the indulgences was committed to the four bishops of Prussia, but a part of the proceeds were to be paid into the papal treasury, and the bull commissioning them was to cost 1,000 ducats. The ambassador of the Order at Rome writes to the Grand-Master, p. 142: "All which being taken into consideration, my Lord, you will readily see that this absolution is quite too dear; and if I might offer my poor advice, it would be rather to beg to be excused from it than to introduce it into the country, since its chief effect will be to carry away from us our money." The Order agreed in this view of the subject, and did not allow the indulgence to be exposed for sale.

<sup>28</sup> When about to put up for sale a Jubilee-indulgence for the year 1466, the German Diet stipulated that the money should be delivered neither to the Pope, nor the Emperor, but to them. See Müller's Reichstagstheaturm, Th. 2. S. 216 seq. Cardinal Raymund was not allowed to proclaim the Jubilee-year 1500, in Germany, till the commissioners of the Diet in Nuremberg had bound him by a contract to deposit the amount destined to carry on the war against the Turks under four locks (*Raynald*, 1500. no. 20. Sammlung der Reichsabschiede, Bd. 2. S. 96 ff.).

<sup>29</sup> See *M. Meyeri* epist. ad Æneam Sylv. see § 132, note 17. *Gravamen* Nat. Germ. VIII. A. D. 1510. see § 134, note 8.

<sup>30</sup> Nicholas V. 1448, had to take measures (see the bull in *Raynald*, ad h. a. no. 9), because in nonnullis Burgundiæ partibus plerique sæculares Præsbyteri,—

For the hierarchy measured their favor by the degree of blind submission which they found to their commands. For the submissive they knew how to reconcile the demands of Christianity with the entire gratification of their desires, whilst the refractory they persecuted without mercy, even though they might be animated by the purest zeal for religion and morals. The catalogue of the sins of disobedience was yearly lengthened, and on the Thursday before Good Friday, the most solemn anathemas were affixed to them.<sup>31</sup>

etiam nonnunquam in sermonibus publicis ad populum — habitis, aliqua piarum aurium offensiva, — et præsertim indulgentiarum et remissionum peccaminum, necnon clavium Ecclesiæ, et sacramenti penitentię materias concernentia affirmarunt, — unde ibi gravia scandala successerunt. — Amongst the errors of the Franciscan, John Vitarius, in Paris, condemned by the Sorbonne in 1498, were the following (*d'Argentré* l. II. p. 341): VIII. *On ne doit point donner d'argent aux Eglises pour les pardons* (which the Sorbonne designates as: scandalosa, devotionis fidelium diminutiva, falsa, reparanda). IX. *Les pardons ne sont point donnés pour les Bourdeaulx* (Est indiscrete populo prædicata, scandalosa in religiosis domos, quibus collatae sunt indulgentiæ). X. *Les pardons viennent d'enfer* (Est piarum aurium offensiva, scandalosa, in Ecclesiam et claves Ecclesiæ blasphema, hæretica, reparanda, si fuerit prædicata). In 1517, on the other hand, Michael Menot could preach with impunity (see § 145, note 10) (Sermones quadragesimales. Paris. 1526. 8vo. fol. 147. b.): Vultis, quod ego dicam vobis unum verbum? Numquam theologi fecerunt mentionem, nec posuerunt manum in istis indulgentiis: aut si fecerunt, raro et modicum. Videatis Joannem Andræ, Panormitanum, et omnes Canonistas, qui dicunt de indulgentiis parum. Scotus parum. — Sed soli caffardi eas prædicaverunt cum infinitis mendaciis, ut populum decipiant: qui sæpe sunt parvi diaboli, quando sunt in taberna: quibus non est quæstio, nisi de luxuria, de ludo, etc. Dic si vis: quid ergo est? oportet ire ad magnam indulgentiam, quæ est contritio. Et si hoc facias, promitto tibi, quod Magdalena promissum est. Vade ad lachrymas cordis: effunde abundantanter. Deus non dixit ei, quod poneret quinque solidos in trunco, sed dixit ei: *fides tua te salvam fecit* (Luc. vii. 50). — *Philippus Turrianus*, domus s. Spiritus commendator 1509, preached against indulgences, see *Conspectus* hist. Univ. Viennensis Sæc. II. (Viennæ, 1724. 8vo.) p. 73: diversas contra indulgentias cum populi offêdiculo propositiones palam effutivisse ferebatur, et was punished by a fine. Ulrich Krafft, a preacher in Ulm († 1516. see *Veesenmeyer* comm. de vicissitudinibus doctrinæ de s. cœna in Eccl. Ulmensi. Norimb. 1789. 4to. p. 8) said publicly of Tetzl: "Here is a decoy bird coming, who wants to talk your money out of your purses. Believe him not, dear friends, Christ alone is our absolution and our sacrifice, who has already done and paid for us enough." See *Vogel's* *Leben des päbstl. Gnadenpredigers, oder Ablassrämers J. Tezels* (Leipz. 2te Aufl. 1727. 8vo.). Besides these, *Wolf*, in his *Lectiones memorabiles*, mentions the following persons, as opponents of the sale of indulgences in the beginning of the 16th century (extracted in *Flacii* catalogus test. verit.): *Sebastianus*, D. theol. and canon in Erfurt (see *Flacius* ed. Francof. 1666. p. 827), Ludolph Castrick, Pastor of St. Michael's Church in Magdeburg (*Flacius*, p. 833), Joh. Pfennig, preacher in Nuremberg, afterwards in Annaberg, who, when about to flee into Bohemia to escape from persecution, was seized and kept in prison by the bishop of Meissen (*Flacius*, p. 841. *G. Fabricii* *Annal. urbis Misn.* p. 78), Tilemann, a monk in Gröningen (*Flacius*. p. 842).

<sup>31</sup> Compare § 117, note 17. See the *Bulla canæ*, which Paul II. published 1468, and which was especially directed against George Podiebrad, Gregory of Heimburg and others, in *Cypriani* tabularium Ecclesiæ Romanæ. Francof. et Lips. 1743. 4to. p. 38 seq. Leo X's *Bulla canæ*. A. D. 1515, see in *Wittii* hist. Westphaliæ, p. 647, and *Hartzheim* Concill. Germ. T. VI. p. 144: *Consueverunt Romani Pontifices, prædecessores nostri, ad retinendum puritatem religionis Christianæ — arma justitiæ per ministerium Apostolatus in præsentem celebritate exercere. Nos igitur vetustum et solemnem hunc morem sequentes, excommunicamus et anathematizamus ex parte Dei omnipotentis, Patris, et Filii, et*

Even the Synods confessed that ban and interdict were often unjustly

Spiritus Sancti, auctoritate quoque beatorum Apostolorum Petri et Pauli ac nostra, omnes hæreticos, Gazaros, Patarenos, Pauperes de Lugduno, Arnoldistas, Speronistas, Passagerios, Wiclevistas seu Hussitas, Fratricellos, de opinione nuncupatos, et quoslibet alios hæreticos, ac omnes fautores — eorundem. Item excommunicamus et anathematizamus omnes violatores et perturbatores libertatis ecclesiasticæ, — et eos præsertim, qui — Ecclesiis et ecclesiasticis personis sine licentia specialis Romani Pontificis — onera — imponunt. — Item — omnes piratas, cursarios, — præcipue qui mare nostrum a monte argentario usque ad Terracinam discurrere, et navigantes in illo depradari — hætenus præsumpserunt, ac omnes receptatores eorundem. — Item — omnes, qui in terris suis nova pedagia imponunt vel prohibita exigunt. Item — omnes falsarios Bullarum seu literarum Apostolicarum. — Item — omnes illos, qui equos, arma, ferrum, ligamina, et alia prohibita deferunt Sarcenis, Turcis et aliis Christi nominis iniuricis, quibus Christianos impugnant. Item — omnes impediētes seu invadentes victualia, seu alia, ad usum Romanæ Curie necessaria, adducentes: — cujuscunque fuerint ordinis, præminentia, conditionis et status, etiamsi Pontificali, Regali, Reginali, aut alia quavis ecclesiastica, vel mundana præfulgeant dignitate. Item — omnes illos, qui ad Sedem Apostolicam venientes, et recedentes ab eadem — spoliant, — mutilare vel interficere præsumunt. — Item — omnes temere mutilantes, — interficientes, capientes — Patriarchas, Archiepiscopos, eorumque mandatores. Item — omnes illos, qui — personas — ad Romanam Curiam super eorum causis et negotiis recurrentes, — aut — Procuratores ipsorum, vel etiam Auditores seu Judices super dictis causis — deputatos occasione causarum — ejusmodi verberant, — vel occidunt, seu bonis spoliant (see § 136, note 4) —: ac illos, qui, ne literis et mandatis et Apostolicæ Sedis, et Legatorum — ejusdem — non habito primo eorum beneplacito et assensu pareatur, — sub gravissimis penis prohibere (see § 136, note 5), — quive in animarum eorundem periculum se a nostra, et Romani Pontificis pro tempore obedientia perfacite subtrahere — præsumunt: quive jurisdictionem seu fructus ad ecclesiasticas personas pertinentes usurpant vel arripiunt (§ 136, notes 2, 3) —: cujuscunque præminentia — fuerint, etiamsi Pontificali, Regali, Reginali, vel quavis alia præfulgeant dignitate. Item — omnes mutilantes, vulnerantes, interficientes, seu capientes et detinentes, seu depradantes Romipetas, — Item — qui — occupant, detinent, vel hostiliter destruunt, seu invadunt — aliam urbem, regna Siciliæ vel Trinacriæ, insulas Sardiæ et Corsicæ, terras citra Pharam, patrimonium b. Petri in Tuscia, Ducatum Spoletanum, Comitatum Venasinum, Sabinensem, Marchiam Anconitanæ, Massæ, Trebariæ, Romanuliolæ, Campaniæ, et Maritimæ provincias, et terras specialis commissionis Arnolphorum, Bononiensium, Ferrariensium, Beneventanorum, Perusii, Avinionensis civitatis, Castelli, Tuderti, et alias civitates, terras, et loca vel jura ad ipsam Romanam Ecclesiam spectantia. — Non obstantibus quibuscunque privilegiis — eis — concessis, quod excommunicari vel anathematizari non possint per literas Apostolicas non facientes plenam et expressam — de — nominibus omnibus propriis — mentionem: nec non consuetudinibus — contrariis. — Et a quibus quidem sententiis nullus per aliam, quam per Romanum Pontificem, nisi duntaxat in mortis articulo constitutus, absolvi possit: nec etiam tunc, nisi de stando s. Romanæ Ecclesiæ mandatis, satisfactione vel sufficienti cautione præstitis. — Illos autem, qui contra tenorem præsentium talibus — absolutiois beneficium impendunt de facto, excommunicationis et anathematizationis sententia innodamus: — et declarantes, — nos gravius contra eos spiritualiter et temporaliter — processuros: et nihilominus quidquid egerint absolvendo vel alias, nullius sit roboris ac momenti. Ut autem hujusmodi nostri processus ad communem omnium notitiam deducantur, chartas sive membranas processus continentes eosdem in valvis Basilicarum Principis Apostolorum, sanctique Johannis Lateranensis de urbe affigi, seu appendi faciemus, quæ processus ipsos suo quasi sonoro præconio et patulo iudicio publicabunt, ut hi, quos processus hujusmodi contingunt, quod ad ipsos non pervenerint, aut quod ipsos ignoraverint, nullam possint excusationem prætere, seu ignorantiam prætere, cum non sit verisimile, quoad ipsos reinanere incognitum, quod tam pateat omnibus publicatur. (Concerning this mode of publication see § 59, note 33; § 96, note 6; § 100, note 9.) Verum ut præsentis literæ, ac omnia in eis contenta, eo fiant notiora, quo in plerisque civitatibus et locis fuerint publicata, Venn. fratribus nostris Patriarchis, Primatibus, Archiepis-

imposed, and rebuked the Popes for their haste.<sup>32</sup> And it is not to be wondered at that as the respect for the hierarchy sank lower and lower, till their censures were often as little regarded by men<sup>33</sup> as by the reptiles and insects, against which they were not unfrequently directed.<sup>34</sup>

## § 147.

## INQUISITION.

During the papal schism and the period of the reforming councils, the power of the Inquisition seemed to be broken with that of the hierarchy;<sup>1</sup> but with the revival of this last the Inquisition also revived, and commenced in Spain and Germany a course more deeply marked than ever by cruelty and bloodshed.

In Spain<sup>2</sup> the occasion for this cruelty was afforded by the Jews, who, from A. D. 1391, had been forced in appearance to embrace Christianity, but in private had continued to worship according to the religion of their fathers.<sup>3</sup> The Inquisition established to inquire into, and bring to judgment this heresy, assumed a character hitherto unknown, however, from the circumstance, that the king and queen, Ferdinand and Isabella, were empowered by the Pope to appoint the Inquisitors (1478), and to confiscate for the royal use the estates of

copis, Episcopis, et locorum Ordinariis ubilibet constitutis per hæc scripta committimus, et in virtute sanctæ obediendiæ districtè præcipiendo mandamus, quatenus per se, vel alium, seu alios, præsentés literas, postquam eas receperint, seu earum habuerint notitiam, saltem semel in anno, aut pluries, prout expedire viderint, in Ecclesiis suis, dum major in eis populi multitudo ad divina convenerit, solemniter publicent, et ad Christidelium mentes deducant et declarent.

<sup>32</sup> See Conc. Basil. above, § 131, note 23.

<sup>33</sup> See § 135, note 29.

<sup>34</sup> Compare Müller's *Schweizergeschichte*, neue Aufl. Leipzig, 1826. Th. 4. S. 246 ff. One case is related by Valerius Anshelm Berner Chronik. Bd. 1. S. 206 seq. A. D. 1479.

<sup>1</sup> Thus *Jacobus Carthusianus* (see § 135, note 31) de arte curandi vitia (in v. d. *Hardt* Autographa Lutheri præf. p. 47) could say openly: Utinam moderni theologi ac Prælati ordine procederent in correctionibus: non esset opus tot homines igne cremari. Sperandum melius esset de pluribus, si viderent vestigia Christi in Prælati et theologis, qui per mansuetudinem suæ doctrinæ, et per pietatem omnes vicit, et trahendos ad se traxit. Moderni autem non sic. Sed qui nititur informari rationibus, exposcens rationem de fide, non sunt parati reddere rationem, ut tamen docet fieri b. Petrus. Sed statim fremunt dentibus, acclamantes: *hereticus est, comburatur*. Sicque attrahendos exasperant, et exasperatos repellunt, et, si possunt, damna bonorum et corporis illis procurant. Quæ omnia Christus non docuit, sed omnia prohibuit. Inde accidit, quod moderni nil proficiant, sed potius Ecclesiam Dei diminuunt. Et cunctos, etiam timoratos, scandalisant.

<sup>2</sup> *Lud. a Paramo* de origine et progressu officii sanctæ Inquisitionis. Matriti, 1598. fol. *Spittler's* Entwurf der Gesch. der span. Inquisition, vor der Sammlung der Instructionen des span. Inquisitionsgerichtes, fibers. von J. D. Reuss. Hannover, 1788. 8vo. *Histoire critique de l'inquisition d'Espagne* par *D. Jean Ant. Llorente*. Tomes IV. à Paris. 1817. 1818. 8vo.

<sup>3</sup> *Llorente*, l. p. 141 seq.

the condemned. Two inquisitors were first appointed (1480), but though they showed themselves, as it might have seemed, sufficiently active in their bloody work,<sup>4</sup> they were soon displaced, and Thomas de Torquemada appointed Inquisitor General (1483).<sup>5</sup> By him a regular system was introduced. Inquisitors were stationed in every place of any note, and provided with the most particular instructions.<sup>6</sup> These again surrounded themselves with assistants (*familiares Sancti Officii*). All resistance even of the civil authorities was put down by the most fearful means.<sup>7</sup> The burning piles of the victims were altars on which at once reason was sacrificed to fanaticism, and civil liberty to royal despotism.<sup>8</sup> The bishops, instead of assisting in the judgment, were obliged to submit to the new Inquisition,<sup>9</sup> and even the popes were not able to restrain this monster of their own creation.<sup>10</sup>

<sup>4</sup> *Llorente*, I. p. 145 seq. Compare *Sixti IV.* epist. ad Ferdinandum et Isabellam, dd. 29 Jan. 1482, in *Llorente IV.* p. 347: Quo factum est, ut multiplices querelæ et lamentationes factæ fuerint, tam contra nos de illarum (litararum) expeditione hujusmodi, quam contra Majestates vestras et contra dilectos filios Michaelem de Morillo Magistrum, et Joannem de s. Martino Baccalaureum in theologia, Ordinis Prædicatorum professores, quos dictarum litterarum prætextu inquisitores in vestra civitate Hispalensi nominastis, pro eo quod (ut asseritur) inconsulte, et nullo juris ordine servato procedentes, multos injuste carceraverint, diris tormentis subjecerint, et hæreticos injuste declaraverint, ac bonis spoliaverint, qui ultimo supplicio affecti fuere: adeo ut quam plures alii justo timore perterriti in fugam se convertentes hinc inde dispersi sint, plurimique ex eis — ad sedem Romanam, oppressorum ubique tutissimum refugium, confugerint.

<sup>5</sup> *Llorente*, I. p. 172 seq.

<sup>6</sup> The earliest dates 29 Sept. (according to *Llorente*, 29 Oct.) 1484, may be seen in the *Sammlung der Instructionem des span. Inquisitionsgerichtes*, übers. v. J. D. Reuss, S. 1 ff., extracted in *Llorente*, I. p. 175 seq.

<sup>7</sup> See the efforts of the Cortes of Arragon at Rome, against the new Inquisition, especially against the system of confiscation, *Llorente*, I. p. 187; murder of an Inquisitor in Saragossa, 1485, p. 189; disturbances at the same time in all Arragon, p. 211; renewed resistance of the Cortes of Arragon, 1510, p. 371; united efforts of the Cortes of Castile, Arragon, and Catalonia, against the Inquisition at the accession of Charles V., 1518, p. 376 seq.

<sup>8</sup> *Ranke's Fürsten u. Völker von Südeuropa im sechzehnten u. siebzehnten Jahrh.*; vornehmlich aus ungedruckten Gesandtschaftsberichten. Bd. 1. (Hamburg, 1827. 8vo.) S. 241. In what regard the new Inquisition was at first held in Spain may be seen from *Sixti IV.* epist. ad Isabellam, dd. 23 Febr. 1483, in *Llorente*, IV. p. 354: Quod autem dubitare videris, nos forsitan existimare, cum in perfidos illos, qui Christianum nomen ementiti Christum blasphemant, et judaica perfidia crucifigunt, quando ad unitatem redigi nequeant, tam severe animadvertere cures, ambitione potius et bonorum temporalium cupiditate [te agi], quam zelo fidei et catholica veritatis, vel Dei timore; certo scias, ne ullam quidem apud nos ejus rei fuisse suspicionem. Quod si non defuerint qui ad protegendum eorum scelera multa susurrarint, nihil tamen sinistri de tua vel — consortis tui illustris devotione persuaderi nobis potuit.

<sup>9</sup> The first archbishop of Granada, Ferdinand de Talvera, having sought to counteract the influence of the Inquisition, in his capacity as confessor to the queen, was brought to trial, and only saved by the influence of the Pope, *Llorente*, I. p. 341.

<sup>10</sup> The Popes at first tried to draw some advantage from the new Institution, by selling absolution for the crime of apostacy, but this met with so much opposition both from the Inquisition and the royal power, that Alexander VI. had at length to annul all that had been granted, 23 Aug. 1497, *Llorente*, I. p. 239 seq. In like manner they at first sold privileges, by which individuals were taken from the

In 1492, by Torquemada's advice, all Jews who refused to embrace Christianity, were expelled from the kingdom, and in 1502 a like fate was decreed for the Moors in Granada, notwithstanding the assurances to the contrary made at the peace of 1492. But still for centuries the Inquisition found no lack of victims for its bloody work.<sup>11</sup> Fear and mistrust mingled in the nearest and holiest relations of life; whilst cruelty, revenge, treachery and hypocrisy became more and more deeply marked in the character of the unhappy people who groaned under this fearful yoke.<sup>12</sup>

jurisdiction of the Inquisition: but on the 15th May, 1502, Alexander decreed that in future the Grand-Inquisitor should be the judge of all such cases of exemption, *Llorente*, l. p. 247 seq.

<sup>11</sup> According to *Llorente*, IV. p. 252, up to 1498, when Torquemada resigned his office, there had been 8,500 burned alive, 6,500 in effigy, 90,004 punished in various ways: under his successor, the Dominican, Diego Deza, from 1499–1506, 1664 were burned alive, 832 in effigy, 32,456 perished by penance: under the third general Inquisitor, the Cardinal and Archbishop of Toledo, Francis Ximenez de Cisneros, from 1507–1517, 2336 were burned alive, 1368 in effigy, 47,263 reconciled to the church.

<sup>12</sup> The orthodox view of this scourge may be seen from the account of the origin of the Inquisition in *Jo. Mariana hist. de rebus Hispaniæ* (Toledo, 1592) lib. XXIV. c. 17: *Meliori Hispaniæ fato, quod eatenus factum non erat, quæstionibus habendis adversus religionis desertores atque hæreticos, aliisque in veram pietatem criminibus vindicandis certi iudices designati in Castella sunt, discreti ab Episcopis (quorum eæ partes ab antiquo erant), Romani Pontificis auctoritate, et favore Principum armati, Inquisitorum ab officio nomine. Morem in aliis provinciis frequentem Italia, Gallia, Germania, ipsaque Aragonia, hoc demum tempore Castella est imitata: neque in studio impios conatus vindicandi se ab ulla gente vinci passa est. Auctor consilii Hispaniæ Cardinalis (i. e. *Petrus Gonzalez a Mendoza, Archiepiscopus Hispalensis*). Licentia superiorum temporum multa in ea provincia erant depravata, Mauris Judæisque cum piis promiscue versantibus nullo non commercii genere. Prava consuetudine usuque non paucos e piorum numero infici necesse fuit: plures sacra christiana, quæ susceperant patria superstitione abdicata, fide inconstanti, nullo vetante deserebant: habes Hispali maxime est grassata: in ea urbe primum quæstionibus arcano habitis de sentibus gravissimis penis vindicata est. Nam majori commisso delicto, igne post diuturnum carcerem et tormento necabantur; leviori de causa ignominia inurebatur familiæ perpetua; non pauci bonis publicatis æternis tenebris vinculisque mandati. Rubra crux obliquis radiis ac decussatim in crocea veste, quam S. Benedicti (*San-Benito*) vocant, plerisque data insignis, a cæterisque discreta, ut essent documento, et magnitudine supplicii terrerent alios. Quod usu salutare extitit, grave initio provincialibus visum est. Illa maxime: parentum scelera filiorum pænis lui; occulto accusatore reos fieri; neque cum indice compositos damnari; contra quam olim factum erat, peccata in religionem vindicari morte. Illud gravissimum, adimi per inquisitiones loquendi libere, audiendique commercium, dispersis per urbes et oppida et agros observatoribus, quod extremum in servitute credebant. Ita discrepantibus judiciis, nonnulli mortis pœnam removebant, cæterum suppliciorum acerbitates omnes complectebantur: in hoc numero Fernandus Pulgarius arguto atque elegantis ingenio, cujus extat de Ferdinandi Regis rebus gestis historia: alii, quorum melior sententia fuit, qui fœdare religionem, et sanctissimas caeremonias mutare conati essent, eos frui vita et communi spiritu non putabant oportere, bonis et ignominia multandos videri, nulla filiorum cura. Præclare id legibus comparatum, ut caritas liberorum cautiore parentes reddat. Oculo judicio tergiversationes vitari: neque nisi de convictis aperte, aut confessis pœnas sumi. In multis sæpe antiquos Ecclesiæ mores, prout res et tempora exigunt, mutari: et majorem licentiam majori severitate coercendam videri. Successus opinionem superavit. — Ab hoc initio res in hanc auctoritatem crevit atque potestatem, qua nulla pravis hominibus toto orbe christiano formidabilior est, reipublicæ universæ majori commodo; præsens reme-*

In *Germany* the Inquisition was revived in a different manner, though with the same characteristics of cruelty and bloodshed. The heretics in that country had long been suspected of secret connexion with the evil one; and this suspicion made them more the objects of hatred than even their heresy, since no one was supposed to be safe from their arts.<sup>13</sup> Innocent VIII. took advantage of this to proclaim to the Germans, 1484, that they were in constant danger from sorcerers and witches,<sup>14</sup> and commissioned the two Inquisitors, Heinrich

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dium adversus impendentia mala, quibus aliæ provinciæ exagitantur, cælo datum : nam humano consilio adversus tanta pericula satis caveri non potuit.

<sup>13</sup> Compare E. D. Hauber's bibliotheca, acta et scripta magica, gründliche Nachrichten und Urtheile von solchen Büchern und Handlungen, welche die Macht des Teufels in leiblichen Dingen betreffen. 36. Stück. Lemgo 1739 - 1745. 8vo. G. C. Horst's Dämonologie, od. Geschichte des Glaubens an Zauberei u. dämonische Wunder, mit besonderer Berücksichtigung des Herenprocesses seit den Zeiten Innocentius VIII. 2. Th. Frankf. a. M. 1818. Ibid. Zauberbibliothek. 6 Theile. Mainz, 1821 - 1826. 8vo.

<sup>14</sup> In the bull *Summis desiderantes affectibus*, dd. Non. Dec. 1484, incomplete in the Lib. septimus Decretall. Lib. V. Tit. 12. c. 4, complete in Hauber's bibl. mag. St. J. S. 1 ff. Horst's Dämonologie. Th. 2. S. 17 ff. : Nuper ad nostrum — pervenit auditum, quod in nonnullis partibus Alemanniæ superioris, necnon in Moguntinensi, Coloniensi Trevirensi, Salzburgensi et Bremensi provinciis — complures, utriusque sexus personæ, propriæ salutis immemores, et a fide catholica deviantes, cum dæmonibus, incubis et succubis, abuti, ac suis incantationibus, carminibus et conjurationibus — mulierum partus, animalium fœtus, terræ fruges, vinearum uvas, et arborum fructus, necnon homines, mulieres, pecora, pecudes, et alia diversorum generum animalia, vineas quoque, pomaria, prata, pascua, blada, frumenta, et alia terræ legumina perire, suffocari et extingui facere et procurare, ipsosque homines, — et animalia diris tam intrinsicis quam extrinsicis doloribus et tormentis afficere et excruciare, ac eosdem homines, ne gignere, et mulieres, ne concipere, virosque, ne uxoribus, et mulieres, ne viris actus conjugales reddere valeant, impedire : fidem præterea ipsam, quam in sacri susceptione baptismi susceperunt, ore sacrilego abnegare, aliaque quam plurima nefanda, — instigante humani generis inimico, committere et perpetrare non verentur. — Quodque licet dilecti filii, Heuricus Institoris in prædictis partibus Alemanniæ superioris, — necnon Jacobus Sprenger per certas partes lineæ Rheni, Ordinis Prædicatorum, et theologiae professores, hæreticæ pravitatis inquisitores per literas Apostolicas deputati fuerunt : tamen nonnulli Clerici et laici illarum partium, quærentes plura sapere quam oporteat, pro eo quod in literis deputationis hujusmodi provinciæ, — ac excessus hujusmodi nominatim et specificè expressa non fuerunt, — præfatis inquisitoribus in provinciis — prædictis hujusmodi inquisitionis officium exequi non licere, — pertinaciter asserere non erubescunt. — Nos igitur, — ne contingat, provincias — et loca prædicta — debito inquisitionis officio carere, eisdem inquisitoribus in illis officium inquisitionis hujusmodi exequi licere — tenore præsentium statuimus. Proque potiori cautela literas et deputationem prædictas ad provincias — et crimina hujusmodi extendentes, præfatis inquisitoribus, quod ipsi — in provinciis — prædictis contra quascunque personas — hujusmodi inquisitionis officium exequi, ipsasque personas, quas in præmissis culpabiles repererint, juxta earum demerita corrigere, incarcerare, punire, et mulctare; necnon in singulis provinciarum hujusmodi parochialibus Ecclesiis verbum Dei fidei populo, quoties expedierit ac eis visum fuerit, proponere et prædicare, omniaque alia et singula in præmissis et circa ea necessaria et opportuna facere, et similiter exequi libere et licite valeant, plenam ac liberam eadem auctoritate de novo concedimus facultatem. Et nihilominus ven. fratri nostro Episcopo Argentinensi per Apostolica scripta mandamus, quatenus — non permittat, eos quoscunque super hoc — molestari, seu alias quomodolibet impediri; molestatores et impediētes et contradicētes quoslibet, et rebelles, cujuscunque dignitatis, status, gradus, præminentiae, nobilitatis, et excellentiae aut conditionis fuerint, et quocunque exemptionis privilegio sint muniti,

Kramer and Jacob Sprenger to purge the land of them. To convince the incredulous, and bring their new business into regular train, these men published the Hexenhammer (Malleus maleficarum. Colon. 1489. 4to.).<sup>15</sup> A few only of the more clear-sighted ventured to declare against this delusion, but their opposition was both dangerous to themselves and ineffectual.<sup>16</sup> Many who were entirely innocent

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per excommunicationis, suspensionis et interdicti, ac alias etiam formidabiliores, de quibus sibi videbitur, sententias, censuras et pœnas, omni appellatione postposita, concipiendo: et etiam legitimis super his per eum servandis processibus sententias ipsas, quoties opus fuerit, aggravare et reaggravare auctoritate nostra procuret, invocato ad hoc, si opus fuerit, auxilio brachii sæcularis.

<sup>15</sup> Concerning the various editions of this work see Hauber, St. I. S. 39 seq.; II. S. 90 seq.; V. S. 311 seq. It consists of three parts. P. I. treats super tria, quæ ad maleficalem effectum concurrunt, ut sunt Dæmon, maleficus et divina permissio; P. II. super remedia præservativa and super remedia maleficia amoventia; P. III. super remedia ultima contra personas maleficarum.

<sup>16</sup> In Evreux as early as 1453, Wilhelmus Edelinus, Doctor of Theology, and Prior of St. Germain en Laye, was condemned to perpetual imprisonment for secret dealings with the evil one, see Chroniques d'Enguerran de Monstrelet (à Paris, 1572), vol. III. fol. 63. The particular charge against him may be seen from the work of a contemporary, the Dominican *Nicholai Jaquerii* († in Ghent, 1471), flagellum hæreticorum fascinatorum, præcipiendo eidem Magistro Guilhelmo prædicare, quod hujusmodi secta non erat nisi illusio, et quod hoc prædicaret ad contentandum populum patriæ, ubi tunc morabatur ipse Magister Guilhelmus. Compare Hauber, St. 15. S. 152 ff. — *Malleus malefic.* P. I. Qu. 1. answers the question: utrum asserere maleficos esse sit a Deo catholicum, quod ejus oppositum pertinaciter defendere omnino sit hæreticum. It seems that there were many, who publice prædicant, maleficas non esse, aut quod nullo modo valeant hominibus nocere. Hence P. I. Qu. 18. *modus prædicandi contra quinque argumenta Laicorum, quibus probare videntur sparsim, quod Deus non permittat tantam potestatem Diabolo et maleficis circa hujusmodi maleficia inferenda.* These arguments were: *Primum sumitur ex parte Dei:* Deus punire potest hominem propter peccata et punit gladio, fame et mortalitate, item diversis aliis infirmitatibus variis et innumeris, quibus humana conditio subjacet: unde quia opus ei non est adjungere alias punitiones, ideo non permittit. *II. ex parte Diaboli:* Si vera essent quæ prædicantur, quod videlicet (Dæmones) vim generativam impedire possunt, ut videlicet mulier non concipiat; vel, si concipiat, quod abortum faciat; vel si non abortum, quod etiam post partum natos interficiant: utique sic perimere possent totum mundum. Et iterum posset dici, quod opera Diaboli essent fortiora operibus Dei, scilicet sacramento matrimonii, quod est opus Dei. *III. ex parte hominis:* Videmus, si maleficium debet esse aliquid in mundo, tunc aliqui homines plus aliis maleficiantur. De quo si quaeritur, utique dicitur hoc esse propter punitionem peccatorum: sed hoc est falsum; ergo et illud, quod maleficia sint in mundo. Falsitas autem probatur ex eo, quia tunc majores peccatores amplius punirentur: hoc autem est falsum, cum minus puniantur, quam alii interdum justi. Quod etiam cernitur in pueris innocentibus, qui asseruntur maleficiari. *Quarto potest addi et aliud argumentum ex parte Dei, hoc:* Quod quis impedire posset, et non imedit, sed fieri permittit, utique judicatur ex sua voluntate processisse. Sed Deus cum sit summe bonus, non potest velle malum: ergo non potest permittere, ut fiat malum, quod ipse impedire potest. *Item ex parte morbi:* Defectus et infirmitates, qui dicuntur maleficiales, similes etiam sunt defectibus et infirmitatibus naturalibus, i. e. qui ex defectu naturæ procedunt. Quod enim aliquis claudicat, exæccatur vel rationem perdit, vel etiam moritur, ex defectu naturæ contingere possunt: unde non possunt secure maleficis adscribi. *Ultimo ex parte judicum et prædicatorum, qui, cum talia adversus maleficas prædicant*



were its victims, whilst it proved a ready mode of bringing suspected heretics to justice to accuse them of sorcery,<sup>17</sup> the civil authorities vying with the Inquisitors in the persecution.<sup>18</sup>

et practicant, utique propter ingens odium a maleficis contra eos conceptum nunquam essent securi. They who opposed the belief in witches, founded their arguments chiefly on the Decret. Gratiani Causa XXVI. Qu. 5. c. 12. ex Conc. Anquirensi, where the nightly excursions of witches, and their power of changing their shapes is condemned as a heathen superstition, and the priests called upon to preach against it. Hence *Malleus* malef. P. II. cap. 3. attempts to show that such opponents in cortice canonis laborarent, and that there are certainly such instances. After mentioning several, he proceeds: Tantummodo hæc sufficient adversus illos, qui hujusmodi corporales transvectiones aut omnino negant, aut quod solummodo imaginarie et fantastice fiant, affirmare conantur. Qui utique in suo errore si relinquerentur, parum esset, imo nec advertendum, dummodo in fidei contumeliam ipsorum error non vergeret. Attento autem quod illo errore non contenti etiam alios inserere, et publicare in maleficarum augmentationem et fidei detrimentum non verentur, dum asserunt, quod omnia maleficia, quæ eis juste tanquam instrumentis Dæmonum vere et realiter imputantur, eis tantummodo imaginarie et illusorie, tanquam innoxiiis, esse imputanda, sicuti et ipsa transvectio fantastica, unde et pluries impune in magnam creatoris contumeliam et gravissimum jam ipsorum augmentum remanserunt, etc. Compare P. II. cap. 8. There are two remarkable dialogues in this period, in which the grounds for and against this belief in witches are set forth. Ulrich Molitoris, Decretorum Doctor, a member of the episcopal Council in Constance, wrote one: De lamiis et pythoneis mulieribus. Colon. 1498. at the request of the archduke Sigismund of Austria. The grounds against the belief are showed with great power, but at the same time very cautiously, and the decision put into the mouth of the archduke, compare Hauber, St. 2. S. 103 seq. In the dialogue of the Franciscan *Thomas Murner*: De pythoneo contractu, Freyburgii, 1499, it is difficult to see what was the real opinion of the author, see Hauber, St. 2. S. 116 seq. Both dialogues are appended to the edition of the *Maleficarum*. Francof. 1580. 8vo.

<sup>17</sup> An instance of this occurred in Arras, A. D. 1459, where a large number of persons, who were supposed to be Waldenses, were accused of sorcery, and burned alive, see *Enguerrand de Monstrelet* Chroniques, vol. III. fol. 84. The great jurist, *Franc. Balduinus*, who was himself a native of Arras, says of this event, Comm. in Institut. lib. IV. Tit. 18. p. 774: Quo gravius et ab hominis ingenio magis alienum est hoc malum (of sorcery), eo major adhibenda est cautio, ne quis ejus prætextu ab adversariis temere obruatur. Facile enim hic quidvis confingere potest ingeniosa similtas, ut et multitudinem statim commoveat, et attonitos judices irriter adversus eum, quem cum Dæmonibus rem habere mentietur. Ante annos sexaginta sensit infelix nostra patria magno suo malo hujusce generis calumnias. Magna erat Valdensium mentio, quos adversarii jactabant nescio quid commercii habere cum immundis spiritibus. Hujus criminis prætextu optimi quique statim opprimebantur. Sed tandem Senatus Parisiensis causa cognita vidit meras esse sycophantias, infelices reos liberavit, improbos sycophantas cum iniquis judicibus damnavit. Extatque adhuc ejus memorabile hæc de re Arestum, editum XX. die mensis Maji, anno 1491. Compare Hauber, St. 2. S. 64 ff. The *Malleus maleficarum* tries to show that sorcery is the worst heresy (P. I. Qu. 11.).

<sup>18</sup> The *Malleus maleficarum* shows, P. III. in the introduction, that, since crimen maleficarum non est mere ecclesiasticum, imo potius civile propter damna, quæ inferuntur temporalia, therefore judex secularis cognoscere et judicare potest usque ad sententiam diffinitivam ad penitentiam, quam ab Ordinariis recipiet: secus super sanguinem, quam per se ferre potest. Hence also P. III. is intended for the instruction of the civil courts on the subject.

## CHAPTER FIFTH.

## OPONENTS OF THE CHURCH OF ROME.

## § 148.

## OLDER FANATICAL SECTS.

The *Manichæans* still maintained themselves in Bosnia, where they were the prevailing sect till the king of that country, Stephen Thomas, went over to the Roman church in 1442,<sup>1</sup> and began to persecute them. By this measure, however, he only hastened the fall of his kingdom, which was conquered by the Turks in 1463.<sup>2</sup> The *Flagellants* also, still existed in secret in Thuringia and Anhalt.<sup>3</sup>

<sup>1</sup> See Epist. *Benedicti Octavii Vicentini ad Petrum Donatum Epise. Patavinum*, dd. Rom. Kal. Oct. 1442, in *Martene ampl. coll.* I. p. 1592.

<sup>2</sup> See the praises bestowed on the king for this persecution in the Pope's letter, *Raynald*, 1445, no. 23. Two Wywodcs, Stephen, the king's father-in-law, and John, went back to the heretics after a pretended conversion to the Roman church, and protected the Manichæans. Instructions concerning them in Nicholas V. letter to his legate, *Raynald*, 1449, note 9. The Manichæans went so far as even to call in the Turks to aid them against their king, *Raynald*, 1450, no. 13. Stephen Thomas' son and successor, Stephen Thomassowitsch, pacified the Turks, by agreeing to pay them tribute, and then began anew to persecute the Manichæans and confiscate their estates, *Raynald*, 1460, no. 91. cf. *Pii II. commentarii rerum memorab. a Jo. Gobelino compositi*, lib. V. p. 125: Rex Bossinæ — ut piaculum traditæ Turcis Synderoniæ purgaret, ac suæ religionis fidem faceret, sive, quod multi crediderunt, avaritiæ obtentu Manichæos, qui crant in regno suo quam plurimi, nisi baptismum Christi acciperent, e regno migrare cœgit substantia relicta: duo circiter millia baptizati sunt, quadraginta aut paulo plures pertinaciter errantes ad Stephanum Bosnæ ducem (Stephen Cosaccia, Duke of Herzegowina) perfidiæ socium confugere. Tres principes hæreseos in aula Regis potentes Episcopus Nonensis vinetos ad Pontificem duxit, quos Pius per monasteria relegatos edoceri Christianum dogma curavit. Joannes Cardinalis sancti Sixti ad se vocatos instruxit, persuasitque tandem abjuratis erroribus Ecclesiæ Romanæ, quæ nec falleret, nec falleretur, documenta suscipere: reconciliatos ad Regem remisit (cf. *Raynald*, 1461, no. 136): duo in fide permansere, tertius more canis ad vomitum rediens ex itinere dilapsus ad Stephanum confugit. In A. D. 1463, Stephen was taken prisoner and put to death by the Turks, and Bosnia subdued (*Gobellinus*, lib. XI. p. 311).

<sup>3</sup> See their doctrines in § 120, note 8. Flagellants were discovered and punished in Sangerhausen, A. D. 1414 and 1454, in Nordhausen 1446, in Anhalt 1481, see Förstemann die christl. Geisslergesellschaften. Halle, 1828. S. 163 ff.

## § 149.

## ATTEMPTS AT REFORM.

## JOHN HUSS AND JEROME OF PRAGUE.

Authorities: *Historia et monumenta Jo. Hus atque Hieronymi Pragensis. Tomi II. Norinbergæ, 1715. fol.*

Against Huss: *Æneæ Sylvii de Bohemorum origine ac gestis historia (Romæ, 1475. fol. and often, e. g. Wolferbyti, 1620. Svo.) cap. 35, 36. Jo. Cochläi hist. Hussitarum, libb. XII. apud S. Victorem prope Moguntiam. 1549. fol.*

For Huss: Hussitenkrieg: darinnen begriffen das Leben, die Lehre, die Lehre, der Todt M. Johannis Hussi, auch wie derselbe von den Böhmen — ist gerochen, &c. alles aus glaubwürdigen Geschichtschreibern, alten Monumenten und Manuscripten mit Fleiss zusammengetragen durch M. Zachariam Theobaldum. Nürnberg, 1621. 4to.

Works on the subject: *Wilh. Seyfridi diss. de Jo. Hussi Martyris vita, fatis ac scriptis. Jenæ, 1729. cum annotationibus J. Chr. Mylli. Hilperhusæ, 1743. 4to.* Lebensbeschreibungen von Huss u. Hieron. v. Prag in W. Gilpin's Lives of Reformers, 2 vols. Svo. Lond. 1809. Hussens Leben von Aug. Zitte, 2 Theile, Prag, 1789, 90. von J. F. W. Tischer. Leipz. 1798. Leben des Hieronymus v. Prag von Tischer. Leipz. 1802. — Compare the Works on the Council of Constance prefixed to § 130.

The successor of Conrad Stiekna, John Milicz, and Matthew Janow, in the cause of good morals and true piety, was *John Huss of Hussinecz*, Master of Arts, and Teacher of Theology at Prague, and from A. D. 1402, preacher at the chapel of Bethlehem,<sup>1</sup> and confessor to the queen. Huss was converted to Realism, and made a follower of Augustine, by the writings of Wicliffe, which in their wide circulation had been brought also to Prague.<sup>2</sup> Without adopt-

<sup>1</sup> Founded by Johann von Mühlheim and the merchant Kreuz 1391 (Pelzel's Lebensgesch. des Königs Wenceslaus. Th. 1. Prag, 1788. S. 243): their object is thus stated in the foundation (Ibid. Urkundenbuch, S. 102 seq.): Ego Johannes de Milhem provida consideratione pensans, et animæ meæ salutem, multorumque Christifidelium spiritualem refectionem desiderans, quomodo in civitate Pragensi, licet multa sint loca ad divinos cultus ordinata, nihilominus tamen eadem per plurimos alios sacros actus occupantur pluries, sic quod nullus locus ad privilegiatum prædicationis verbi Dei officium sit ibidem specialiter deputatus, sed prædicatores ipsi, specialiter vulgaris Boemici eloquii, plerumque per domos et latebras coguntur, quod non congruit, divagari, quemadmodum sæpius notabiliter est comperum: hac igitur consideratione permotus, et ad dictæ prædicationis sanctæ incrementa procuranda attentius animatus — Capellam in honore ss. Innocentium in area providi viri Crucis, civis majoris civitatis Pragensis, quam idem Crux — ad id pie donavit, — quam Bethlehem, quod interpretatur domus panis, censui appellandam hac consideratione, ut ibidem populus communis et Christifideles pane prædicationis sanctæ refici debeant, — decrevi et disposui erigendam.

<sup>2</sup> *Æneæ Sylvii hist. Bohem. c. 35*: Rerexerunt scholam Pragensem usque in ea tempora Teutones. Id molestissimum Bohemis fuit, hominibus natura ferocibus atque indomitis. Ex quibus vir quidam genere nobilis, ex domo quam Putridi

ing all Wicliffe's speculative opinions,<sup>3</sup> he learned from him to take a deeper view of the abuses of the church, and by the study of his works was strengthened in his love of truth and goodness. He was therefore zealous in recommending and circulating Wicliffe's writings,<sup>4</sup> and connected himself intimately with their great advocate, Jerome Faulfisch, commonly called Jerome of Prague; thus drawing upon himself the enmity of the numerous German teachers in the university of Prague, who were one and all Nominalists, and opposers of Wicliffe. After having become famous as a popular preacher, Huss began in the synods to attack the corruptions of the clergy.<sup>5</sup>

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piscis vocant, apud Oxoniam Angliæ civitatem literis studens, cum Johannis Wyclevi libros offendisset, quibus de realibus universalibus titulus inscribitur, magno opere illis oblectatus, exemplaria secum attulit (about 1402). Inter quæ de civili, de jure divino, de Ecclesia, de diversis questionibus, contra Clerum pleraque volumina, veluti pretiosum thesaurum, patriæ suæ intulit. Mbutus jam ipse Wiclevitarum veneno et ad nocendum paratus, tum quod erat familiæ suæ cognomen, putridum piscem i. e. fetidum virus in cives suos evomuit. Commodavit autem scripta, quæ attulerat, his potissime, qui Teutonicorum odio tenebantur. Inter quos Johannes eminuit, obscuro loco natus, ex villa Hus, qui anserem significat, cognomen mutuatus. Hic cum esset ingenio peracri, et lingua diserta, multumque dialecticis oblectaretur, et peregrinas opiniones amaret, avide admodum Wyclevitarum doctrinam arripuit, eaque Teutonicos vexare magistros cœpit, sperans eo confusos Teutones scholas relicturos.

<sup>3</sup> Thus in his *tract. de corpore et sanguine Domini*, written in prison in Constance (Hist. et monum. I. p. 47), his views of Transubstantiation are entirely orthodox. Compare also his confession of faith, below, note 12. In his *Responsio ad scripta Mag. Stephani Paley* he says (Hist. et Monum. I. p. 330): Ego enim fateor, quod sententias *veras*, quas M. Joan. Wicleff—posuit, teneo, non quia ipse dicit, sed quia divina scriptura, vel ratio infallibilis dicit. Si autem aliquem errorem posuerit, nec ipsam, nec quemcumque alium intendo in errore, quantumlibet modice, imitari.

<sup>4</sup> *Eneas Sylvius*, i. e. relates of his preaching in the chapel: Qui cum se libenter audiri animadverteret, multa de libris Johannis Wyclevi in medium attulit, asserens in eis omnem veritatem contineri, adjiciensque crebro inter prædicandum, se postquam ex hac luce migraret, in ea loca proficisci cupere, ad quæ Wyclevi anima pervenisset, quem virum bonum, sanctum, caloque dignum non dubitaret. The errors of Wicliffe were opposed, 1408, by *Stephanus*, Cartusiarum Dolanensis Prior, though without naming Huss, *Medulla tritici* s. *Antiwicleffus in Pezii thes. anecdotorum* T. IV. P. II. p. 149 seq., compare p. 157: Audivi crebrius, et quadam apostatica lectione ejusdem dialogi et trilogi (see § 123, note 11) didici et obstupui, qualiter quidam insani Magistri et homines pestiferi Wickleffitici ordinis et schismatis, canina rabie concitati, cursu præcipiti, profanis et sacrilegis sentiis, et arte diabolica confectis articulis, s. matris Ecclesiæ, magisterio S. Spiritus bene et optime dispositum, ritum et ordinem dedecorant et commaculant; et ausu temerario fabulationis nequissimas sic impudenter in medium proferunt, ut non solum post discursum peregrinarum nobis terrarum et districtuum, etiam in terris nostris Bohemiæ et Moraviæ, aulas Principum, collegia et cathedras sacerdotum, scholas studentium, promiscui sexus popularem tumultum fidelium, antra deserti claustralium, sed etiam segregatas in partem et pacem silentii Cartusiensium cellulas tuba illorum ululans et pestifera, muros et bonos mores transgrediens, cum terrore valido repleverit vehementer. That doubts concerning the doctrine of Transubstantiation had been spread by Wicliffe's writings, is seen from the directions of Sbynko, A. D. 1406 (l. c. p. 158), to his clergy, enjoining them to preach the doctrine, with the threat: qui aliter — dogmatizare <sup>6</sup>auderet, — hæreticus esset, et talis per nos taliter puniretur, quod et aliis merito poterit cedere in exemplum. *Stephanus* therefore defends this doctrine especially in his *Medulla tritici*, P. I.

<sup>5</sup> Compare the *Conciones Synodiæ* in the *Hist. et Monum.* II. p. 31, e. g. p. 37: Sed dicite, o Clerici, si non durius dominamur cum Christianis, quam Reges

The accidental circumstance that the weak-minded king, Wentzel, whom a feud with Boniface X. had exasperated against the clergy in

gentium dominantur eorum? Ecce occurrit Laicus, aliquid molestiæ, vel apparentis quandoque injuriæ nobis faciens; statim abutendo privilegio clericali ex impatiencia et arrogantia, sapius verbo, et frequenter facto dicimus: *citabo, recabo, compescam ribaldum, deducam super eum acutum gladium spiritualis potestatis*, et si pauper incautus sententia excommunicationis percussus fuerit, gaudemus et gloriamur. Et tantum eos, non ex caritate et amore justitiæ, sed ira et zelo vindictæ diræ dominando opprimimus, quod etiam malum proverbium contra nos confluerunt dicentes: *si offenderis Clericum, interfice eum; alius nunquam habebis pacem cum illo*. — Sed dicite ulterius vos Clerici, ubi practicatis, — quod *quæ major sit in vobis, sit sicut minor, et qui præcessor, sicut ministrator* (Luc. xxii. 26)? Numquid quia amatis primas cathedras in synagogis, primos recubitus in cœnis, salutationes in foro, et Patres, Magistri, aut Domini ab hominibus appellari? Numquid quia plus amatis post se clientem eruentatum cum gladio, quam Clericum humilem cum libro? Numquid quia quasi nihil de veris divitiis spiritualibus Ecclesiæ curatis, sed totis curis et consiliis bonis temporalibus inhiatis? Numquid quia beneficia et officia ecclesiastica quaritis, ut non serviatis in eis fideliter, sed ut per illa dominemini vi, et vivatis gentiliter? — Vel utrum in hoc, quia gloriamini — in frequentia clientelæ, in eorum pluralitate, in ædificiis superfluis, in multa supellectile, in congregatione pecuniæ, in pauperum exactione, in contemptu pauperum et humilium, in veneratione divitum et superbiorum, in veridicorum despectione, in adulatorum amatione, et breviter in qualibet gloria et altitudine sæculari? Heu in hac magna injuria et offensa Christi Dei et suæ regulæ sol, Prælatus major, conversus est in tenebras, et Luna, minor, in sanguinem. Et secundum b. Bernhardum, et alium Doctorem Gilbertum factum est in Clero abominabile monstrum super terram. Gradus summus, animus infimus; sedes prima, vita ima; lingua magniloqua, manus otiosa; sermo multus, fructus nullus; vultus gravis, actus levis; ingens auctoritas, nutans habilitas; speculator cæcus, præco mutus, pugil mancus, præcursor lentus, medicus morbi ignarus. Et quia simile generat sibi simile, hinc est quod in quatuor temporibus multi scientiis nulli, et in moribus valde distorti ad sacros majores ordines promoventur, et fit tanta dehonestatio Cleri, quod sacerdotes vicarii a suis Plebanis longe ultra concubinas in servitum et despectum rediguntur, fit in se dedecus Clero, ut etiam in temporalibus bonis per sacerdotes furta et latrocinia multa, et mala consilia cumulentur, sicut vos ipsi testimonium potestis perhibere. p. 38: Nunc igitur vos, sacerdotes, attendite, si non sunt inter vos consecrata vasa Deo abominabilia supra modum. Sunt namque multi ex vobis, Prælati, Canonici, Plebani, et alii Presbyteri, qui mulierculis contuntur, velut idola colunt, ardent in desiderio et amore illarum: vexantur lascivia, et libidine turpi vinculantur multi, multi Plebani concubinarij fornicantur cum talibus corporaliter, quod in multis locis animalia gradientia super terram aperte demonstrant. O sacerdos, vas immundum, noviter ante cum scorto fœdatum, et adhuc adulterina voluntate illi conjunctum, audes sic in te capere sacramentum omni decore et suavitate repletum? Quomodo non times, quod ira Dei super te descendente statim confringaris cum Oza, qui ad tactum temerarium aræ domini statim percussus et mortuus est (2 Sam. v. 6, 7). Quis potest æstimare, quantum consecrata vasa concubinaria Clericatum hujus diœcesis dehonestant? Unde Dominus noster Archiepiscopus debet, quantum potest, rationabiliter etiam usque ad mortem laborare, et se exponere, ut sua illa vasa Deo consecrata a turpitudine concubinaria purgarentur, et cum ipse habeat ignem carceris et purgationis, et ministros sufficientes, debet ipse talia sua immunda vasa, quæ per se purgari nolunt, igne illo carceris mandare purificari efficaciter et sufficienter. Sunt ulterius multi de vobis, qui crapula et ebrietate ultra Laicos turpiter maculantur, valunt cum baculis ad tabernam, sicut Laici ad limina Sanctorum, et cum inde redeunt, male possunt ambulare, minus loqui, et minime tunc scire possunt, quid eorum dignitas sacerdotalis requirat. Ditiores eorum de elemosyna frequentant ad invicem invitatos ad convivia, ubi cibus et potus in quantitate plures et majores, in substantia magis pretiosi, et in qualitate delicatiores, quam apud cives et nobiles apponuntur. Ubi Christus cum sua passione est proscriptus, sed carne spumante in libidine de mulierculis et factis venereis verbis impudicis colloquia consumantur, etc. Sermo synodalis ann. 1405. p. 42 against

general, was pleased with these censures,<sup>6</sup> was of little use to him, as it only served to increase the number of his enemies; and when in concert with Jerome of Prague he had succeeded in enlarging the privileges of the Bohemians in the university, so as to drive away the German teachers (1409),<sup>7</sup> he became, through their means, an object of odium in other countries also. Huss now stood at the head of the theologians of Prague, and as a preacher exerted a wonderful influence on the people. To counteract this, the Archbishop of

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the fornicatio Cleri, also against the plea, quod non sit peccatum mortale simplex fornicatio (see Conc. Paris. ann. 1429. c. 2. above, § 138, note 10); then p. 13 against the avaritia Cleri. c. g. Quod detestabilis-imma est. religiosi possessionati, qui a vulgo vocantur divites sive pingues Domini, Monachi, ex avaro fundamento fraternitatis fabricant literas, quibus magnificant sua opera. contra illud Salvatoris (Luc. xvii. 10): cum feceritis omnia, quæ præcepta sunt vobis, dicite, servi inutiles sumus. Illas autem literas solum tribuunt divitibus, facientes eos participes suorum operum, ut inclinati eorum conventibus, ventres et buccas rubentes reficerent, implerent insupia, et prædia augmentarent. p. 45: usuras exercent, negotiatores sunt, confessiones produnt, taxillis ludant. Ecclesias ut otientur conveniunt, exinde rixas procurantes populi turbativas, filios spiritualiter suffocant, carnaliter generant, — spirituales ædificationem, quæ salvat animas, nihil curant. Sed ut augmentent censum, aut divitias, ex quibus eorum posterit luxuriantur et superbiunt uberius, optime se facere existimant, et pro eis subditos avare inducunt, ut etiam filiis prætermittis, parentibus et consanguineis pauperibus, pro ipsis abundantibus ordinent testamenta. — Et quid de Altaristis, Capellanis, et monstrosiss Monachis, qui cum multa jam dicta exerceant, et choreas intrant publicas ducti patre Diabolo, etc. — *Sermo de erequiis mortuorum ann. 1411.* p. 81: Videat ergo defunctorum beneficiarius, quid est sibi utilius, quid est Ecclesiæ commodius, aut quid Deo honorificentius, et faciat illud pro mortuis, tanquam eis salubrius. Unde opus, quod maxime purgaret militantem Ecclesiam a crimine, ac stabiliret ipsam in mandatis Domini, et accenderet in amore Dei: illud foret opus maxime juvans dormientem Ecclesiam, quia militans purgata a peccato, stabili in mandato, et in amore Dei accensa, ut sic, maxime succurreret Ecclesiæ dormienti. Ex quo videtur, quod Evangelizatio sancta, sic, ut dicitur, disponens militantem Ecclesiam multum præstat suffragium Ecclesiæ dormienti. Istud autem Satan considerans, maxime nititur Evangelizationem extinguere, et sophisticans tam sacerdotem, quam simplices, ducit utro-que in Charibdim: Clericos in avaritiam per venditionem triginta Missarum de Requiem, et laicos in præsumptuosam confidentiam, et emptionem simoniacam earundem. Jam enim in illis committitur taxa, sicut in vaccis, dum emuntur. Sic enim seit astutus hostis animarum fascinare homines, ut via prætermittis ad vitam securissima, incumbant super dubia. Quis enim ignorat, quin via securissima ad vitam est, vivere, ut Christus et Apostoli docuerunt? Et quis seit, quem triginta Missæ a purgatorio liberarunt?

<sup>6</sup> An old Bohemian chronicle (Contin. Benessii in Pelzel's Lebensgesch. des Königs Wenzel. Th. 2. S. 553 seq.) says, "As long as Huss confined himself to the sins of the laity, he was universally lauded; but as soon as he attacked the Pope and the clergy, bringing to light their pride, avarice, simony, and other vices, and showing that they ought not to have any possessions, the whole priesthood was arrayed against him as one possessed of the devil, and an arch-heretic."

<sup>7</sup> See Pelzel, l. c. S. 543 seq; 547 seq. The royal ordinance of Jan. 18. 1409, by which, after the example of the university of Paris, three votes were given to the Bohemians instead of one, and to the Germans three, as had hitherto been the case, see in Pelzel, Th. 2. Urkundenbuch, S. 125. The loss of the city by the departure of the Germans was made use of by the clergy against Huss, see *Hussii sermo synodalis ann. 1410* (Hist. et monum. II. p. 72): tacti veritate insistent graviter, ut opprimant os prædicantium, insidias quarunt, et non inveniunt mendacium in ore prædicantium, veritatem accusant mendacii, nunc dicentes, quia Magistri per adhesionem errorum expulerunt nationes exterarum, nunc mentientes, quia de corpore Christi male sapiunt, nunc false imponentes, quia Papam nihil esse dicunt.

Prague, Sbynko, was empowered by Alexander V., on his own application, to forbid all preaching in private chapels, and to cause Wicliffe's writings to be publicly burned (1410).<sup>8</sup> Huss continuing, however, to preach in the Bethlehem chapel,<sup>9</sup> a complaint was entered against him at Rome. King and queen, the nobility and the university, all joined in interceding for him, so as to succeed in obtaining a second examination;<sup>10</sup> whilst Huss defended both Wicliffe and himself in various writings.<sup>11</sup> At length the Archbishop, overawed by such a general resistance, withdrew his accusations.<sup>12</sup>

<sup>8</sup> Alexander's bull of 20 Dec. 1409 ap. *Raynald*, h. a. no. 89. See Penzel, l. c. S. 365 ff.

<sup>9</sup> See Huss' appeal from the Archbishop to the Pope John XXII. in *Historia et Monum.* l. p. 112 seq. The university also resolved, 15 June, 1410, quod Universitas nullo modo consentit Archiepiscopo Pragensi Sbinconi cum suis Prælatibus in combustionem librorum Magistri Johannis Wiclef. Pelzel, Th. 2. Urkundenbuch, S. 130.

<sup>10</sup> Narratio et scripta quædam rev. Viri *M. J. Huss*, quibus occasiones, initia et progressus certaminum ipsius cum factione Pontificia explicantur in *Hist. et Monum.* l. p. 109 seq. Pelzel, Th. 2. S. 577 seq.; 585 seq.; 591 seq.

<sup>11</sup> See *Jo. Huss*. de libris hæreticorum legendis (*Hist. et Monum.* l. p. 127), in which he brings authorities for the position: libri hæreticorum sunt legendi non comburendi, dum in ipsis veritas continetur. Ejusd. actus pro defensione libri *Jo. Wicleff* de trinitate sancta publice celebratus ann. 1410, Dom. post fest. *S. Jacobi* (l. c. p. 131) e. g. p. 132: Malum dico combustionem librorum, quæ combustio nullum peccatum de cordibus hominum sustulit, sed veritates multas, et sententias pulchras et subtiles in scripto destruxit, et in populo disturbia, invidias, diffamationes, odia multiplicavit et homicidia, et Christianissimum Regem Bohemiæ in suspicionem malam religionibus aliis stulte et improvide deputavit. Et super hæc omnia concansans pariter contra Trinitatis testimonium verbum prædicationis evangelicæ voluit alligare. Ejusd. Replica. contra Anglicum *Jo. Stokes*, Wicleffii calumniatorem, celebrata Dom. post Nativ. Mariæ, 1411 (p. 135). Defensio quorundam Articulorum *Jo. Wicleff*, ann. 1412 (p. 139). First, a defence of the articles: Illi, qui dimittunt prædicare, sive verbum Dei audire propter excommunicationem hominum. sunt excommunicati, et in die judicii traditores Christi habebuntur. Then of the other (p. 146): Domini temporales possunt ad arbitrium suum auferre bona temporalia ab Ecclesiasticis habitualiter delinquentibus. Then of the third (p. 156): Decimæ sunt puræ elemosynæ. *Jo. Hussii* Replica. contra occultum adversarium ann. 1411 (p. 168).

<sup>12</sup> How much excited the common people also were against the Archbishop, see in *Stephani Prioris Dolanensis Antihussus* (written 1412) c. 16. in *Pezii* thes. anecd. T. IV. P. II. p. 418: Reverendus Pater, Dominus Archiepiscopus olim Sbynko, sancto insistens labori pro illorum malorum et principaliter pro illius venenati capitis malorum Wicleff et ejusdem sacrilegarum doctrinarum exterminio, factus fuit ex inobedientia et rebellione illius Magistri Huss velut contemptibilis et pene fabula in populo, ita ut plerique insolentes vulgares ac ironicas de eodem viro Dei conlingerent et decantarent cantiones (*Sbynyek Knyhy spaly*, etc., more complete in Pelzel, II. S. 568: the Archbishop Sbynko, a dunce, who burnt books without knowing what was in them) publice per plateas contra justissimam — combustionem librorum hominis istius hæreticæ pravitatis. Both parties, Huss and the Archbishop, agreed in July, 1411, to submit to the decision of judges to be nominated by the king (Pelzel, II. S. 585 seq.) These judges decided amongst other things, that the Archbishop should inform the Pope that in Bohemia there were no heresies. Huss cleared himself from all suspicion by a confession of faith, which he subscribed on the 1st Sept. (see Pelzel, II. Urkundenbuch, S. 144 ff.). In this he says, e. g. fidenter, veraciter et constanter assero, quod a veritatis amulis sinistre sedi Apostolicæ sum delatus: false siquidem detulerunt et deferunt, quod docuerim populum, quod in sacramento altaris remanet substantia panis mate-

But the papal displeasure was soon awakened anew. A crusade-bull having been issued against king Ladislaus (1412),<sup>13</sup> Huss and his friend Jerome of Prague were excited to greater zeal than ever in their resistance to these abuses,<sup>14</sup> and succeeded in arousing the

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rialis. False, quod quando elevatur hostia, tunc est corpus Christi, et quando ponitur, tunc non est. False, quod sacerdos in peccato mortali non conficit. False, quod Domini a Clero auferant temporalia, quod decimas non solvant. False, quod indulgentiæ nihil sunt. False, quod gladio materiali suascriim Clerum percutere. False, quod prædicaverim vel tenuerim aliquos vel aliquem errores vel errorem, vel aliquam hæresim, vel quod seduxerim a via veritatis populum quoquo modo. False, quod causa extiterim, quod quidam Magistri Teutonici expulsi de Praga fuerint, cum ipsi nolentes almæ Univer-sitatis studii Pragen-sis tenere fundationis privilegium, nec serenissimi Principis — Wenceslai — Regis volentes parere mandatis licitis, putantes, quod absque eorum præsentia non valeret Pragensis Universitas subsistere, nullo pellente ad propria vel quo ip-sis placuit recesserunt. Fateor autem me a reverendissimi in Christo Patris Domini Sbynkoni sententia ad sedem appellasse Apostolicam, demum a processibus, qui ex informatione sinistra a s. sede Apostolica emanarunt. Sinistre etenim veritatis æmuli, honoris sui et salutis immemores sedi Apostolicæ suggererunt, quod in regno Boemiæ in civitate Pragensi et Marchionatu Moraviæ errores pullulassent et hæreses, et multorum corda infecissent adeo, quod necessarium foret correctionis remedium adhibere. False denique suggererunt, quod Capella Bethleem foret locus privatus, cum ipsa sit ab ordinario Episcopo locus in beneficium ecclesiasticum confirmatus, cujus destructio honorem Dei aliquantulum in populo tolleret, animarum profectum minueret, causaret scandalum, et populum contra destructores non modice provocaret. Citatus autem personaliter ad Romanam Curiam, optabam comparere humiliter: sed quia mortis insidiæ tam in regno quam extra regnum, presertim a Teutonicis sunt mihi posite, ideo multorum fretus consilio judicavi, quod foret Deum tentare vitam morti tradere profectu Ecclesiæ non urgente. Igitur non parvi personaliter, sed advocatos et procuratores constitui, volens sanctæ sedi Apostolicæ obedire. Quapropter, summe Christi Vicarie, humiliter vestræ Sanctitatis inploro clementiam, quatenus me a comparitione personali — benigniter absolvere dignetur, quia per Serenissimum — Wenceslaum — Regem, necnon per Reverendissimos Patres — Wenceslaum Patriarcham Antiochenum, Dominum Conradum Olomucensem Episcopum, Illustrem Principem Dom. Rudolphum Ducem Saxonie s. Imperii Electorem, etc. — cum præfato reverendissimo in Christo Patre Domino Sbynkone sum totaliter concordatus: nam offerebam me ad respondendum omnibus et singulis obijciendis, etiam referens me ad totum auditorium, quod, si quod contra me deduceretur, vellem etiam ignis incendio nisi cederem emendari, etc. Sbynko wrote a letter to the Pope, which was approved by the king, in which he says (Hist. et Monum. I. p. 111): Errores hæreticos in Regno Bohemiæ, in civitate Pragensi, et Marchionatu Moraviæ nescio, nec aliquis super hac re convictus est, pro qua foret aut fuisset ecclesiasticæ puniendus. Ego etiam et Magister Joannes Huss, necnon ceteri Universitatis Studii Pragen-sis Doctores et Magistri super singulis dissensionibus atque rixis inter nos utrunque subortis — sumus plenarie concordati. Quapropter, beatissime Pater, famam prædicti Regni laudabilem ex pastorali officio conservare desiderans, ad Vestræ Sanctitatis clementiam confugio, supplicando, quatenus super Christianissimo regno S. V. piis dignetur moveri visceribus, excommunicationem et censuras exinde ortas cessare et annullare. This letter, however, was never sent, as Sbynko died on the 28 Sept. 1411.

<sup>13</sup> See § 129, note 13. See in Hist. et Monum. I. p. 212 seq. third bull, and another, in which commissaries are appointed to preach such a crusade.

<sup>14</sup> Quæstio Mag. Jo. Huss, disputata ab eo ann. 1412 (Hist. et Monum. I. p. 215), a discussion of the question: Utrum secundum legem Jesu Christi licet et expedit pro honore Dei, et salute populi, ac pro comodo regni bullas Papæ de erectione crucis contra Ladislaum Regem Apulia et suos complices Christifidelibus approbare? He treats of these points in the Bulla de erectione crucis, *indulgentiam omnium peccatorum, subsidia bellorum, et circa utraque ista modum.* Of the first, p. 216: est indulgere gratis concedere, — sive remittere vindictam, quam



reus deberet pro excessu sustinere. — Sic autem indulgere peccatoribus est Deo proprium. — Sacerdotes Christi habent potestatem vere pœnitentes absolvere a pœna et a culpa. — Sacerdos potest sacramentaliter ostendere, sibi confitentem taliter absolutum, qui ad tantum conteritur, quod statim decedens sine pœna purgatorii ad patriam perveniret, et hoc est sacerdotum absolvere. — p. 217: Unde sapientes Christi sacerdotes non asserunt simpliciter, quod confitens sit a peccatis solutus, sed sub conditione ista: si dolet, et nolit peccare amplius, et confidit de Dei misericordia, et vult in posterum mandata Dei observare. — Nullius Papæ vel Episcopi prodest in indulgentia homini, nisi de quanto prius se disposerit apud Deum. Of the second: Licet sæculari brachio pugnare, et sibi subsidia ad bellandum præstare, habitis conditionibus caritatis. — Non licet Romano Pontifici, nec expedit sibi, vel cuicumque Episcopo vel Clerico pro dominatione sæculari, vel mundi divitiis pugnare. He refers to the example of Christ, *Luc. xxii. 51.* — p. 218: Quomodo ergo Romanus Pontifex non timet in multorum hominum mortem per crucis erectionem et procuracionem stipendii consentire, immo præstare remissionem omnium peccatorum ex eo, quod quis Christianos quam plurimos trucidaret? Revera non cepit exemplum illud a Christo Jesu, qui invasus ab hostibus cum suo grege pusillo, valens omnes uno verbo interimere, dixit patientissime, *Jo. xviii. 8: si me quæritis, sinite hos abire.* p. 219: Litteris Papæ de crucis erectione contra Christicolas quidam obediunt ex ignorantia, ut Laici simplices, et omnes illi, qui in nullo putant resistendum jussioni Papæ, male accipientes illud, *Deut. xvii. 10-12.* Ubi capiunt, quod omnis sententia Papæ est tenenda, quod, inquit Doctor de Lyra, est manifeste falsum, quia sententia, inquit, nullius hominis, eujus-cunque auctoritatis, tenenda est, si contineat manifestam falsitatem sive errorem. p. 220: Videamus, si Salvator noster in casu simili ita fecit, et patet in lege sua contrarium Nam *Luc. ix. 51 seq.* dicitur: *Ipse Jesus faciem suam firmavit, ut iret in Hierusalem, et misit nuncios ante conspectum suum, et euntes intraverunt civitatem Samaritanorum, ut præpararent illi, et non receperunt eum, quia facies ejus erat exutis in Hierusalem. Jacobus et Joannes dixerunt: Domine, vis, dicimus, ut ignis descendat de celo, et consumat illos, sicut Helias fecit. Et conversus increpavit eos dicens: nescitis, eujus spiritus estis. Filius enim hominis non venit animas hominum perdere, sed salvare.* Videat ergo Papa, cur personas utriusque sexus in remissionem, non dico Samaritanorum, sed Christianorum concitat sub obtentu remissionis peccatorum omnium: et non datur per eum alia causa, nisi nonsolutio pecunie vasallatus Ladis-lai, et nonsusceptio ejus pro patre sanctissimo, ac rebellio et hostilis impugnatio sicut sui nuncii et bullæ protestantur. P. 221, in the Modus donationis indulgentiarum he censures 1, the anathemas invoked on those who should help to give Ladislaus and his family a Christian burial, 2, the call on all believers to join in exterminating Ladislaus and his rebel followers, 3, the promise of absolution for contributions in money. P. 228: Res corporalis quantumcunque parvi pretii non debet emi, nisi cum ista prudentia, quod emptor de vendito probabiliter sit securus. Sed Papa non potest assecurare aliquid, quod post mortem vel ante tantam indulgentiam habebit. Ideo probabiliter est tale commercium dimittendum. Papa enim subducta revelatione nescit de aliquo, nec de se ipso, si sit prædestinatus a Domino: quod si præscitus fuerit, non proderunt sibi tales indulgentiæ ad beatitudinem contra ordinationem Domini æternaliter ordinantis. Ideo cum Papa non potest generaliter procurare tales indulgentias sibi ipsi, est multis evidens, quod tales indulgentiæ sunt suspectæ: non enim obstat fidei, quod multi Papæ, qui concesserunt verbaliter amplas indulgentias, sunt damnati: quomodo igitur possunt defendere suas indulgentias coram Deo? P. 229: Positis indulgentiis papalibus a pœna et a culpa, ut præmittitur, videtur, quod potest Papa purgatorium destruere. Probatur. Quia potest Papa quemlibet in agone contritum et confessum a pœna et a culpa absolvere, et cuilibet potest dare illam gratiam post se in futurum, et non obstat aliquid, nisi forte invidia vel negligentia. Det ergo cuilibet in futurum, et dato illo nullus veniet ad purgatorium, quo dato omnes vigiliæ, missæ defunctorum, oblagia, largæ elemosynæ, anniversaria, omnia alia suffragia, ut commemoraciones perpetuæ, dotaciones Capellanorum, extrucciones claustrorum et altarium, pro hujusmodi hominibus forent frustra. — Sed istud consequens Clerum non inodice conturbaret. Unde vel oportet eos negare habere potestatem hujusmodi ad dandum sic indulgentias, vel incidere in consequens jam indictum. Si autem dicitur, quod licet habet potestatem dare

indignation of the whole nation.<sup>15</sup> The wrath of the Pope was now no longer to be stayed. At a synod held in Rome, Wicliffe's writings were condemned,<sup>16</sup> Huss excommunicated, and the place where he resided laid under interdict (1413). Huss appealed from the Pope to Christ himself,<sup>17</sup> and having written in his own defence the *Tractatus de Ecclesia*,<sup>18</sup> his chief work, betook himself from

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Papa sic indulgentias, non tamen debet, nisi ex causa rationabili, scilicet quando impugnatur, vel indiget pecuniis: revera orandum erit fidelibus, ut impugnetur, et indigeat pecuniis, quia tunc thesaurus Ecclesie fidelibus aperiet ad salutem. P. 232. He applies the passage, *Jer.* vi. 13, and viii. 10: *a minimo usque ad maximum omnes avaritiæ student, et a Propheta usque ad sacerdotem cuncti faciunt dolum.* Omnes enim datores indulgentiarum, quæstores de voto, et prædicatores erectionis crucis student mirabiliter avaritiæ, omnem sollicitudinem Diaboli cautelosam apponentes, nunc prædicando, quod summa venit populis gratia, nunc quod cælum est eis apertum, nunc quod progenitores possunt per illas indulgentias redimere, nunc quod qui negligit tantam gratiam, perdit vitam æternam, nunc literas absolutionis care vendendo, nunc peregrinationem debitam ex voto pecuniis et alia vota compensando. *Huss* wrote also *Contra Bullam Papæ Jo. XXIII.* Replica. l. c. p. 235, contradicting it in ten points. E. g. Prædicandum est ergo populo, ut promulgatione indulgentiarum non seducantur, quia indulgentiæ nihil valent, sicut nec aliud bonum opus ad consequendam beatitudinem, nisi homo relinquat peccatum, dolens de præterito, et cavens finaliter, diligenter et continue de futuro. Si enim de omnibus peccatis penitentiam egerit, et mandata Dei custodierit, omnium peccatorum remissionem et pænæ æternæ obtinebit. — Item prædicandum est ipsi populo, ut caveat, ne per reliquias spoliatur: quia sanctorum reliquiæ non sunt pro exquirendis pecuniis exponendæ. — Item prædicandum est populo, ne in confessionibus permittat se simoniacæ spoliare per taxam, vel per iniectionem offerendi, vel missas comparandi, vel alio modo illicito. — Item prædicandum est illud *Augustini* lib. 2, ad Julianum: non tollit peccata, nisi solus Christus. — Ex isto docendus est populus, ut credat, quod solus Deus habet mundare animam ab interiori macula, et quod nullus homo potest dimittere cuiquam peccata, nisi Deus prius dimiserit. — Et iterum docendus est populus, quod ad remissionem peccatorum requiritur penitentia interior. — Also *Opusculum de sex erroribus* (l. c. p. 237), qui Clerus et magnam partem populi infecerunt. These are, 1. quod quilibet sacerdos missando creat corpus Christi, et efficitur pater et creator sui creatoris (because non creatur, sed in manibus sacerdotum conficitur. Creator is God alone); 2. quod credendum est in b. Virginem, vel in Papam, vel in Sanctos, cum tamen solum in Deum veraciter est credendum (difference between credere homini and in hominem); 3. quod sacerdotes, cui volunt, possunt remittere peccata, et absolvere a pænâ et a culpa; 4. quod subditi debent suis superioribus in omnibus præceptis, licitis sive illicitis, obedire; 5. quod omnis excommunicatio, sive justa sive injusta, ligat excommunicatum, et nocet sibi, et separat eum a communione Christifidelium, et privat eum Ecclesie sacramentis; 6. error simoniacæ hæresis, qua Clerus est pro majori parte, proh dolor, maculatus.

<sup>15</sup> The obald's Hussitenkrieg, S. 25. Pelzel's *Lebensgesch. des Königs Wenzel*. Th. 2. S. 608 seq. Jerome surpassed Huss in his zeal. He caused the bull to be carried through the city by a prostitute and then burned. Several of Huss' followers contradicted the priests in the churches, when they proclaimed the absolution. Three of them having been executed for such disturbances, the commotion increased (see *Stephani* Prioris Dolanensis *Antihussus*, c. 5, in *Pez.* IV. II. p. 380). King Wenzel also was much excited on the subject, and complained in a letter to the Pope (which see in Pelzel's *Lebensgesch. des Kgs Wenzels*. Th. 2. *Urkundenbuch*, S. 151) of the impudence of the promises, and the avarice of the indulgence-sellers.

<sup>16</sup> *Mansi* XXVII. p. 505.

<sup>17</sup> Which see *Hist. et Monum.* I. p. 22.

<sup>18</sup> *Tractatus de Ecclesia* (*Hist. et Monum.* I. p. 243). Cap. 1: *Ecclesia sancta catholica i. e. universalis est omnium prædestinatorum universitas, quæ est omnes*

Prague to Hussinecz, where he continually employed himself in

prædestinati præsentis, præteriti et futuri. Cap. 2: tripartitur, scil. in Ecclesiam triumphantem, militantem et dormientem. Ecclesia militans est numerus prædestinatorum, dum hic viat ad patriam. — Ecclesia dormiens est numerus prædestinatorum in purgatorio patiens. — Ecclesia triumphans est beati in patria quiescentes, qui adversus Satanam, militiam Christi tenentes, finaliter triumpharunt. Una autem magna Ecclesia erit ex omnibus illis in die iudicii. Cap. 3: Sicut aliquid est in humano corpore, quod non est pars ipsius corporis, ut sputum, phlegma, stercus, apostema vel urina, et illud non est de corpore, cum non sit pars corporis; aliud vero est in humano corpore tanquam pars ejus, ut omne membrum ejus: sic aliquid est in corpore Christi mystico, quod est Ecclesia, et tamen non est de Ecclesia, cum non sit pars ejus, quomodo est omnis Christianus præscitus, de ipso corpore tanquam stercus finaliter egerendus. Et sic aliud est esse de Ecclesia, aliud esse in Ecclesia. — Quadruplex est habitudo viatorum ad sanctam matrem Ecclesiam. Quidam enim sunt in Ecclesia nomine et re, ut prædestinati obedientes Christo catholici. Quidam nec re, nec nomine, ut præsciti pagani. Quidam nomine tantum, ut præsciti hypocritæ. Et quidam re, licet videantur nomine esse foris, ut prædestinati Christiani, quos Antichristi Satrapæ videntur in facie Ecclesie condemnare. — Dupliciter homines possunt esse de s. matre Ecclesia, vel secundum prædestinationem ad vitam æternam, quomodo omnes finaliter sancti sunt de s. matre Ecclesia, vel secundum prædestinationem solum ad præsentem justitiam, ut omnes, qui aliquando accipiunt gratiam remissionis peccatorum, sed finaliter non perseverant. — Sicut Paulus fuit simul blasphemus secundum præsentem injustitiam, et de s. matre Ecclesia, — atque in gratia secundum prædestinationem vitæ æternæ; sic Scarioth fuit simul in gratia secundum præsentem justitiam, et nunquam de s. matre Ecclesia secundum prædestinationem vitæ æternæ. Cap. 4: solus Christus est caput universalis Ecclesie. Cap. 6: Ecclesia malignantium est corpus Diaboli, cujus ipse est caput. Cap. 7. *quod Romanus Pontifex cum Cardinalibus non sit totum corpus universalis Ecclesie, sed pars, nec Papa sit caput, sed Christus.* Matth. xvi. 18, is thus explained: *tu es Petrus, i. e. confessor Petræ veræ, qui est Christus, et super hanc petram, quam confessus es, i. e. super me ædificabo ecclesiam meam.* — Romana Ecclesia est totalis Ecclesia militans, quam Deus sub diligit, quam aliquam ejus partem. Cap. 8: credere, quod homini est ad beatitudinem necessarium, est veritati tanquam a Deo dictæ sine hæsitacione adharere firmiter. Pro qua veritate ratione certitudinis debet homo mortis periculo exponere vitam suam. Et isto modo tenetur quilibet Christianus credere explicite vel implicite omnem veritatem, quam s. Spiritus posuit in Scriptura. Et isto modo non tenetur homo dictis sanctorum præter Scripturam, nec Bullis papalibus credere, nisi quod dixerint ex Scriptura, vel quod fundaretur simpliciter in Scriptura. Sed potest opinative homo credere Bullis, quia tam Papa quam sua Curia potest falli propter ignorantiam veritatis. De illa enim verificatur, quod fallit et fallitur: fallit Papam lucrum, et fallitur propter ignorantiam. Cap. 9: Ex his patet, quomodo Christus est fundamentum Ecclesie, et quomodo Apostoli sunt fundamenta. Christus antonomastice, quia ab ipso incipit, et in ipso finitur, et per ipsum finitur constitutio Ecclesie. Prophetæ vero et Apostoli sunt fundamenta, quia ipsorum auctoritas portat infirmitatem nostram. — Solum Christus est caput, — Petrus non fuit nec est caput sanctæ Ecclesie catholice, — fuit capitaneus inter Apostolos, et fuit fundamentum Ecclesiarum, ut in proximo dictum est de Apostolis. — Quare autem Christus Petrum post se capitaneum et pastorem constituit, fuit præeminentia virtutum ad regendam Ecclesiam. — Tres autem erant virtutes, in quibus Petrus præcellebat, fides, humilitas et caritas. — Si jam dictis virtutum viis incedit vocatus Petri vicarius, credimus, quod sit verus ejus Vicarius, et præcipuus Pontifex Ecclesie, quam regit. Si vero vadit viis contrariis, tunc est Antichristi nuncius, contrarius Petro, et Domino Jesu Christo. Cap. 10: Cum Christus dicit Petro: *tibi dabo claves regni calorum, i. e. potestatem ligandi solvendique peccata, in persona Petri dixit toti Ecclesie militanti, non quod qualibet persona illius Ecclesie indifferenter habeat illas claves, sed quod tota illa Ecclesia secundum singulas ejus partes ad hoc habiles habeat illas claves.* — Non potest homo solvi a peccato, nec remissionem peccatorum recipere, nisi Deus ipsum solverit, vel ei remissionem dederit. — Unde vesane insaniunt Presbyteri, qui putant vel dicunt, se ad suum votum solvere vel ligare sine absolutione vel liga-

tione prima Christi Jesu. — Cavere ergo debet Christi discipulus a fallacia Antichristi, dum sic arguitur: quodcumque Vicarius Christi ligaverit super terram, erit ligatum et in cœlis, sed hunc fidelem Laicum, nolentem sibi dare pro absolute pecuniam, ligat supra terram, ergo ligatur in cœlis: — sed hunc incontritum volentem dare pecuniam solvit supra terram, ergo est solutus et in cœlo. — Nam quicumque homo rite penitens solutus fuerit super terram a Christi vicario in terra, etiam solvitur in cœlo. — Quilibet sacerdos Christi rite ordinatus habet potestatem sufficientem quælibet sacramenta sibi pertinentia conferendi, et per consequens vere contritum a peccato absolvendi. — Quomodo autem ista potestas fuit par in Apostolis, habetur Dist. 21. in Can. In novo. — Unde stultum foret credere, quod Apostoli nullum donum spirituale a Christo receperant, nisi quod fuerat a Petro ad ipsos simpliciter derivatum. Nam omnibus dixit *Matth. xviii. 18: quæcumque solveritis super terram, etc.* — Cap. 11. Multi Sacerdotes emungunt ex illo *Matth. xviii. 18, et ex illo Christi dicto Matth. xxiii. 2, 3.* — quod debet eis quilibet subditus in omnibus obedire, et sic ipsi sacerdotes quicquid sonat eis ad libitum in Christi Evangelio, sine correspondente caritativo ministerio, pro sua gloria clamorose sibi adscribunt. Sed quod sonat in laborem, in abjectionem mundialem, et in sequelam Jesu Christi, illud aspernantur, tanquam sibi contrarium, vel fingunt se id tenere, et non tenent. — Quia contra Cleri pestiferi crimina sacerdotes Christi prædicarunt, ideo orta est dissensio, ex eo quod Clerus pestem scandali inferens populo, nolens pati prædicationem suæ pesti contrariam, contra Evangelium prædicantes et pestem eorum sanare volentes per verbum Domini malitiose volens prædicationem extinguere consurrexit. — Cap. 12. Huss now turns to a work published against him by eight Doctors of Theology in Prague, with Stephanus Paletz at their head. They had appealed to the passage in the bull *Unam sanctam*: Subesse Romano Pontifici, omni humanæ creaturæ est de necessitate salutis. To this he replies: Jesus Christus est Romanus Pontifex, sicut est caput universalis ac ejuslibet particularis Ecclesiæ. Hence the Apostles did not call themselves Papas sanctissimos, capita universalis Ecclesiæ, vel universalis Pontifices, and Gregory the Great had strenuously opposed the application of this last title to himself (see Vol. I. § 115, note 31). Non sic heu quærunt moderni Pontifices, qui sine virtutum moribus, in nudo nomine gloriantur, fingentes, quod ratione officii vel dignitatis ecclesiasticæ ipsis nomen competit sanctitatis. Sed si hoc haberet rationem, tunc Judas debuisset vocari sanctus Apostolus. Cap. 13. In this and the following chapters he answers six assertions of his opponents: I. Papa est caput s. Romanæ Ecclesiæ. II. Collegium Cardinalium est corpus s. Romanæ Ecclesiæ. III. Papa est manifestus et verus successor Principis Apostolorum Petri. IV. Cardinales sunt manifesti et veri successores collegii aliorum Apostolorum Christi. V. Pro regimine Ecclesiæ per universum mundum oportet semper manere hujusmodi manifestos veros successores in tali officio Principis Apostolorum Petri, et aliorum Apostolorum Christi. VI. Non possunt inveniri vel dari supra terram alii tales successores, quam Papa existens caput et collegium Cardinalium existens corpus Ecclesiæ Romanæ. He says first in general: Omnis veritas in religione Christi sequenda, et solum ipsa vel est veritas a sensu corporeo cognita, vel ab intelligentia infallibili inventa, vel per revelationem cognita, vel in divina posita Scriptura. But this applies to no one of those six points: igitur nullus sex punctorum est veritas in religione Christi sequenda. The answers to I. and II. all amount to this, that Christ alone is the head of the church, caput Ecclesiæ catholicæ, that the Pope and Cardinals are not even always prædestinati and members of the church. Cap. 15. answer to Punct. V.: Ecclesia potest æque bene regi a sanctis sacerdotibus, demptis illis duodecim eardinitibus, sicut regebatur per trecentos annos et amplius post ascensionem Christi. Answer to Punct. VI.: Christus est caput sufficientissimum. — Si non potest Deus dare alios veros successores (Apostolorum), quam sunt Papa et Cardinales; sequitur quod potentia Cæsaris, — instituendo Papam et Cardinales, potentiam Dei limitaret. — Nam Cæsar Constantinus post annos trecentos Papam instituit. Romanus enim Pontifex fuit consocius aliis Pontificibus usque ad donationem Cæsaris, cujus auctoritate cepit capitaliter dominari. — Oportet considerare sectam Cleri duplicem, scil. Clerum Christi et Clerum Antichristi. Clerus Christi quietatur in suo capite Christo ac suis legibus. Clerus vero Antichristi vel totaliter vel præponderanter innititur legibus humanis et legibus Antichristi, et tamen palliatur esse Clerus Christi atque Ecclesiæ, ut populus simulatius seducatur. —

preaching in the open air,<sup>19</sup> and in the production of several new works, all in the same spirit by which he had ever been distinguished.<sup>20</sup>

In the mean time the Council of Constance was opened. Huss having furnished himself with testimonials of his orthodoxy from all quarters, and even from the papal Inquisitor in Bohemia,<sup>21</sup> did not hesitate to comply with the summons of the emperor Sigismund, to present himself, and arrived in Constance with a letter of safe conduct from the emperor,<sup>22</sup> on the 3d Nov. 1414.<sup>23</sup> But the hostile feeling already entertained against him as a Realist, and the cause of the expulsion of the Germans from Prague, was still more inflamed by the intelligence which came with him, that James von Misa, a priest in Prague, was defending the restoration of the cup to the laity; which innovation was understood to be countenanced by Huss.<sup>24</sup>

Clerus Antichristi instat attentius pro traditionibus humanis, et pro privilegiis, quæ fastum vel luerum sæculi capiunt, defendendis, vultque gloriose, voluptuose et Christo dispariter vivere, postergans penitus imitationem in moribus Domini Jesu Christi. Sed Clerus Christi laborat assidue pro legibus Christi et ejus privilegiis, quibus bonum spirituale acquiritur ostendendum, fugitque fastum et voluptatem sæculi, quærit conformiter Christo vivere, attendens diligentissime sequelam Domini Jesu Christi. Cap. 17: Nec dubium, quin Papæ et Cardinalibus est obediendum, dum docuerint veritatem juxta legem Dei: — si autem Rabbi, i. e. Magistri vel magni, ut dicit Lyra, seu Papæ vel Cardinales, præceperint vel docuerint aliquid præter veritatem, etiam cum tota Curia Romana, non est fideli parendum, dum cognoverit veritatem. Cap. 18. Justification of his resistance to the Pope. Cap. 19–21. When the prelates are to be obeyed. Cap. 22 and 23. Of the injustice of the censures passed on him.

<sup>19</sup> Pelzel's Lebensgesch. des Königs Wenceslaus. Th. 2. S. 618 f.

<sup>20</sup> Which see in Hist. et Monum. I. p. 117 seq. The work De sacerdotum et monachorum abhorrenda abominatione, is not Huss', as is shown in § 122, note 7.

<sup>21</sup> In several public letters and notices, Huss challenged any one in Prague or all Bohemia to convict him of a single heresy (see Hist. et Mon. I. p. 2). The papal inquisitor, *Nicolaus Episc. Nazarethanus*, gave him a written testimonial, that no one accused him, and declared before a notary (l. c. p. 3): Ego multis et pluribus vicibus Magistro Joanni Hus conversatus sum, secum comedendo et bibendo, et sermonibus suis sæpe interfui, ac collationes plures de diversis sacrae Scripturae materiis faciendo, nunquam aliquem in ipso inveni errorem vel hæresim, sed in omnibus verbis et operibus suis ipsum semper verum et catholicum hominem reperi.

<sup>22</sup> Which see, Hist. et Monum. I. p. 2. The emperor says: honorabilem Magistrum Johannem Hus — in nostram et sacri Imperii protectionem recepimus et tutelam, and orders all the authorities: ipsum — omni prorsus impedimento remoto transire, stare, morari et redire libere permittatis, sibi que et suis, cum opus fuerit, de securo et salvo velit et debeatis providere conductu, ad honorem et reverentiam nostræ Majestatis.

<sup>23</sup> v. d. Hardt Conc. Const. IV. p. 11.

<sup>24</sup> At the instance of his friends in Prague, Huss examined the subject by the light of the Scriptures and the authority of the church fathers. See Hist. et Monum. I. p. 52 seq. The result to which he came was: videtur quod licet et expedit Laicis fidelibus sumere sanguinem Christi sub specie vini. Nam licet corpus et sanguis Christi sit sub utraque forma sacramentali: tamen Christus non sine ratione, nec gratis instituit utrumque modum sacramentalem suis fidelibus, sed ad magnum profectum. Nam modus manducandi sacramentalis sub forma panis est specialis modus figurandi et excitandi efficaciter ad manducationem spirituale. Et modus sacramentalis bibendi sub forma vini est specialis modus

The more zealously the council labored to bring about a reformation in the government of the church, the more strongly they seemed to feel the necessity of opposing all innovations in doctrine, that the spirit of reform might not become a spirit of overturn and destruction. On the 28 Nov. 1411, Huss was imprisoned and accused as a heretic. In spite of all the intercessions of his friends in Bohemia,<sup>25</sup> he was treated with increasing severity. Without giving him an opportunity of defending himself, he was required unconditionally to retract;<sup>26</sup>

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figurandi et excitandi mentem ex institutione Christi ad gustandum suaviter effusionem Christi sanguinis, quem effudit. — Ex quo patet, quod sicut sacerdos digne sumens sub utraque specie non sine causa sumit: sic et devotus Laicus potest licite sumere, cum eadem sit ratio quoad sumptionem corporis et sanguinis utrobique. Both here and afterwards he was much more moderate in his expressions than James von Misa. His friends in Bohemia sent him a letter in his prison in Gottleben, by the hand of the knight John von Chlum, on the 31st May, 1415 (*v. d. Hardt Conc. Const. IV. p. 291*): Rogamus intime, quod motivam et finalem intentionem vestram de communione calicis, si videbitur, presentii chartæ inferatis, amicis tempore suo monstrandam. Quia fratrum adhuc aliquis est scissio, et propter illud multi turbantur, ad vos et arbitrium vestrum juxta scripta quædam se referentes. Huss replied: De sacramento calicis habetis scriptum, quod scripsi in Constantia, in quo sunt motivæ. Et ne-cio aliquid dicere, nisi quod Evangelium et epistola Pauli sonant directe, et tentum fuit in primitiva Ecclesia. Si potest fieri, attentetis, ut saltem permittatur per bullam illis dari, qui ex devotione postulerint, circumstantiis adhibitis. But after the Council had condemned the Communio sub utraque for the laity on the 15 June, 1415 (see § 144, note 6), Huss wrote more decidedly to a Dominus Haulikon on the 21 June, 1405 (*Hist. et Monum. I. p. 80*): Noli resistere sacramento calicis Domini, quem Christus per se et per suum Apostolum instituit, quia nulla scriptura est in oppositum, sed sola consuetudo, quæ, ut astimo, ex negligentia inolevit. Jam non debemus consuetudinem sequi, sed Christi exemplum et veritatem. Modo Concilium allegans consuetudinem damnavit communionem calicis quoad Laicos, ut errorem, et qui practicaverit, nisi respiscat, tanquam hæreticus puniatur. Ecce malitia Christi institutionem jam ut errorem damnat. Rogo propter Deum, ut non impugnes Magistrum Jacobellum, ne fiat scissio inter fideles, de qua gaudet Diabolus. Etiam, carissime, præpara te ad passionem in manducatione et communione calicis, et sta fortiter in veritate Christi, timore illicito postposito, etc.

<sup>25</sup> See two letters of the Bohemian barons to the emperor in Jan. 1415, in *Hist. et Monum. I. p. 96. v. d. Hardt Conc. Const. IV. p. 32*; a third in May, *Hist. et Monum. I. p. 97*. Three letters of the Bohemian nation to the Council, *Hist. et Mon. I. p. 9 seq. v. d. Hardt IV. p. 188, 212, 288*. The Bohemians appeal to the emperor's safe conduct, and complain that Bohemia is represented at the Council as a heretic country, especially (*Hist. et Mon. I. p. 10. v. d. Hardt IV. p. 189*) of the stories circulated at Constance, quoniam sacramentum pretiosissimi sanguinis Domini per Bohemiam jam in vasculis non consecratis (*v. d. Hardt in flascionibus*) deportarent, quodque sutores jam confessiones audirent, et sacrosanctum corpus Dominicum aliis ministrarent. The Episc. Luthom. assured the Council, however, in reply, that he could bring proof that all this was essentially true (*Hist. et Mon. I. p. 10. v. d. Hardt IV. p. 210*).

<sup>26</sup> In the first place a Bohemian priest, Michael de Caussis, presented a series of charges against Huss (see *Hist. et Monum. I. p. 7*). Then John Gerson produced 19 Articles from the work de Ecclesia, which he pronounced hæretici et ut tales judicialiter condemnandi (*l. c. p. 29 seq.*). Huss appeared before the Synod on the 5th June, 1415, but could not make himself heard in the uproar (*v. d. Hardt IV. p. 306 seq.*). On the 7th June he was examined by the Council in presence of the emperor, on several of the charges brought against him by Michael de Caussis (*l. c. p. 308 seq. Hist. et Mon. I. p. 15 seq.*). In the first place it was supposed to be proved that he had taught, quod post consecrationem et pronunciationem verborum in cæna Domini manet panis materialis, notwithstanding his

and on his refusal to do this, was burned at the stake on the 6th July; 1415.<sup>27</sup> To justify the emperor for the infringement of his safe con-

solemn denial. On the next point, quod pertinaciter articulos erroneos Wicleff docuisset in Bohemia et defendisset, he replied, that he could not consider all those articles in Wicleff's writings heretical which had been condemned by the Roman synod. Namely, quod Sylvester Papa et Constantinus erraverint, Ecclesie illas donationes conferendo; quod Papa vel Sacerdos existens in peccato mortali neque consecret neque baptizet (which he had qualified, however, quod indigne consecret et baptizet); quod decimæ sunt puræ eleemosynæ. He was then asked, habueritne absolutionem a Pontifice Romano, and liceretne ad Christum provocare, and whether he had said, se optare, ut anima sua in eodem loco, ubi anima Wicleff, esset. The first question he answered in the negative; the two last in the affirmative, amidst shouts of laughter. Another point in the accusation was, that he had counselled the people, ut iis, qui adversarentur suæ doctrinæ, gladio resisteret exemplo Mosis. Huss said, se monuisse populum, cum prædicaret dictum Apostoli de galea salutis et gladio, ut illo se accingerent omnes, et defenderent evangelicam veritatem; seque diserte dixisse propter calumnias, non gladio materiali, sed eo, qui est verbum Dei. Further, it was brought against him, quod ex doctrina Hus multa scandala exorta sunt. Primum seminavit discordias inter ecclesiasticum et politicum statum, unde persecutio Cleri et Episcoporum, eorumque spoliatio consecuta est. Deinde quod scholam quoque Pragensem per discordias dissolvit. Huss denied both these accusations. He was then called to account for having said, nisi sua sponte Constantiam venire voluisset, neque Bohemiæ Rex neque Imperator se cogere ad id potuissent, which he explained as referring to the power of the nobles who were attached to his cause. On the 8th June 39 articles were laid before him from his own writings, concerning which he was called upon to decide (*v. d. Hardt*, IV. p. 314. *Hist. et Mon.* I. p. 19 seq.). 26 were from his work de Ecclesia, 7 from his liber contra Stephanum Paletz, 6 from the lib. contra Stanislaum de Snoima. Most of them related to the doctrine, that only those who were predestined to salvation were members of the church, and therefore that it was possible for a Pope to be not of the church. Others referred to the treatment of heretics, the power of the clergy, the power of excommunication, and the possibility of the church being governed without a Pope. Very frequently illegitimate consequences were drawn from what he had said. These he protested against, but would not take back any of his assertions. It was in vain that the Council and the emperor called on him to retract (*v. d. Hardt*, IV. p. 325): even a more moderate form of recantation proposed by the Cardinal-bishop of Ostia he declined (*l. c.* p. 329). His letters written at this time express uniformly the most unshaken determination. *Hist. et Mon.* I. p. 84 seq.

<sup>27</sup> How judgment was passed and executed, see *Hist. et Mon.* I. p. 33 seq. *v. d. Hardt*, IV. p. 389 seq. cf. *Narratio historica de condemnatione et supplicio Jo. Hus*, by a contemporary, *Hist. et Mon.* II. p. 515 seq. Amongst the heresies attributed to him, it was not only repeated, notwithstanding his protestations, quod post consecrationem in sacramento altaris remaneat panis materialis, but further, quod ille sanctissimæ Triadi quartam adjecisset personam (*v. d. Hardt*, IV. p. 392 seq.). In the secret Archives at Königsberg there is a contemporary history of the Council of Constance in Ms., in which there is a very accurate account of the proceedings against John Huss, see *Jahrbücher Joh. Lindenblatt; von Voigt und Schubert.* S. 299. — The supposed prophecy of Huss: hodie anserem uritis, sed ex meis cineribus nascetur cygnus, quem non assare poteritis, seems to have originated in the time of Luther. It occurs *Opp. Lutheri*, T. V. *Altenb.* p. 599; VIII. p. 864; IX. p. 1562, and appears to have originated partly in a passage of a letter which Huss sent from Constance to Prague (*Hist. et Mon.* I. p. 121): Prius laqueos, citationes et anathemata anseri (Huss is Bohemian for *Goose*) paraverunt, et jam nonnullis ex vobis insidiantur. Sed quia anser, animal cieur, avis domestica, suprema volatu suo non pertingens, eorum laqueos [non] rupit, nihilominus aliæ aves, quæ verbo Dei et vita volatu suo alta petunt, eorum insidias contentent; partly in Jerome's words at his execution, see *Narratio de Mag. Hieron.* l. c. II. p. 531: Vobis certum est me inique et maligne condemnare, nulla noxa etiamnum inventa. Ego vero post fata mea vestris conscientiis stimu-

duct, the Council passed the shameful decree, that no faith need be held with a heretic.<sup>28</sup>

Jerome of Prague had already left Constance to escape the threatened danger, but was arrested at Herschau, in the Upper Palatinate, and brought back to Constance. After a long and rigorous imprisonment, he was induced, in Sept. 1415, to retract; but new accusations being brought against him by his enemies, he took back his recantation, and was burned at the stake on the 30th May, 1416.<sup>29</sup>

lum infigo et morsum, ac appello ad celsissimum simul et æquissimum judicem Deum omnipotentem, *ut coram eo centum annis revolutis respondeatis mihi.* cf. *Manso* an vere de M. Luthero vaticinatus sit Jo. Huss, in his vermischten Abhandlungen und Aufsätzen. Breslau, 1821. S. 157 ff.

<sup>28</sup> At first Sigismund was disposed to insist on the observance of his safe-conduct (*v. d. Hardt*, IV. p. 26), but allowed himself to be persuaded that it was interfering with the rights of the Council (l. c. p. 32). Ferdinand of Aragon urged it too upon the emperor, that he had no right to save a heretic from punishment on such a plea, quoniam non est frangere fidem in eo, qui Deo fidem frangit (see the letter, dd. 18 Apr. 1415, in *Schellhorn's* Ergötzlichkeiten aus der Kirchenhistorie u. Literatur. Bd. 1. S. 217 ff.). The Council decreed, dd. Sess. gen. XIX. d. 23 Sept. 1415 (*v. d. Hardt*, IV. p. 521): Præsens sancta Synodus ex quovis salvo conductu, per Imperatorem, Reges et alios sæculi Principes hæreticis, vel de hæresi diffamatis, putantes eosdem sic a suis erroribus revocare, quocunque vinculo se astrinxerint, concesso, nullum fidei catholicæ, vel jurisdictionis ecclesiasticæ præjudicium generari, vel impedimentum præstari posse seu debere, declarat, quominus salvo dicto conductu non obstante liceat judici competenti ecclesiastico de hujusmodi personarum erroribus inquirere, et alias contra eas debite procedere, easdemque punire, quantum justitia suadebit, si suos pertinaciter recusaverint revocare errores, etiamsi de salvo conductu confisi ad locum venerint judicii, alias non venturi. A special decree also was passed *de salvo conductu Hussonis*, first published in *v. d. Hardt*, l. c.: Quia nonnulli nimis intelligentes, aut sinistra intentionis, vel forsân solentes plus sapere, quam oportet, nedum Regiæ Majestati, sed etiam sacro, ut fertur, Concilio linguis maledictis detrahunt, publice et occulte dicentes vel innuentes, quod salvus conductus, per invictissimum Principem Dominum Sigismundum Romanorum et Ungariæ, etc. Regem quondam Johanni Huss hæresiarchæ damnatæ memoriæ datus, fuit contra justitiam aut honestatem indebite violatus: cum tamen dictus Johannes Huss fidem orthodoxam pertinaciter impugnans, se ab omni conductu et privilegio reddiderit alienum, nec aliqua sibi fides aut promissio de jure naturali, divino vel humano fuerit in præjudicium catholicæ fidei observanda: ideo dicta sancta Synodus præsentium tenore declarat, dictum invictissimum Principem circa prædictum quondam Johannem Huss non obstante memorato salvo conductu ex juris debito fecisse quod licuit, et quod decuit Regiam Majestatem: statuens et ordinans omnibus et singulis Christifidelibus, — quod nullus deinceps sacro Concilio aut Regiæ Majestati de gestis circa prædictum quondam Johannem Huss detrahat, sive quomodolibet obloquatur. Qui vero contrarium fecerit, tanquam fautor hæreticæ pravitatis et reus criminis læsæ Majestatis irremissibiliter puniatur.

<sup>29</sup> See *Narratio de Mag. Hieronymo Pragensi pro Christi nomine Constantiæ exusto* in *Hist. et Mon.* II. p. 522 seq. Alia de eodem narratio, l. c. p. 528 seq. His death is described by an eye-witness, *Poggius Florentinus*, in *Ep. ad Leonardum Aretinum*, l. c. p. 532 seq., and in *v. d. Hardt*, III. p. 64 seq.: Jucunda fronte et alaci vultu ad exitum suum accessit: non ignem expavit, non tormenti genus, non mortis. Nullus unquam Stoicorum fuit tam constanti animo, tamque forti mortem perpepus, quam iste appetiisse videtur.



## § 150.

## HISTORY OF THE HUSSITES TO THE CONFIRMATION OF THE COMPACTS IN IGLAU (A. D. 1436).

James von Misa,<sup>1</sup> commonly called Jacobellus, pastor of the St. Michael church in Prague, had been led, through Peter of Dresden,<sup>2</sup> towards the close of the year 1414, to give the cup again to the laity, as necessary to their salvation. This innovation met with high approbation, and after having been sanctioned by Huss in a letter from Constance,<sup>3</sup> became so popular with his followers, that from that time forward it became one of the most important peculiarities of the sect.<sup>4</sup>

<sup>1</sup> So called from Misa, a small town in Bohemia, and not as has been often thought, from Meissen, see Pelzel in den Abhandlungen einer Privatgesellschaft in Böhmen. Bd. 6. (Prag, 1784. 8vo.) S. 299. *J. Chr. Martini* diss. de Jacobo de Misa. Altdorfii. 1753. 4to.

<sup>2</sup> *J. Chr. Schreiber* diss. de Petro Dresdensi. Lips. 1678. 4to.

<sup>3</sup> See § 149, note 24.

<sup>4</sup> *Æneas Sylvius* hist. Bohem. c. 35, says of this innovation: Nondum error de sacramento altaris irrepserat (at the time when Huss was in Hussinecz). Sed attulit novam pestem Petrus Dresdensis (id oppidum Misnæ supersitum), qui cum aliis Teutonibus paulo ante Bohemiam reliquerat. Cognitur inter suos, quia Valdenses lepra infectus esset, patria pulsus, velut hæreticorum asylum Pragam repetiit, puerorū populo docendū curam accepit. Apud Ecclesiam s. Michaelis per id temporis populum prædicando instruebat Jacobellus Misnensis, literarum doctrina, et morum præstantia juxta clarus. Petrus hunc aggressus, mirari se ait, doctum et sanctum virum, qui divina eloquia plebibus exponeret, errorem illum non animadvertisse communionis Eucharistiæ, qui jam pridem Ecclesiam pessundasset. In qua sub una tantum specie dominicum corpus populo ministraretur, cum apud Joannem Evangelistam et Apostolum Christo dilectissimum sub duplici specie panis viniq̄ sumi jubeatur, dicente apud eum Salvatore, nisi manducaveritis carnem filii hominis et biberitis ejus sanguinem, non habebitis vitam in vobis. Commotus his Jacobellus, cum perquisitis vetustis sanctorum Doctorum codicibus, Dionysii præsertim et Cypriani, communionem et calicis laudatam invenisset, prohibitus apud sacellum Archangeli Michaelis prædicare, in templo majore s. Martini cathedram sortitus, publice commonere populum cœpit, ne deinceps communionem calicis, sine qua salvari nemo posset, quoquo pacto negligenter. Huic omnes hæretici consenserunt, haud modica gestientes lætitia, quod articulum invenissent in evangelica lege fundatum, per quem Romanæ sedis vel ignorantia vel nequitia argui posset. Odioso quamvis hæc animo Rex intelligeret, desidia tamen corruptus, et inertia torpens, impune debacchari sinebat hæreticos. The reasoning here is evidently taken out of Jacobellus' writings, the rest *Æneas* may have had from credible sources. The Calixtine Laurentius Brzezyna (erroneously written *Byzynnus*) Chancellor of the Neustadt in Prague, relates in his diarium belli Hussitici ab anno 1414 ad 1423, in *J. P. de Ludewig* Reliquiæ Manuscriptorum, T. VI. p. 124 (now complete in Ms. see Dobrowsky in d. Abhandl. der böhm. Gesellsch. d. Wissenschaften auf d. J. 1788. S. 303 seq.): Anno incarnationis dominicæ 1414 venerabilis ac divinissima communio Eucharistiæ sub utraque specie, panis scilicet et vini, populo communi fidei ministranda, per venerandum ac egregium virum Magistrum Jacobellum de Misa, sacre theologiæ baccalaureum formatum, et alios sibi tunc in hac materia assistentes sacerdotes est inchoata in urbe inclyta et magnifica Pragensi. Primum quidem in Ecclesiis s. Adalberti in nova civitate, s. Martini in Muro, et s. Michaelis, ac capella Bethlehem nuncupata in civitate antiqua Pragensi. Quæ certe communio sanctissima successu temporis, quo pluribus diversis minarum ac incarcerationum terroribus per Romanam ac Boemiæ Regem

In the correspondence which the subject called forth, Jacobellus had manifestly the advantage.<sup>5</sup> The Council of Constance confirmed the

Venceslaum, — et præcipue Conrado Archiepiscopo Pragensi, Prælatisque aliis ac Religiosis, et Magistris universitatis studii Pragensis ac Doctoribus, totis viribus suggerentibus et desudantibus suffocationem, impugnabatur: tanto amplius invalescebat et augmentabatur in populo fideli ac devoto sexus utriusque ad tantum, quod infra duos annos non solum in duabus aut tribus Ecclesiis Presbyteri Magistro Johanni Hus [*adherentes*], pro tunc *Wiglefishæ* per partem sibi adversam, quæ *Machometica* appellabatur, nuncupati, libertatem prædicandi, et sic ut præmittitur, populum communicandi habebant; sed fere omnibus parochialibus in Praga Ecclesiis, imo et Monasteriis certis, Archiepiscopo et Prælatibus ipsos excommunicantibus, et interdictum per totam Pragam ponentibus, occupatis populum magnum ad se attraxerunt. Ita quod non solum in Praga, sed etiam regni Boemiæ, et Marchionatus Moraviæ civitatibus, castris, oppidis et villis populus communis catervatim cum magna devotione ac reverentia ad sacratissimam utriusque speciei communionem frequentabat. P. 130: Non solum usum rationis habentes, sed et parvuli seu infantes post baptismum, propter baptismi ipsius confirmationem, temporis successu sacramento divinisimæ Eucharistiæ sub utraque specie communicantur, *Mag. Jacobello* — hanc cum sibi aliquibus adherentibus Magistris et sacerdotibus promulgante et practicare inchoante communionem. Propter quam quidem infantium communionem schisma grave inter Magistros et sacerdotes, veritati Dei et Mag. Johanni Hus adherentes, in Praga et in regno Boemiæ exortum. Nam quidam ex eis infantium communionem fore erroneam et ad baptismi confirmationem non necessariam asserebant: alii e contrario propter dictum b. Dionysii ac aliorum primitivæ Ecclesiæ doctorum hanc sententiam et communionem ipsam catholicam et salutiferam adstruebant. — Nihilominus præfata sacri corporis et sanguinis Domini sub utraque specie — communio tam ad adultos quam ad parvulos et infantes, adversariis ipsius ac æmulis eam ratione et modis diversis suffocare et annullare satagentibus, non tamen prævalentibus, de die in diem magis ac magis crescebat et augmentabatur et invalescebat, impugnantibus per temporum successus notabiliter divina virtute coram ipsa ruentibus, et succumbentibus veritati, et damna inexplicabilia rerum et corporum luentibus.

<sup>5</sup> *Jacobellus* wrote first the Demonstratio per testimonia Scripturæ, Patrum atque Doctorum, communicationem calicis in plebe Christiana esse necessariam (in *v. d. Hardt* Conc. Const. III. p. 805). Answered by *Mauritius de Praga* (Professor of Theology in Prague, at the time in Constance) responsio ad demonstrationem, etc. (l. c. p. 826). Also Anonymi theologi, in Conc. Const. præsentis, epist. elenctica ad Jac. de Misa contra communionem plebis sub utraque specie (l. c. p. 338). *Andree Brodæ* (Professor of Theology in Prague) disp. acad. contra communicationem plebis sub utraque specie (l. c. p. 392). *Jacobellus* replied in the Vindicia contra Andr. Brodæ pro communiione plebis sub utraque specie (l. c. p. 416). He maintains, p. 428: fideles de communitate Christianorum, — dum commodose, tempore et loco opportunis possunt habere, hoc divinisimum sacramentum utriusque speciei debent suscipere ad salutem. — Dum vero — non possunt habere a sacerdotibus, — et aliunde essent boni et justii, — non eo ipso, quod non possunt, nec docentur sumere hoc divinisimum sacramentum utriusque speciei, sunt de damnandis. The position taken by some of his opponents may be seen from Anonymi theologi tract. contra Jac. de Misa (l. c. p. 658), where we find, p. 693: Primitiva Ecclesia est ritus, consuetudo, observatio Ecclesiæ fidelium circa fidem tempore Apostolorum, et aliorum LXXII. discipulorum, et sequacium ipsorum usque ad Sylvestrum Papam. Sed Ecclesia moderna dicitur ritus, consuetudo et observatio Ecclesiæ circa fidem, incipiens a Silvestro Papa usque ad hodiernum diem: capiendum autem modernum magis propinque, tunc est quod duravit per ducentos. Per centum autem annos dicitur Ecclesia moderna, saltim referendo tale tempus ad observationem fidelium circa fidem. Pro quo sciendum, quod *omnia fiebant simpliciori modo et grossiori in primitiva Ecclesia, quam fiunt in moderna Ecclesia*. Quia baptismus fiebat simplici aqua, nunc autem fit in benedicta. Sic etiam divina officia et multa alia fiebant simpliciori modo: sed in moderna Ecclesia omnia digniori modo fiunt. Sic etiam in primitiva communicatio apud Corinthios fiebat sub duplici specie: in moderna omnia sunt reducta ad

established doctrine on the 15th June, 1415, and condemned the opposite doctrine as heresy.<sup>6</sup> This decree, however, together with the execution of Huss which followed immediately, and the contempt expressed by the Council for the heretical Bohemian, brought that country into the most violent ferment. Jacobellus continued to defend the *Communio sub utraque*.<sup>7</sup> Huss was honored as a martyr,<sup>8</sup> and a letter full of the most bitter reproaches addressed to the Council,<sup>9</sup> by an assembly of

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meliolem formam, ad unam speciem. Quia multa Apostoli et alii sequaces omiserunt, quæ moderna Ecclesia implevit: quia dicitur in *Actis Apostolorum*; *crecente Ecclesia crescit et Spiritus Sancti operatio*. Et in *Decretalibus c. Cum Marthæ* (Decr. Greg. III. 41, 6), dicitur; *Multa servat Ecclesia, quæ per Apostolos fuerunt ommissa, etc.*

<sup>6</sup> See § 144, note 6.

<sup>7</sup> *Jac. de Misa* apologia pro communione plebis sub utraque specie contra Constant. Conc. decretum condemnatorium, in *v. d. Hardt*, III. p. 591.

<sup>8</sup> A yearly festival in honor of Huss and Jerome, on the 6th July, is mentioned by *Jæneas Sylv.* hist. Bohem. c. 36. Theobald, Th. I. Cap. 27. S. 133.

<sup>9</sup> The letter of the Council to the clergy of Prague, announcing the execution of Huss, and calling on them to extirpate heresy, in *v. d. Hardt*, IV. p. 485 seq. In the letter of the 54 nobles assembled at Prague, to the Council, dd. 2 Sept. 1415. l. c. p. 495. Hist. et Mon. I. p. 98, we read, e. g.: Nos — pro carissimo proximo nostro, — Johanne Huss, — prædicatore evangelico, quem nuper in Concilio Constantiensi, nescimus quo spiritu ducti, non confessum, nec legitime, ut decebat, convictum, — sed ad sinistras, falsas et importunas duntaxat suorum et regni nostri — capitalium inimicorum et proditorum accusationes, — tanquam hæreticum pertinacem condemnastis, et condemnatum dira et turpissima morte affectistis, in nostri regni Bohemiæ christianissimi et Marchionatus Moraviæ clarissimi, ac omnium nostrum perpetuam infamiam et notam: quemadmodum serenissimo Principi et Domino, Domino Sigismundo — scripta ad Constantiam transmissimus, quæ etiam in congregationibus vestris lecta sunt et publicata, — et ea, ut referitur, in nostrum dedecus et contemptum ignis voragini tradidistis: ita et nunc pro dicto M. Jo. Hus literas nostras patentes præsentibus duximus destinandas, publice corde et ore profitentes et protestantes, quod ipse M. J. Hus fuit vir utique bonus, justus et catholicus, a multis annis in regno nostro vita et moribus ac fama laudabiliter conversatus et comprobatus; legem etiam evangelicam — nos et subditos nostros catholice docuit, — omnes errores et hæreses constantissime detestando. — Nec præmissa omnia in confusionem nostram, et regni nostri et Marchionatus præfatorum perpetrata vobis suffecerunt; quin potius honorandum M. Hieronymum de Praga — non confessum, nec convictum, sed ad solam suorum et nostrorum proditorum delationem sinistram — comprehensum incarcerationis: trucidastis etiam forte, sicut et M. Johannem Hus crudelissima morte interemistis. Præterea ad nostram — pervenit notitiam, — quomodo quidam detractores — coram vobis — nos — gravissime et nequissime detulerint, asserentes, licet false, — quod in præfatis regno Bohemiæ et Marchionatu Moraviæ diversi errores pullularint, et corda nostra — infecerint. — Equidem has atroces et perniciosissimas injurias — nobis et præfatis regno et Marchionatu, licet false et mendose, impositas quomodo sustinere possumus? Cum per gratiam Dei — regnum nostrum Bohemiæ christianissimum, et clarissimum Marchionatus Moraviæ a tempore, quo fidem catholicam — susceperunt, — s. Romanæ Ecclesiæ semper constanter et indesinenter adhæserunt. — Ut autem juxta sententiam Apostoli provideamus bona non solum coram Deo, sed etiam coram hominibus; — ideo — certam orthodoxamque fidem tenore præsentium V. P. et universis Christifidelibus innotescimus, — profitentes, quod quicumque hominum, — qui — dicit vel asserit, quod in præfatis regno Bohemiæ et Marchionatu Moraviæ errores et hæreses pullulassent, et nos — infecissent, — recte mentitur in caput suum, tanquam nequam, pessimus traditor et proditor prædictorum regni et Marchionatus, et solus utique hæreticus perniciosissimus: — nihilominus tamen præmissas injurias Domino — nunc committentes, apud futurum Apostolicum, — unicum et dubitatum pastorem, illas amplius et latius prosequemur. —

Bohemian and Moravian nobles, who had associated themselves together for six years for the defence of the true doctrine.<sup>10</sup> It was in vain that they were summoned to appear in Constance: <sup>11</sup> the national excitement was still further heightened by the execution of Jerome, and finally, after the decision of the university in favor of the *Communio sub utraque*,<sup>12</sup> this view was adopted almost universally amongst the people.<sup>13</sup> Still, however, the Council thought best to resort to severe measures, and began with issuing regulations in 24 articles, for putting down by force the Bohemian heretics,<sup>14</sup> and the Pope sent legates thither for the purpose.<sup>15</sup> The king, Wenzel, was entirely indifferent to the dispute,<sup>16</sup> but at the same time too weak and undecided to be able to preserve order. The Hussites, assisted by the violent catholics, especially the clergy, were driven to resistance. Having assembled themselves under the command of two

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Præmissis enim non obstantibus legem Domini nostri Jesu Christi, ipsiusque devotos, humiles et constantes prædicatores usque ad effusionem sanguinis, omni timore et statutis humanis in contrarium editis postergatis, defendere volumus et tueri.

<sup>10</sup> See the *Syngrapha* dd. Victorini (5 Sept.) 1415, in the *Hist. et Mon.* I. p. 98. They bound themselves in particular ut in omnibus nostris ditionibus quisque pro se curaret verbum Dei libere — in templis et monasteriis doceri et audiri; itaque nullum sacerdotem arcendum — esse, qui — petat sibi concedi, ut doceat verbum Dei juxta s. Scripturæ veritatem. Quod si sacerdos alicujus erroris insinualatus fuerit, ut is ad Episcopum suæ ditionis citetur: a quo si deprehensus fuerit alienum aliquid a verbo Dei in vulgus spargere, manifeste puniri debet, convictum vero nos prohibebimus, ne intra nostros fines amplius concionetur. Sin quispiam ex Episcopis odio veræ et evangelicæ doctrinæ sacerdotum aliquem nullo in errore deprehensum privata cupiditate inordinate et clam pœna aliqua afficere voluerit, decrevimus apud nos, ut nullum postea sacerdotem ad talem Episcopum citari pateremur, sed ut hæc res ad celeberrimæ Academicæ Pragensis Rectorem, Doctores sacrarum literarum et Magistros referatur, et per eosdem de toto negotio secundum sacræ Scripturæ veritatem cognitio fiat. Deinde hoc quoque communi sententia decrevimus, ut omnibus sacerdotibus, quicunque sub nostro imperio vivunt, mandarem, nullas ut a quoquam excommunicationes acciperent, præterquam ab Episcopis nostræ ditionis. Nam excommunicationes legitimas retinere eisque libenter parere volumus. Si qui vero ex eisdem Episcopis nostræ ditionis voluerint iniquis excommunicationibus, aut vi aliqua injusta nobis aut nostris Ecclesiis molesti esse propter verbum Dei, et sanctum ejus testamentum, aut propter aliud quiddam, de quo non fuerit facta cognitio legitima, illis ipsis decrevimus non modo non obtemperare, sed etiam resistere, si ita necessitas postulabit. — Hæc omnia ut rata inter nos ac firma sint, nos mutuis inter nos auxiliis operam dabimus. Quod si quis nostrum recusaverit, is et nominis sui et omnium bonorum jacturam patietur.

<sup>11</sup> The letter dated 24 Febr. 1416, in *Raynald*, h. a. no. S. *Balbini* Miscell. hist. regni Bohem. Lib. VI. p. 144, 156.

<sup>12</sup> The document, dated March 10, 1417, in *Cochlæi* hist. Hussit. p. 159. *Hist. et Mon.* II. p. 539.

<sup>13</sup> See Pelzel's *Lebensgesch. des Königs Wenceslaus*. Th. 2. S. 656.

<sup>14</sup> Which see in *Cochlæus*, p. 165.

<sup>15</sup> Theobald, Th. I. cap. 29, in *Anf.* S. 138.

<sup>16</sup> He wrote to his brother Sigismund, as we gather from Sigismund's answer to Wenzel's ambassadors (see Pelzel, Th. 2. *Urkundenbuch*, S. 169), qualiter nesciat in regno suo aliquos erroneos homines. He granted the followers of Huss, 25th Febr. 1419, three churches in Prague for their worship, under the condition that they would keep the peace. Pelzel, Th. 2. S. 680. *Urkundenbuch*, S. 171.

noblemen, Nicholas of Hussinecz, and John Ziska, at Mount Tabor,<sup>17</sup>

<sup>17</sup> *Brzezyna* gives an account of this in two passages, *Ludewig Reliq.* VI. p. 142, and more at large, p. 186. In the last: Factum est anno Dom. 1419, quod Presbyteri eum eorum vicariis prope castrum Beehinense durius sic (*sub utraque specie*) communicantibus insultabant, eosdem armata manu de Ecclesiis eorum expellentes, tanquam erroneos et hæreticos. Qua de re Presbyteri cum sibi juncto populo montem magnum magna planicie exornatum ascendunt, et in ejus summitate tentorium de lineis pannis ad modum capellæ expandunt. In quo agentes divina, populum ibidem confluentem, sine ullius communionis impedimento, venerabilis Eucharistiæ sacramento devotissime reficiunt. Qua peracta et depositis lineis pannis ad propria redeunt, et monti nomen Tabor imponunt (*Tabor* is Bohemian for tent: there was, however, no doubt, a reference also to the mount of the transfiguration), ad quem venientes Taboritæ sunt nuncupati. Hæc cum ad aures adjacentium civitatum, oppidorum et villarum devenirent, fratres Presbyteri circumcirea vicini, conducta certæ festivitatis die, populum eis junctum cum venerabili corporis Christi sacramento ad Tabor sonoris vocibus deducunt pro veritatis ibidem, ut dicebant, confirmatione, ac fratrum sororumque ibidem existentium confirmatione ac consolatione. Quibus taliter venientibus occurrunt de Tabor eum venerabili altaris sacramento fratres ac sorores pro alacri venientium susceptione. Venientes illa itaque in montem totam diem non in lasciviis, sed in his quæ salutem animarum concernunt expendebant. Presbyteri nempe eorum terno functi sunt ibidem officio: doctiores namque ac eloquentiores a summo mane populo per normas diviso, seorsum viris, ac seorsum mulieribus et pueris verbum Dei, et præsertim, quæ superbiam, avaritiam fastumque Cleri concernebant, sine omni formidine populo alternatim prædicabant, aliis pro tunc continue ad auricularem confessionem eonsidentibus: et tertii peractis divinis populum a discente usque ad meridiem utraque specie, corporis scilicet et sanguinis Domini Christi, communicabant. Ita quod in die Mariæ Magdalene (22 July) XLII. millia cum aliquot et XX., virorum, mulierum et parvulorum taliter communicantium fuerunt a Presbyteris computati. Quibus omnibus taliter, ut præmittitur, expeditis vadunt pro corporis refectione ad loca ibidem in monte multipliciter præparata, et simul in caritate fraterna conviventes, non ad libidinem aut ebrietatem, non ad levitatem et dissolutionem, sed ad majorem et fortiolem Dei servitatem. Ibique omnes sese fratres et sorores appellantes, ditior cum paupere victualia, quæ erant præparata, dividebant. Ita nihil, quo inebriari potest, permissum fuerat propinari. Ibi etiam nulla chorea, nullus taxillorum et globorum, aut alterius levitatis ludus, non dico seniorum, sed et parvulorum, habebat indulgentiæ locum. Ibi denique nullæ contentiones, nulla furta, nullæ sonantium fistulæ, aut cythararum melodiæ, prout hactenus in Ecclesiarum dedicationibus fieri solebat, potuit reperiri: sed omnium, more Apostolorum, fuit unum cor et una voluntas, nihil aliud tractantes, nisi quæ forent de animarum salute ac de Cleri ad pristinum, primitivæ scilicet Ecclesiæ, statum reductione. Peracta itaque, ut dictum est, modica corporis refectione, surgunt cum populo Presbyteri ad agendum Deo gratiarum actiones, cum venerabili Eucharistia Tabor montem processionabiliter circumveant, virginibus sacramentum præcedentibus, et viris ac mulieribus in suis turmis sequentibus, vociferantes et psallentes in canticis, prout videbatur expedire. Hæc processione finita, vale sibi mutuo facientes cum suis Presbyteris — veniunt unde exiverunt. Factum est autem, cum supra dicta in longiores partes vulgarentur, cæpit numerus venientium de die in diem notabiliter augmentari. Nam non solum jam de Pyska, etc. —, sed de Praga, etc. —, necnon de multis locis Moraviæ pedestres et equestres in Tabor confluebant. — Quapropter — Rex Wenceslaus cum quibusdam inimicis veritatis cœperunt graviter ferre, timentes ne tanta populi multitudo Regem et Archiepiscopum, prout famabatur, pro defensione legis Dei eligerent, et eorum bona velut adversariorum per potentiam, eui resistere non valerent, invaderent ac depopularent (compare p. 143: Quamobrem Rex Boemiæ Wenceslaus multum est turbatus, se de regali solio dejici timens et expavescens, Nicolaumque de Hus in locum sui substitui suspicando). Quidam ea de causa ex nobilibus districtius subditis sui sub pœna colli et bonorum perditione præcipiunt, ne per amplius ad montem Tabor audeant concurrere. Sed hujusmodi mandatum rustici cum suis mulieribus modicum aut nihil advertentes, potius dimissis omnibus, quæ possederant, ad Tabor montem in certis festivitatis venire nullatenus negligebant, allecti et attracti, prout ferrum attrahit magnas.

they celebrated there their communion, and founded a town bearing the same name. With the feeling of their strength grew also the wildness of their fanaticism. Led on by Ziska, a band of Taborites advanced to Prague, and took signal vengeance on the Council of the Neustadt (on the 30th July, 1419) for the insults which had been offered their communion cup in the city.<sup>18</sup> At this juncture Wenzel died (Aug. 16), and in the general unwillingness to submit to the hated Sigismund, his death was followed by complete anarchy, which was made still worse by the difference of doctrine which sprung up between the Hussites in Prague, and the Taborites.

The Hussites in Prague (Calixtines, Utraquists) adhered to the doctrines of Huss and Jacobellus, which in 1421 they set forth in 4 articles.<sup>19</sup> In the mean time, however, since its estrangement from the church, Bohemia had become the resort of the persecuted *Beghards*, there pronounced *Picards*, of whom there had been a small congregation in Prague ever since A. D. 1418.<sup>20</sup> These soon joined

<sup>18</sup> *Brzezyna* in *Ludewig*, VI. p. 143. *Æneæ Sylvi* hist. Bohem. c. 37. init. Pelzel, Th. 2. S. 684 f.

<sup>19</sup> *Brzezyna*, p. 176 seq. Magistri civium, consules et scabini totaque communitas civitatis Pragensis proclaimed in the document, which was written in Latin, Bohemian and German: Notum sit omnibus Christifidelibus quod fideles in regno Bohemiæ instant, et Domino juvante instare proponunt sive per mortem, sive per vitam, quantum est eis possibile, pro articulis infra scriptis: *Primo*, quod verbum Dei regnum Bohemiæ libere et sine impedimento ordinate a sacerdotibus Domini prædicetur. — *II.* quod Sacramentum divinissimæ Eucharistiæ sub utraque specie, panis scil. et vini, omnibus Christifidelibus nullo peccato mortali indispositis libere ministretur juxta sententiam et institutionem Salvatoris. *III.* quod dominium sæculare super divitiis et bonis temporalibus, quod contra præceptum Christi Clerus occupat in præjudicium sui officii et damnum brachii sæcularis, ab ipso auferatur et tollatur, et ipse Clerus ad regulam evangelicam et vitam apostolicam, qua Christus vixit cum suis Apostolis, reducat. — *IV.* quod omnia peccata mortalia, et speciatim publica, aliæque deordinationes legi Dei contrariæ in quolibet statu rite et rationabiliter per eos, ad quos spectat, prohibeantur et destruantur. Quæ qui agunt, digni sunt morte, non solum qui ea faciunt, sed qui consentiunt facientibus, ut sunt in populo fornicationes, comessiones, etc. — In Clero autem sunt simoniacæ hæreses et exactiones pecuniarum: a baptismo, etc. — moresque impii et injusti, ut sunt impudici concubinitus, — iræ, rixæ, contentiones, frivolæ citationes, et hominum simplicium pro lubitu vexationes et spoliationes, etc. — Quod si aliquis ultra hanc piam nostram et sanctam intentionem aliqua nobis adscribat impudica et enormia, tanquam falsus et iniquus testis a Christifidelibus habeatur, etc.

<sup>20</sup> See *Dobrowsky* in d. *Abhandlungen der böhm. Gesellschaft d. Wissenschaften* f. 1788. S. 309 seq., and the fragment given there from a Ms. of *Brzezyna*: Origo autem et radix hujus maledictæ hæresis pervenit ad Boemiæ regnum a quibusdam Piccardis, qui anno 1418 Pragam cum uxoribus (et liberis venerunt). They must, however, have come as early as 1417, for on the 25 Jan. 1417 (i. e. 1416), the university condemned them (*Pelzel*, Th. 2. *Urkundenbuch*, S. 163): Sane, quod nimis dolenter referimus, ad audientiam nostri crebris relatus et clamoribus iteratis est deductum, quomodo nonnulli diversarum communitatum ex erronea et diabolica doctrina in destructionem fidei ac religionis Christianæ temere tenent et adstruere conantur, non esse purgatorium, et consequenter quod non sit orandum vel elemosynandum pro defunctis. Quodque non sint tenendæ in Dei Ecclesia imagines, immo asseverant, quamvis false, quod habere Christi et Sanctorum imagines legi Domini repugnaret. Insuper quod benedictiones salis et aquæ fontis baptisterii — cum aliis Ecclesiæ benedictionibus — errorem saperent. — Et hinc illas cum aliis laudabilibus Ecclesiarum ceremoniis funditus evellere et

themselves to the Taborites, as the most determined opponents of the ruling power in the church,<sup>21</sup> and spread their doctrines amongst them with great success. The Taborites now rejected scrupulously every doctrine or usage not founded in Scripture, they abhorred all worldly pleasures, even the sciences,<sup>22</sup> whilst their fanaticism, sur-

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destruere nituntur. — Supplicamus, ut si ad vos dogmatisatores quicumque prædicatorum errorum cum suis falsis sententiis pervenerint, — tamdiu illis liberam denegatis audientiam, quamdiu coram nobis suam docerent sententiam fore justam.

<sup>21</sup> *Thom. Ebendorffer de Haselbach*, D. theol. at the university of Vienna († 1460), *Chron. Austriacum in Pezii Scriptt. rerum austr. II. p. 846*: Ibi quoque sumta occasione Waldenses, qui usque latuerunt, suas cervices erexerunt, primum latenter suos inducentes errores, postea vero armata manu defensare et alios ad eosdem nisi sunt compellere.

<sup>22</sup> The Calixtine *Brzezyna* continues, after the passage cited in p. 190, thus: Cum hæc talia, ut præmittitur, agerentur, et plurimi tam nobilium quam vulgarium sexus utriusque, dimissis vanitatibus, legi Dei operam darent: Diabolus salutis generis humani inimicus per aliquos falsos fratres Presbyteros mundo legis Dei tritico varias errorum et hæresium superseminavit zizanias. — Nam cum eo tempore non esset Rex et Princeps in Israel, ad quem subditi haberent respectum, faciebat unusquisque quod sibi rectum videbatur. Et plurimi Taboritarum Presbyteri, magnam habentes populi confluentiam et adhærentiam, dimissis ss. doctorum Ambrosii, Hieronymi, Augustini, Gregorii et cæterorum ab Ecclesia approbatorum sententiis, suis de propriis ingeniis elaboratis glossis antiquum et novum interpretati sunt Testamentum, multa falsa et erronea veris immiscentes, per quæ facilius corda simplicium poterant ad eorum sententias inclinari. Fundamentum autem omnium malorum sequentium fuit erroneus Scripturarum intellectus. Dicebant namque eorum directores et doctores, quod non oportet doctorum, qui fuerunt puri homines, uti scholarum sententiis, cum Christus Deus et homo sufficienter in novo Testamento expressit omnia, quæ cuilibet homini viventi sunt necessaria ad salutem, et quomodo vetus novum, et vice versa novum vetus exponit Testamentum. In 1420 they published their doctrines in 14 articles: I. Nulla scripta aut dicta quorumcumque doctorum a fidelibus sunt tenenda, — nisi quæ in canone Bibliæ explicite continentur, quia omnes libri talium sunt astutiæ Antichristi et adjiciendi, destruendi aut comburendi. II. Omnis homo in eo, quod studet in artibus liberalibus, aut gradus in eisdem accipit, est vanus et gentilis, et peccat contra Evangelium D. N. J. C. III. Nulla decreta ss. Patrum aut seniorum instituta, nullus aliquis ritus, aut traditio humanitus inventa sunt tenenda: sed omnia talia sunt abolenda et destruenda, velut Antichristi traditiones, cum Christus et ejus Apostoli ea fieri nullibi in novo Testamento expresserunt. IV. Ex prædictis concludebant sequentia, quod nullum chrisma, aut sacrum oleum, aut aqua baptismalis sunt consecranda vel sanctificanda. Similiter calix nullus, corporale, ornatus et de aliis rebus in Ecclesia fieri consuetis sunt exorcissanda, benedicenda aut sanctificanda. Similiter nullæ horæ canonicæ sunt dicendæ. Nec ritus Missæ in ornatu et signis ac ordine dudum ab Ecclesia constituto, nec cantus ecclesiastici sunt tenendi, sed potius tanquam humanæ traditiones et legis Dei impeditiva abjicienda et destruenda. V. Infantes non debent cum exorcismis et solitis in baptisate compatribus in aqua ad hoc benedicta et consecrata baptisari. Sed possunt in quacunque unda recenti, et ubi libuerit, baptisari. VI. Omnes libri missales aut cantuales, similiter et viatici et libri hymnorum, et omnis ornatus seu vestes missales, aut alia spiritualia pro peragendis divinis indumenta, monstrantia et calices, aut cinguli argentei vel aurei, et omnis vestis polymita, et conspersa, aut quovis modo depicta: hæc omnia sunt destruenda vel comburenda, magisque licet rusticis in dictis sacris vestibus incedere, et cappas et manicas ex eis facere, quam Presbyteris in eis peragere divina. VII. Confessiones auriculares non sunt curandæ aut observandæ, nec ad eas peccatores etiam criminales obligantur, sed soli Deo sufficit mente tenus confiteri. VIII. Jejunia quadragesimalia, quatuor temporum, in vigiliis, cæteraque humanitus aut consuetudine introducta non sunt a fidelibus observanda, sed pro velle sui beneplaciti unusquisque his diebus comedat, quicquid habet, aut quod sibi apparabit. IX. Dominico die excepto nulla alia

rounded as they were by dangers, very naturally showed itself in various superstitious expectations and notions.<sup>23</sup> On the other hand,

festivitas est ex aliquo debito celebranda a fidelibus. X. Omnis Presbyter cum platta et in ornatu vel superpellicio divina peragens, aut Missam ritu consueto celebrans, est sicut illa meretrix, de qua scribitur in Apocalypsi, a fidelibus contemnenda. Sed Missa est ad instar Christi et Apostolorum cum barbis et sine platta in communi veste et sine altari, in quocunque loco contigerit, celebranda. Et sacramentum Eucharistiæ alta voce propter adstantes est conficiendum, et ipsum non est elevandum, nec in crastinum est conservandum. XI. Sacerdotes evangelicæ domos eis ratione elemosynæ pro perpetuo a Laicis concessas aut deputatas non possunt licite inhabitare, nec possunt habere bona temporalia, jure civili ab eisdem subtracto penitus et ablato, nec a taliter habentibus accipienda sunt sacramenta, quamvis jus sic habendi eis esse illicitum notorie recognoscant. XII. Post mortem corporalem animarum fidelium non est credendus locus purgationis aut tenendus, stultumque et inane est pro fidelibus defunctis exorare, aut alia pietatis opera exercere. XIII. Invocationes aut postulationes nostræ, tam mentales, quam vocales, ad sanctos, qui sunt in cælesti patria, pro aliquibus suffragiis sapient hæresin aut idololatriam. XIV. Nulla imago nec aliqua similitudo eorum, quæ sunt in cælo et terra, sub pœna idololatriæ est habenda, sed qualibet talis est tanquam idolum destruenda et comburenda. Quia scriptum est *Exodi XX: non facies tibi sculptile, nec omnem similitudinem*. Brzezyna adds further, that they found the rejection of all usages not found in the bible, on *Apoc. xxii. 18: si suis apposerit ad hæc, apponet Deus super illum plagas scriptas in libro isto*: and on the words of Christ to the Scribes and Pharisees, *Matth. xv. 6: irritum fecistis mandatum Dei propter traditiones vestras*. After the Hussites in Prague had published their 4 articles (see note 19), the Taboritarum et omnis advenarum communitas, sent to them 12 articles as the only conditions of further intercourse, *Brzezyna*, p. 185: II. quod articuli, ad quos Capitanei, consules et communitas consenserunt (those hereby made known), quia jam dudum sunt per prædicatores proclamati, teneantur et observentur sub pœnis promulgatis. III. quod manifesti peccatores — non tolerentur absque pœna. IV. quod potationes tabernales — non fiant. V. quod vestes superbas non portent. VI. quod in artificijs et foro provideatur, ne fiant illusiones, spolia, usurae, juramenta, inutilitates et vanitates, doli, etc. VII. quod jura paganica et teutonica, quæ non concordant lege Dei, tollantur, et jure divino ut regatur, judicetur, et totum disponatur. VIII. quod sacerdotes ex parte servant se secundum ordinem divinum et imitationem propheticam et apostolicam. IX. ut magistri subjiciantur regulariter juri divino, sicut et alii fideles Christiani, et suas proscriptiones ut ad voluntatem Dei regulent et in prætorio reponant, ut examinentur juxta legem Dei. X. ut omnes census sacerdotum ad bonum commune convertant, et usurarios destruant. XI. ut adversarios veritatis Dei ex se eiciant, et profugos et bannitos ne suscipiant. XII. ut Monasteria hæretica destruant et corruptant, Ecclesias non necessarias, et altaria, imagines patenter et occulte servatas, ornatus superbos, et calices aureos et argenteos, et omnem antichristianam plantationem idololatricam, et simoniacam pravitatem, quæ ex Deo, patre cælesti, non est.

<sup>23</sup> *Brzezyna*, p. 155, A. D. 1420: Item hæc temporibus sacerdotes quidam Taboriensis novum Christi adventum prædicabant populo. In quo adventu omnes mali et veritatis æmuli perire debeant et exterminari, et boni duntaxat in quinque conservari civitatibus. — Harum hæc sunt nomina Pilzna, quæ per ipsos civitas solis est appellata, Zatecz, Luna, Slana et Laotovia. — Quorum sententiis frivolis, tanquam veridicis, multi simplicium zelum habentes secundum Apostolum, sed non secundum scientiam, acquiescentes, bona sua pro levi etiam pretio vendendo, ad ipsos de diversis regni Bohemiæ et Marchionatus Moraviæ districtibus cum uxoribus et pueris confluxebant, et pecunias ad pedes ipsorum sacerdotum projiciebant. Their doctrines are given at large, p. 203 seq. Primo, quod in præsentis sæculi consummatione adveniet Christus occulte, sicut fur, novo adventu ad regnum suum reparandum, pro quo oramus: *adveniat regnum tuum*: et in hoc adventu non erit tempus gratiæ, sed ultionis et retributionis in igne et gladio. Ita quod omnes legis Christi adversarii debent perire septem plagis novissimis, ad quarum executionem sunt fideles provocandi. — Item in hoc tempore ultionis



few of them could be gained over to the view, that the bread and wine in the Communion were only signs, and these few were stigmatized by the rest with the name of Picards, and driven from Tabor. Some of these also fell into the heresy of the Free Spirit, and were called Adamites, but were soon exterminated by Ziska, A. D. 1421.<sup>24</sup> The name, however, was given by their adversaries to the Taborites generally.

Immediately after the death of Wenzel, the Taborites began to burn the churches and convents, and maltreat the priests and monks.<sup>25</sup> There was no hope of gaining them over, but by a little indulgence Sigismund might easily have prevailed on the Calixtines to acknowledge him as their king. But as he threatened all the Hussites alike by causing a crusade to be immediately proclaimed by the

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quilibet fidelis, etiam Presbyter, quantumcunque spiritualis, est maledictus, qui gladium suum corporalem prohibet a sanguine adversariorum legis Christi, sed debet manus suas lavare in eorum sanguine et sanctificare. Item isto tempore ultionis, quicumque audiverit predicari vocem Christi, qua dixit: *tunc qui in Judæa sunt, fugiant ad montes*; et qui non exiverit de civitatibus — ad montes corporales, ubi modo Taborienses vel eorum fratres congregantur, ille peccat mortaliter contra præceptum Christi, et in peccato suo peribit, quia nunc nemo salvari potest a plagis Domini, nisi veniant ad montana. Item hoc tempore ultionis omnes civitates — debent desolari, destriui et comburi, quia jam nec Dominus Deus nec aliqui in eas ingreditur. Item quod fratres Taborienses isto tempore ultionis sunt angeli missi ad educendum fideles de omnibus civitatibus — ad montes, sicut Loth de Sodomis. — Sunt exercitus a Deo per totum mundum missi ad tollendum omnia scandala de regno Christi, quod est Ecclesia militans, et ad ejiciendum malos de medio justorum, et ad faciendum vindictam, — et nationes adversariorum legis Christi et eorum civitates — evertendas. — Item in fine istius consummationis sæculi Christus descendens de cælo manifeste veniet, — ut regnum in hoc mundo assumat, et faciet grande convivium et cœnam agni, veluti nuptias sponsæ suæ Ecclesiæ hic in montibus corporalibus. — Item in adventu Christi isto secundo ante diem judicii cessabunt Reges, Principes, ac omnes Ecclesiarum Prælati; — in hoc regno reparato nullum erit peccatum; — parient mulieres infantulos suos sine dolore et peccata originali (*Isaiæ lxxvi*); — parvuli in hoc regno nati — nunquam morientur, quia mors ultra non erit (*Apoc. xxi*). — Et dicebant hoc fieri cito infra paucos annos, in quibus aliqui ex nobis remanentes vivi videbunt sanctos Dei resurgentes, et inter eos Mag. Johannem Hus, quia abbreviabit Dominus hoc tempus ultionis, accelerando consummationem sæculi propter suos electos. Item isti electi, qui sic vivi relinquuntur, ad statum innocentiae ipsius Adæ in Paradiso, et ut Enoch et Elias, reducentur. Et erunt absque omni fame et siti, et omni alia pœna tam spirituali, quam corporali. Qui etiam sancto connubio et immaculato thoro generabunt carnaliter hic in terris et in montibus filios et nepotes absque omni dolore et perturbatione, et absque omni peccato originali, nec tunc opus erit baptismate fluminis, quia in Spiritu Sancto baptizabuntur, nec ibi erit sanctæ Eucharistiæ sacramentum, quia novo modo angelico pascentur, non in memoriam passionis Christi, sed ejus justitiæ. Brzezyna then enumerates the passages on which these opinions are founded, mostly taken from the Prophets and the Apocalypse.

<sup>24</sup> See Jos. Dobrowsky, *Gesch. der böhm. Pikarden und Adamiten*, in den *Abhandlungen der böhm. Gesellschaft der Wissenschaften auf d. J. 1788*, 8vo. 300 ff. especially *Brzezyna's* account ex Ms. *ibid.* S. 317 seq. *Aeneas Sylvius* hist. bohem. c. 41, supposes that they had a founder: Pichardus quidam ex Gallia Belgica, transmissio Rheno, per Germaniam in Bohemiam penetravit, and takes Picards as synonymous with Adamites. The errors of the Adamites are recounted by *Brzezyna* from an account sent to Prague by Ziska in *Dobrowsky*, S. 325 seq.

<sup>25</sup> This began in Prague on the day after Wenzel's death, see *Brzezyna* in *Ludewig*, VI. p. 145 seq.

Pope's legate against the heretical Bohemians,<sup>25</sup> they all united against him, and not only defended themselves triumphantly against three crusading armies, but even made incursions into the neighbouring countries.<sup>27</sup> In these wars the Taborites signalized themselves by their valour, first under Ziska,<sup>28</sup> and after his death (1424) divided into two parties, one of them led by the older Procopius, the other, called the *Orphans*, directed by a council of war, of which the younger Procopius was the most important member.

After the failure of the third crusade (1431) the opponents of the Hussites perceived that nothing was to be gained by force, and negotiations were immediately opened by the Council of Basil, at which the same legate, Julius Cesarini, presided, who had led on the last crusade.<sup>29</sup> The deputies of the Hussites appeared in Basil, after

<sup>25</sup> Martin V.'s crusade bull of March 1, 1420, in *Cochlæi* hist. Hussit. lib. V. p. 183, and in *Schelhorn's* Ergötzlichkeiten aus der Kirchenhistorie. Bd. 1. S. 607 ff. Several others from the year 1428 and 1427, see in *Brown* Appendix ad fasciculum rerum expetendarum et fugiendarum, p. 611 seq.

<sup>27</sup> See generally *Brzezyna*, l. c. Eberh. Windeck's (a counsellor of Sigismund) Leben K. Sigismunds, Cap. 72, in *Mencken* Scriptt. Rer. Germ. 1. p. 1127 seq. *Æneæ Sylvi* hist. Bohem. c. 42 seq. *Cochlæi* hist. Hussit. lib. V. p. 178 seq. Theobald's Hussitenkrieg, Th. 1. Cap. 33 ff. S. 148 ff. — Histoire de la guerre des Hussites et du concile de Basle par *Jaq. Lenfant*. T II. Amst. 1731. 4to. Supplément à l'hist. de la guerre des Hussites de *Mr. Lenfant*, par *Isaac de Beausobre*. Lausanne, 1735. 4to. *Jac. Lenfant's* Gesch. des Hussitenkrieges, mit wichtigen das Original berichtenden Noten von *M. E. H. Hirsch*. Presburg, 1783. 4 Theile, Svo. Geschichte des Hussitenkriegs. Zittau u. Leipzig, 1795. Svo.

<sup>28</sup> Merkwürdige Lebensgeschichte des Johann. v. Trocznow ober sogenannten Zizka, Heerführer der Böhmen, Prag, 1792. Svo. Zizka's militärische Briefe u. Verordnungen, von *K. Ungar*, in d. Neueren Abhandlungen d. k. böhmischen Gesellsch. d. Wissenschaften. Bd. 1. (Wien u. Prag, 1791. 4to.) S. 371 ff. Diplomatisch-historische Aufsätze über *Joh. Zizka v. Trocnow* von *Max. Millauer*. Prag, 1824. (which forms a part also of the Abhandl. d. königl. böhm. Gesellsch. d. Wissensch. Neuer Folge Bd. 1. Prag, 1827. Svo.)

<sup>29</sup> The Hussites had before been summoned to refer their cause to this Council, but with the demand that they should agree beforehand to submit to its decrees, see the account of Sigismund's negotiations with the Hussites in Presburg, 1429, in *J. G. Schelhorn's* Beiträgen zur Erläuterung der Geschichte, bes. der schwäb. Gelehrten- u. Kirchen-Geschichte, Stück 3 (Memmingen, 1774. Svo.) S. 77. They now attempted to prove the justice of their cause in public letters addressed to the princes and people, see one of A. D. 1430, in *Brownii* Appendix ad fasciculum rerum expetendarum et fugiendarum, p. 632, another dated July, 1431, in *Mansi* XXIX. p. 641, and German in *Theobald's* Hussitenkrieg, Cap. 73. S. 272 seq., in which last they complain particularly of their being summoned to submit to the Council. But the summons of the Council to the Bohemians, dd. 15 Oct. 1431 (*Raynald*, h. a. no. 24, complete in *Mansi* XXIX. p. 233 seq.) promises: *Hic quidquid pertinet ad fidei veritatem, — omni cum diligentia et libertate tractabitur. Licebit libere omnibus exponere, etc.* A second letter of March, 1432 (*Mansi* XXIX. p. 415, and XXX. p. 99), assures the Bohemians of a safe conduct, adding, what was humbling enough for the Council: *promptis et non fictis dabimus animis. The Salvusconductus* accompanied the letter (*Mansi* XXIX. p. 417), and ambassadors were sent to Eger, to negotiate with the Bohemians (*Theobald*, Th. 1. cap. 79), who, at the instance of these last, gave another *Salvusconductus* (*Mansi* XXIX. p. 27), in which not only the Bohemians were assured of safety, but also: *in loco vel in locis hospitiorum suorum divina officia sine impedimento nostrorum peragere permittimus. Further: in generali Concilio — articulos quatuor (see note 19) — oretenus aut in scriptis libere poterunt offerre, aut propalare, Scripturis sacris,*

some delay, in Jan. 1433, but the time was only consumed in ineffectual disputations.<sup>30</sup> After their return, however, an embassy was sent by the Council, and a compact concluded with the Calixtines in Prague, on the 30th Nov. 1433, by which the four articles were conceded to them, though with very important limitations.<sup>31</sup> The

beatorumque doctorum verbis, sententiis et rationibus eos declarare, adstruere, persuadere, et, si opus fuerit, etiam ad objecta Concilii generalis respondere, aut cum aliquo vel aliquibus de Concilio super eisdem disputare, aut caritative — conferre, opprobrio, convicio aut contumelia procul motis.

<sup>30</sup> See the speeches of the Bohemian Theologians, of whom John Rokycana was the most conspicuous, in *Martene* ampliss. coll. VIII. p. 262 seq., and Mansi XXX. p. 269 seq. The answers of the Catholics see in *H. Canisii* lectt. ant. ed. Basnage IV. p. 467 seq., and Mansi XXIX. p. 699 seq.

<sup>31</sup> The Acts relating to the preceding negotiations see in *Martene* ampl. coll. VIII. p. 596 seq., and thence in Mansi XXX. p. 590, 634, 668. The compact itself, which was made between the legates of the Council and the plenipotentiaries of the generalis Congregatio Regni Bohemiæ et Marchionatus Moraviæ, in *Cochlæi* hist. Hussitarum, lib. VII. p. 271, and in *Leibnitii* Mantissa cod. jur. gent. II. p. 138. It first establishes peace and concord, and annuls all the ecclesiastical censures, providing, quod nemo deinceps dictum Regnum et Marchionatum propter præterita infamare præsumat. It then treats of the four articles (see note 19). The first article of the Bohemians runs: *Quod communio divinissimæ Eucharistiæ utilis et salubris sub utraque specie, scil. panis et vini, universis Christianifidelibus in Regno Bohemiæ, et Marchionatu Moraviæ, et locis eis in hac parte adhærentium constitutis per sacerdotes libere ministretur.* This article was approved by the legates with the further provisions: *Articulus ille in sacro Concilio discutietur, quoad materiam de præcepto ad plenum, et videbitur, quid circa illum articulum pro veritate catholica sit tenendum, et agendum pro utilitate et salute populi Christiani.* At any rate the priests in Bohemia and Moravia shall be allowed to admit to the Communion sub utraque specie eas personas, quæ in annis discretionis constitutæ reverenter et devote postulaverint. — Hoc semper observato, quod sacerdotes sic communicantibus semper dicant, quod ipsi debeant firmiter credere, quod — sub qualibet specie est integer et totus Christus. Ac Legati sacri Concilii — mandabunt universis et singulis, — ut dictis Bohemis et Moravis, utentibus dicta communione sub duplici specie, nemo audeat impropere, aut eorum fanæ aut honori detrahere. Et hoc idem faciet sacrum Concilium. The second article of the Bohemians was: *Omnia peccata mortalia, et præsertim publica, per eos quorum interest rationabiliter et secundum legem Dei cohiberantur, corrigantur et eliminentur.* This expression per eos quorum interest the legates thought too general, and therefore drew up the article thus: *Omnia peccata mortalia, præsertim publica, quantum rationabiliter fieri potest, secundum legem Dei et sanctorum Patrum instituta, sunt cohibenda, corripienda et eliminanda. Potestas autem puniendi criminosos non ad privatas personas, sed ad eos tantummodo pertinet, qui jurisdictionem habent in eos fori, distinctione juris et justitiæ ordine observatis.* In the third article of the Bohemians: *Quod verbum Dei a sacerdotibus Domini et Levitis idoneis libere ac fideliter prædicetur,* the libere was objectionable, and the following change was made: *Quod verbum Dei a sacerdotibus Domini et Levitis ad hoc idoneis, et per superiores (ad quos pertinet) approbatis et missis, libere, non tamen passim, sed ordinate et fideliter prædicetur, salva auctoritate Pontificis, qui est præordinator in cunctis, juxta sanctorum Patrum instituta.* The fourth article: *Non licet Clero tempore legis gratiæ super bonis temporalibus sæculariter dominari,* was admitted with the following limitations, 1. quod Clerici non religiosi licite possunt habere et possidere quæcunque bona temporalia, and 2. quod Ecclesia potest licite habere et possidere bona temporalia, — et in eis habere privatum et civile dominium, with the condition, quod ecclesiastici viri bona Ecclesiæ debent fideliter administrare, ipsaque bona Ecclesiæ ab aliis non debent detineri vel occupari. In case of any abuses which may creep in relating to the three last articles, the Congregatio generalis, as well as individuals, shall have the power of applying to the Council. This compact was confirmed by

Taborites, who were highly dissatisfied with this arrangement, were wholly defeated by the Calixtines near Bochemischbrod, on the 30th May, 1434,<sup>32</sup> and so weakened that they were compelled to submit. The triumphant Calixtines acknowledged Sigismund as king, the compact having first been solemnly confirmed at Iglau, A. D. 1436.<sup>33</sup>

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the Council in the *Intentio sacri Concilii super IV. articulis, quam ipsi Bohemi anno Dom. 1433. d. 7 Dec. observare manum stipulatione promiserunt in Mansi XXX. p. 692*, which for the most part repeats those conditions word for word, and, only in the article on the Lord's Supper, contains a long defence of the Communion sub una specie.

<sup>32</sup> Contemporary accounts of this victory in *Mansi XXIX. p. 638 seq.*; p. 647 seq. Compare *Æneas Sylvius hist. Bohem. c. 51. Theobald, Th. 1. cap. 82. S. 307.*

<sup>33</sup> The Bohemians were well aware that the compact needed still further security; they demanded therefore of the emperor, in an assembly at Brünn, 1455 (see *Responsio Concilii Bas. facta Ambasiatoribus Imp. in Mansi XXIX. p. 413*), quod sua Serenitas personaliter cum eis in perceptione communionis sub utraque specie conveniret, ac Cappellanos haberet, qui sic populo ministrarent; et quod nullus esset in consilio ejusdem et negotiis dicti regni, qui sic non communicaret; et quod religiosi monachi et moniales sine consensu Archiepiscopi et Domini communis loci non admittantur; et quod ipsi habeant sibi eligere Archiepiscopum; demands, with which the Council were of course by no means pleased. Still Sigismund promised, in a patent dd. Alba Regali, 6 Jan. 1436 (in *Leibnitii Mantissa, II. p. 141*): 1. Beneficia non conferantur per extraneos in Regno Bohemiæ ac Marchionatu. 2. Personæ etiam sæculares et spirituales extra Regnum vel Marchionatum nec citabuntur, nec judicabuntur. 3. Communicantes sub una specie in sæpe tactis Regno et Marchionatu, ne confusa sequatur permixtio, contra proprias illorum voluntates et libertates non sustinebit, sed duntaxat in locis, in quibus communio duplicis speciei temporibus retroactis non seivabatur, sustinebuntur. 4. Et ut materia occasioque litium auferatur, loca omnia et singula Ecclesiarum — signabuntur, in quibus — communio duplicis speciei in praxi servabatur, ut in futurum perpetuo in eisdem servaretur. 5. Sed et hoc volumus ut per Dominos Bohemos. — Pragani et civitates alias una cum Clero. Archiepiscopus Pragensis una cum aliis Episcopis titularibus eligantur, qui alias dicuntur Suffraganei. Qui quidem electi per nostram dispositionem debitam — confirmabuntur, et in Episcopos consecrabuntur absque quavis pro confirmatione, Pallii exhibitione, aut etiam Notariis persolutione. 6. Scholares Diocesis Pragensis utriusque, tam sub una quam sub utraque communicantes specie, habilitate et idoneitate ipsorum præsupposita, ad sacros ordines promoveantur et ordinentur. He promises to hold to this in verbo Cæsareo, and at the same time to exert himself to the utmost with the Pope and the Council, ut præfati articuli suum effectum realiter sortiantur. *Æneas Sylvius hist. Bohem. c. 52*, mentions several other treaties with the emperor: Cæterum inter Bohemos et Imperatorem aliæ pactiones (besides the Compact at Prague) intervenere, quibus Ecclesiarum prædia occupatoribus jure pignorum relicta sunt, donec certa pecunia reluerentur. Religiosis utriusque sexus, quibus adempta Monasteria essent, exilibus quoque spes reditus interdicta; Rokyzana Pragensis Ecclesiæ præsulatus promissus, de disponendo Ecclesiarum Bohemicarum regimine summo Pontifici facultas ablata. The ordinance concerning the estates of the church, here referred to, is mentioned also by an anonymous contemporary writer in *Cochleus, lib. VIII. p. 300*, from whose account it seems too that the emperor had issued several ordinances relating to these grants. The Council and its legates do not refer to the subject. At the instance of the Bohemians the legates accompanied the compacts with various illustrations to prevent any obscurity, see *Leibnitii Mantissa, II. p. 146, 148*, and finally, dd. Iglavia, 5 July, 1436, an Executoria super Compactatis (*Cochleus, p. 289. Leibnit. II. p. 150*). On the same day the Bohemian ambassadors accepted the compact, and solemnly swore obedience to the Council, which is triumphantly communicated by the legate in *Mansi XXIX. p. 612*. In August Sigismund entered Prague. With regard to giving the cup to the laity the Council of Basil passed a decree, *Sess.*

## § 151.

## HISTORY OF THE HUSSITES TO THE END OF THIS PERIOD.

As this compact was looked upon by each party only as preparing the way for the further progress of its peculiar doctrines and usages, it was not to be expected that it should prove the basis of lasting peace. Whilst the Calixtines, on the one hand, were vainly attempting to obtain new concessions from the Council,<sup>1</sup> Sigismund did not even adhere to what he had already granted, but, as far as was possible, restored the old customs in the church, and compelled the leader of the Calixtines, John Rokyczana, whom he had himself confirmed as Archbishop of Prague,<sup>2</sup> to seek his safety in flight.<sup>3</sup> Thus at Sigis-

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XXX. d. X. Cal. Jan. 1437 (Mansi XXIX. p. 158) to the effect, quod fideles Laici sive Clerici communicantes, et non conficientes, non adstringuntur ex præcepto Domini ad suscipiendum sub utraque specie — sacrum Eucharistiæ Sacramentum. Sed Ecclesia — ordinare habet, quomodo ipsis non conficientibus ministretur, prout pro reverentia ipsius Sacramenti et salute fidelium viderit expedire. — Laudabilis quoque consuetudo communicandi laicum cum populum sub una specie — pro lege habenda est, nec licitum est eam reprobare, aut sine auctoritate Ecclesiæ ipsam immutare.

<sup>1</sup> *Cochlæi* hist. Hussitarum, lib. VIII. p. 310. The Bohemian ambassadors demanded, I. quatenus pro tollendis litibus, jurgiis et dissensionibus in populo nostro ex diversitate communionis indubitanter — sequentibus — dignemini — Regno — nostro — dare — uniformem — sub utraque specie sacræ Eucharistiæ communionem. In justification of this they appealed to the passage at the close of the compact: et omnia alia fient, quæ pro observatione dictæ pacis et unitatis necessaria fuerint et opportuna. II. quatenus — providere dignaretur sacrum Concilium Bohemis de bono et legitimo pastore Archiepiscopo et aliis Episcopis. The Synod acknowledged the reasonableness of this demand, but decidedly rejected the Archbishop proposed, Rokyczana: de quo non est rationabile, ut ad illam dignitatem promoveatur, cum ad impediendum, perturbandum et dirumpendum pacem et unitatem post firmata Compactata fuerit multipliciter machinatus, etc. So too, III. the request for liberty communicandi parvulus sacra Eucharistia was refused, and IV. the request of the Bohemians, permitti suis, ad minus Evangelia, Epistolas et Symbolum in vulgari lingua in Missis et Ecclesiis coram populo ad excitandam devotionem libertari, legi et decantari, on the ground that it was against the compact and the promise of the Bohemians, se conformare ritibus Ecclesiæ. The V. request, however, for a reformatio et suæ Universitatis Pragensis et totius Ecclesiæ in capite et in membris was more favorably received.

<sup>2</sup> The document dd. Iglau, 23 Jul. 1436, in Theobald, Th. 1. Cap. 85. S. 319. *J. D. Koeler de Joanne Rokyczana*, famoso Calixtinorum in Bohemia Pontifice diss. Altorfii, 1718. 4to.

<sup>3</sup> *Æneæ Sylv.* hist. Bohem. c. 52: Philipbertus Episcopus Constantiensis, natione Gallicus, et collegæ sui ex Basilea missi ecclesiasticos introducere ritus, sacerdotes instituere, ex Missarum solemnibus vulgaria verba, cantilenasque detrahere, sanctorum imagines reducere, aquam benedictam in ædibus sacris reponere, baptismatis fontes sacrare, altaria ornare, spurcitas omnes abolere. Paruere complurimi, quibus mens sanior fuit. Rochezana: complices resistere, obloqui, blasphemare, plebem modis omnibus avertere. Ipse quoque inventor malorum ex parochia s. Mariæ ante Latam Curiam, quam propria temeritate invaserat, amoveri minime potuit: neque laniare sermonibus suis inter prædicandum Romanam Ecclesiam prætermisit, legatisque sæpe necem per insidias machinatus est. Sigismundus autem quum Ecclesias pollutas intrare nollet, templum s. Jacobi, quod Fratrum Minorum fuerat, et in quo machinæ bellicæ tum servabantur, restitui sibi poposcit:

mund's death (Dec. 1437), the parties were again in a state of violent excitement. The emperor Albrecht, chosen by the Catholics, was refused by the Calixtines; but after his death (Oct. 1439) a compromise was made, by which the kingdom was to be governed during the minority of his son Ladislaus, by two governors, one Catholic and the other Calixtine (1441). In 1444 George Podiebrad became the Calixtine governor, and in 1450 sole regent, and the Calixtines had decidedly the advantage. Nevertheless all their efforts were ineffectual to procure the extension of the compact, which was not even allowed on the other side in its present extent.<sup>4</sup> The Calixtines were already

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annuit civitas, et aliqui monachi introducti sunt, qui verbum Dei prædicarent. — Redierunt et alii, Mendicantes, tum Cœlestini, Slavi, servi s. Mariæ, Teutones, Hierosolymitani, et nonnullorum Monasteriorum Abbates. — Restituti sunt et cathedralis Ecclesiæ Canonici, ac Vicarii et Mansionarii, ornamenta altaribus reddita, divinum officium instauratum. — Cumque nulli essent Ecclesiæ redditus, — jussit Imperator, ex fisco regio per singula Canonicorum capita hebdomatim aureum nummum distribui, minoribus Clericis dimidium dari. — In alia quoque templa donaria collata. Nova jam facies urbis, novus populus, verus rediisse religionis cultus apparebat. Quibus ex rebus liquet, Imperatorem, quæ fœdera cum hæreticis percussit, necessitate magis admisisse, quam voluntate; voluisse illum paternam hæreditatem quoquo modo intrare, sensimque regni possessione accepta more majorum, subter veram Christi religionem provinciam reducere. — Rochezanam hortari Romanæ Ecclesiæ se subjiceret; sic posse pontificatum sibi committi; superbienti, et aliena de fide sapienti ascensum desperandum esse, qui vel consecratus Episcopus ejici deberet. Ille mente superba, et opinione sua inflatus, diem pejor, diem venenosior effici, Monachorum redditum ægerrime ferre, quorum sermones non minus quam suos acceptum iri verebatur. Ob quam rem occurrente inter prædicandum sermone de monachis, *renerunt*, inquit, *novi diem ad nos Demones, quos monachos vocant. His studium est ejicere nos de veritate: at si viri fuerimus, prius sanguinem effuderimus.* Id Sigismundus ubi accepit, *imo nos*, inquit, *Rochezana sanguinem non invitæ ante aras libibimus.* Non latuit Rochezanam Sigismundi sermo: qui ex amicis communiter clam aufugit.

<sup>4</sup> New articles were added at Prague, June 11, 1441 (*Cochleus*, lib. IX. p. 335): I. ut Compactata cum Ecclesia sancta ab omnibus efficaciter teneantur; III. ut nullus audeat prædicare, quod tantum sumitur sub una specie, quantum sub utraque, cum hoc sit contra communicantes sub utraque specie; IV. ut nullus audeat porrigere sub una specie publice vel occulte. After this a great assembly was held in Kutenburg, Oct. 4, 1441. They here promised obedience to Rokyczana as Archbishop, and drew up a confession of faith in 22 articles, see Theobald, Th. 2. Cap. 11. S. 86. In this 7 sacraments are allowed, and the doctrine of transubstantiation admitted. On the other hand, Art. XVI., the communion shall not be taken in one form only, and it shall not be considered contrary to a Christian faith to administer it to children, provided that it is at the desire of their parents. Art. XXI: as priests are men, they are not forbidden in the word of God to marry, though it would be better, according to St. Paul's advice, to live unmarried. — In A. D. 1441, the Cardinal-legate, Carjaval, was in Prague, with whom Rokyczana had a violent dispute concerning the Supper (Theobald, Th. 2. Cap. 15. S. 142). In the mean time the Bohemians used every exertion to procure from Eugenius IV. and Nicholas V. the confirmation of Rokyczana as Archbishop, and in 1447, having sent an embassy for the purpose to Rome (Theobald, Cap. 16. S. 150), Carjaval appeared once more in Prague (Theobald, Cap. 17. S. 157). The Bohemians, in a letter, in which they recounted all that had passed up to the present time, prayed him (*Cochleus*, lib. X. p. 349 seq.), ut quæ pro honore et utilitate hujus regni inlyti et nostris juxta Compactatorum tenorem facienda sunt, finem debitum effectualiter sortiantur; Magistrum quoque Joannem de Rokyczana — dignetur Paternitas vestra Rev. in Archiepiscopum Pragensem ad nostrum et totius regni singulare solatium consecrare. Carjaval evaded the request, and demanded restitution of the church property (l. c. 535). In A. D. 1451, Æneas

meditating a union with the Greek church,<sup>5</sup> when the fall of Constantinople put an end to their negotiations. After the short reign of the young king Ladislaus, who proved a zealous Catholic (1453 — 1457),<sup>6</sup> George Podiebrad was advanced to the throne. To conciliate his opponents, George caused himself to be crowned by Catholic bishops, and swore obedience to the church and the Pope.<sup>7</sup> In so doing, however, he counted on the strict observance of the compact, which in the excited state of the parties was not possible. The

Sylvius was in Bohemia as the emperor's ambassador, and had a conference with George Podiebrad, which he recounts in the *Epist. ad Jo. de Carjaval Card. (Æneæ Sylv. epist. 130)*. George complained that the compact had not been regarded on the side of the Catholics: *si qui ex nostris apud vos moriuntur, cum asinis sepulturam accipiunt. Æneas replied: Cur violari fœdus conquerimini, quod priores rupistis? Neque enim sufficit vobis sub duplici specie communicare, nisi et sub una sola communicantes damnatis. — Vobis indulta est sub utraque specie communicatio, jussi tamen sacerdotes vestri sunt, — commoneo — omnes, — sub qualibet totum — esse Christum: nihil faciunt. Prohibiti sunt infantibus atque dementibus eucharistiam porrigere: porrigunt tamen. Neminem communicare sub duplici specie debent [compellere]: compellunt, sepulturam negantes, ut communicent. — Debent universalis Ecclesiæ ritum tenere: postponunt, divinis officijs vulgaris carnis commiscentes. — Cum ergo abutamini privilegio, — prævaricantes mandata Concilii, haud jure Legatum (Cardinal Carjaval) accusatis, compactata firmare nolentem: quia privilegia amiseritis male utentes. Æneas pointed out three subjects of controversy: Mihi tribus ex rebus concordia pendere videtur, ex Compactatis, ex bonis ecclesiasticis quæ occupantur, ex Archiepiscopi constitutione, quæ nec parva sunt, nec leviter componenda. Nam compactata, postquam violata sunt, rursus innovare magnum est: qui bona Ecclesiarum occupant, invite restituent: in Archiepiscopo vos ipsi vim facitis, qui Rochezanam petitis neque alium vultis, quem, nisi me fallat opinio, nunquam sedes Apostolica ad id fastigii promovebit. Soon afterwards, A. D. 1451, the celebrated Franciscan, Jo. de Capistrano, was appointed by Nicholas V. to preach against the Bohemians, with full powers (*Cochleus. l. X. p. 368*), to absolve on their repentance omnes personas, quæ sub utraque specie communicarunt, ac alias erroribus, hæresi et superstitione involuti a ritu et unitate s. Rom. Ecclesiæ recesserunt.*

<sup>5</sup> See the letter of the church in Constantinople to the Bohemians, A. D. 1451, appended to *D. Chytræi oratio de statu Ecclesiarum in Græcia, Asia, Bohemia, etc. Francof. 1583. 8vo.*, in *Flacii Cat. test. verit. ed. Francof. 1666. p. 728*, and in *Freheri Scriptt. Bohem. p. 235*.

<sup>6</sup> Before they would pay him homage, the Bohemians extorted from him the renewal of the promises made by Sigismund (§ 150, note 33), see Theobald, *Th. 2. Cap. 20*. Still he did not conceal his dislike of the Utraquists (*Theobald, S. 193 ff. Cochleus, lib. XI. p. 391 seq.*).

<sup>7</sup> *Cochleus, lib. XI. p. 411. Theobald, Th. 3. Cap. 5. S. 25*. The oath in Latin in *Steph. Kaprinai Hungaria diplomatica temp. Matthiæ Regis P. II. (Vindobon. 1771. 4to., p. 163*, and in contemporary German translations *ibid. p. 529*, and in *Eschenlœer's Gesch. d. Stadt Breslau. Bd. 1. S. 59*: Ego — promitto, — atque juro, — quod abhinc, et in antea, et deinceps fidelis et obediens ero sacrosanctæ Romanæ et catholicæ Ecclesiæ, ac sanctissimo Domino nostro — Calisto — P. III., cjusque successoribus canonice intrantibus, et iis obedientiam et conformitatem more aliorum catholicorum — Regum in unitate orthodoxæ fidei, quam ipsa s. Romana — Ecclesia — tenet, fideliter observabo, ipsamque catholicam — fidem protegere — volo toto posse, populumque mihi subiectum secundum prudentiam a Deo datam ab omnibus erroribus, sectis et hæresibus, et ab aliis articulis s. Romanæ Ecclesiæ et fidei catholicæ contrariis revocare, et ad veræ — fidei observationem, ac obedientiam, conformitatem, et unionem, ac ritum cultumque s. Romanæ Ecclesiæ reducere et restituere volo. There is nothing in the German translation answering to the words *ac ritum*, which are perhaps therefore an interpolation.

Catholics looked on the Calixtines as heretics, whom the king was by his oath bound to exterminate. The Calixtines, on the other hand, would not abandon the hope of driving their opponents entirely out of Bohemia.<sup>8</sup> Pius II., at first held back by other considerations,<sup>9</sup> at length declared the compact null in A. D. 1462.<sup>10</sup> George strove in vain by the most scrupulous observance of its terms to keep the Catholics on his side.<sup>11</sup> Finally, Paul II. proceeded to excommuni-

<sup>8</sup> The most obstinate resistance to the new king was made by the city of Breslau. The transactions are recounted at length in a history of Breslau, written by the then clerk of the city, Peter Eschenloer, *Gesch. der Stadt Breslau v. 1410 — 1479* herausgeg. von Kunisch. 2 Bde. Breslau, 1827 and 28. 8vo.

<sup>9</sup> Pius wanted George's assistance in the war against the Turks, and invited him to join the assemblage at Mantua, *Cochlaus*, lib. XII. p. 416.

<sup>10</sup> See *Relatio hist. Anonymi synchroni complectens res aliquas Hungaricas, potissimum vero Bohemicas ab anno 1458 ad ann. 1469*, in *Steph. Kaprinai Hungaria diplomatica temporibus Mathiæ Regis. P. II.* (Vindob. 1771. 4to.) p. 577 seq. In 1462 George sent ambassadors to Rome to take the oath of obedience to the Pope, and at the same time receive the confirmation of the compact. Pius, however, answered (l. c. p. 580 seq.): *Quæ vos Compactata vocatis, Oratores insignes, Apostolica Sedes neque novit unquam neque accepit. — Non consuevit hæc sancta Sedes — in his, quæ articulos fidei concernunt, pacta facere; sed catholicam fidem — omnibus libere prædicare. — De his, quæ vos Compactata vocatis, nullæ Basilienses (esto, quod Basiliæ aliquando, et tunc præsertim, generale Concilium fuisset) litteræ unquam apparuerunt, sed nec hodie apparent: soli Compactatorum amatores copiam quandam, seu ut ipsi dicunt transsumtum quoddam ejusdam, qui se Constantiensem Episcopum nominat, ostendere possunt, quod quantum in tam gravi re fidem faciat, quantum illi credendum sit, etiam nobis tacentibus quilibet intelligit.* But even if the compact was admitted, the Bohemians themselves had not kept it. *Animadvertite, communionem sub utraque specie his Bohemis demum concedi, qui in aliis omnibus sese Romanæ Ecclesiæ conformaverint. — At — notum est, Bohemos hætenus in nullo Sedem Apostolicam recognovisse, quinimo ab illius obedientia semper declinasse, illius mandata sprevisse, novos ritus, novas hæreses introduxisse. — Sed et illud notorium est, neque vos negabitis, imo in hoc sacro Consistorio publice asseruistis, in Bohemia ab omnibus, qui Compactata colunt, hoc palam prædicari, communionem sub utraque specie de necessitate salutis esse, quæ de re vos ea tanquam talia a nobis et Apostolica Sede confirmari petistis: cum tamen in Compactatis dicatur, articulum de necessitate salutis in Concilio discutendum esse: qui et ibidem discussus est, decretum quoque est, de necessitate salutis non esse sub duplici specie communicari (see § 150, note 33).* The Bohemian priests do not teach according to the compact, sub qualibet specie totum Christum contineri, but on the contrary, communionem utriusque speciei de necessitate salutis esse. Another article in the compact was, *Concilium censurorum communionem utriusque speciei, si Bohemi in desiderio sic communicandi perseveraverint, et hoc eorum ambasiatores indicaverint Concilio: Ruunt itaque ex omni parte Compactata vestra, quæ neque vos servastis unquam, neque, etiamsi servata fuissent, communicandi sub utraque specie Bohemis licentiam præstant, præsertim his, pro quibus nunc illud petitis, qui tunc, tempore Compactatorum, aut nati non fuerunt, aut saltem talem usum communicandi minime habere potuerunt.* cf. *Pii II. commentarii a Jo. Gobelino compositi*, lib. VII. p. 188. The German translation of this answer of the Pope differs very much in the form, though essentially the same, see Eschenloer, *Bd. I. S. 181*. George immediately called together the States, and complained of the course pursued by the Pope (*Cochlaus*, lib. XII. p. 427): *Miramur quod Papa facit. Fortassis iterum hoc regnum, quod vix per Compactata unitum est, et ad tranquillum statum pervenit, disjungere vult. In answer to the charge, that he had not been true to his oath, he read in their presence: juravimus hæreticam pravitatem velle abjicere, et omnes hæreses de Regno nostro delere. — Sed quod Papa velit communionem et nostra Compactata hæresim facere, nunquam fuit de intentione nostra.*



cate and depose him in Dec. 1465,<sup>12</sup> summoning all good Catholics to a crusade against him.<sup>13</sup> But George's preparations for war<sup>14</sup> made more impression than the Pope's censures; even the German universities condemned the proposed crusade,<sup>15</sup> and it was therefore very feebly prosecuted. In the mean time king Matthias of Hungary accepted from the Pope the gift of Bohemia, and established himself in Silesia, Moravia, and Lusatia. In Bohemia proper, George still maintained himself, and after his death (1471) the Polish prince Wladislaus, was chosen to succeed him; whom both Matthias and the Pope strove in vain to drive out,<sup>16</sup> till in 1490 he succeeded Matthias in Hungary. Though Wladislaus was himself Catholic, and at first allowed himself to be influenced by the Catholics, the Calixtines were so powerful, that the compact was still strictly observed.<sup>17</sup> Wladislaus died 1516.

During Sigismund's reign the Taborites, though much weakened, were left undisturbed.<sup>18</sup> After this Rokyczana made some ineffectual

<sup>11</sup> Even *Cochleus*, lib. XII. p. 411, testifies of him: quod stirpi deerat, industria supplevit, qua sibi Rex tantam comparavit auctoritatem et gratiam, ut, si una defuisset labe Hussiticæ sectæ, — inter optimos Reges haud immerito commemorari posset. Quis enim fuit eo vel in consiliis circumspectior, vel in armis expeditior, vel in judiciis æquior, vel in regia potestate moderatior? Quamvis enim Hussitarum sectæ adhæreret, Catholicos tamen Imperio suo subjectos a sacris et ritibus Ecclesiæ non arcuit, neque in sectam suam coëgit. Compare p. 438 seq.

<sup>12</sup> The bull dd. 1465. VI. Idus Dec. which is wanting even in *Raynald*, is given in Eschenloer, Bd. 1. S. 296. The first act of excommunication was in Dec. 1465, not 1466, see Mansi ad Rayn. 1466, no. 27. See also Eschenloer, Bd. 1. S. 321. — These decrees are repeated in the Bulls of 23 Dec. 1466, see Eschenloer, Bd. 1. S. 350, dd. VII. Kal. Apr. 1467, *Raynald*, ad h. a. no. 1.

<sup>13</sup> *Raynald*, ann. 1467, no. 8. 1468, no. 4. Theobald, Th. 3. Cap. 16. S. 91.

<sup>14</sup> George's letter of complaints addressed to all kings and princes on the 28 July, 1466, see in Eschenloer, Bd. 1. S. 316. His appeal to the General Council, drawn up by Gregory of Heimburg (see § 132, note 29), dated Apr. 14, 1467, in Eschenloer, Bd. 2. S. 12 seq. There also appeared in print a *Christian* complaint of the Pope's unchristian conduct in Bohemian, German, and Latin, Theobald, Th. 3. Cap. 16. S. 93.

<sup>15</sup> Eschenloer, Bd. 2. S. 16.

<sup>16</sup> Sixtus IV. declared all oaths taken to Wladislaus to be null and void, and Matthias to be the lawful king of Bohemia, *Raynald*, 1472. In 1478 a treaty was concluded (which see in Eschenloer, Bd. 2. S. 388), according to which Bohemia was secured to Wladislaus; Moravia, Silesia, and Lusatia given to Matthias.

<sup>17</sup> Treaties with the Utraquists from 1480, in Theobald, Th. 3. Cap. 25. S. 137. By that of Kuttenberg, 1485, the compact was renewed, Theobald, Th. 3. Cap. 27. S. 149.

<sup>18</sup> *Cochleus*, lib. VIII. p. 280: Quamvis exciso eorum exercitu — in armis non ita confiderent, ut prius, Taboritæ: aliis tamen rationibus pertinaciam suam tueri quærebant. Habebant sane oppidum Tabor in excelsa rupe munitissimum, habebant multas Communitates sibi adhærentes, habebant sacerdotes argutos et in sacris literis exercitatos, etc. *Æneæ Sylv.* hist. Bohem. c. 52: Taboritæ, qui superioribus cladibus superfuerant in oppido conservati, ea lege in gratiam recepti, ut quinquennio toto suis moribus viverent, religionis cultum mutare non cogerentur, jura civitatis haberent. Afterwards Sigismund said, quinquennium haud expectaturum se correpturæ propediem sceleratæ civitatis insaniam: but in this he was prevented by death.

attempts to unite them with the Calixtines.<sup>19</sup> In A. D. 1451, Æneas Sylvius found them still distinguished by their old peculiarities.<sup>20</sup>

<sup>19</sup> A conference was held in Kuttenberg on 4th July, 1443, between Rokyczana, on the part of the Calixtines, and Nieh. Biskupcz, on the part of the Taborites, see Theobald, Th. 2. Cap. 14. S. 123. The Taborites gave a statement of their creed in 15 articles, in which they dwelt, first of all, on the paramount importance of the Scriptures, and the reading of them in the mother tongue; the most important doctrine they maintained to be that of justification by faith, which they made the indispensable condition of admittance to the church; they acknowledged two sacraments, baptism and the communion, and rejected pictures and the doctrine of purgatory. Art. XII: They rejected mass and the adoration of the elements, which they supposed to be simple bread and wine. In the conference the chief subjects of dispute were, transubstantiation and the communion of children, both of which the Taborites rejected. A second conference in Prague, 1444 (Theobald, Th. 2. Cap. 15. S. 131), was as little successful as the first. Compare Nie. Biskupcz Schreiben an einen Aeltesten der taboritischen Gemeinde zu Muglitz in Mähren Theobald, l. c. See *Jo. Rokyczana* tract. de VII. Sacramentis appended to *Cochlæi* hist. Hussitarum, p. 412 seq., and the Taborite, *Jo. Lukawitz* confessio Taboritarum contra Rokenzanam et Papistas Pragenses in *Balth. Lydii Waldensia* Roterod. 1616. Svo. p. 1 seq.

<sup>20</sup> *Ænea* Ep. Senensis epist. ad Jo. de Carjaval Card. (*Ænea Sylve*. epist. 130): Ex illis aliqui nudi erant solis tecti camisiis, alii pelliceas tunicas induerant. Alii sella carebant, alii freno, alii calcariibus. Alteri erus ocreatum fuit, alteri nudum: huic oculus defuit, illi manus. — Incedendi nullus ordo, loquendi nulla modestia, barbaro et rusticano ritu nos exceperunt. Obtulerunt tamen xenia, pisces, vinum, cerevisiam. Sic oppidum ingressi, locum vidimus. Quem nisi hæreticorum arcem aut asylum vocem, nescio quo appellem nomine. Nam quæcumque deteguntur inter Christianos impietatis ac blasphemiarum monstra, huc confugiunt, tutamentumque habent, ubi tot sunt hæreses quot capita, et libertas est quæ velis credere. In the account of their doctrines which follows the statements here printed in *Italy* may be considered as incorrect (compare note 19): Romanam Ecclesiam nolunt habere primatum, aut proprii Clerum habere quicquam. Imagine Christi Sanctorumque delent. Ignem purgatorium inficiunt. Nihil Sanctorum preces jam cum Christo regnantium prodesse mortalibus asserunt. Festum diem præter Dominicam et Pascalem non agunt, jejunia spernunt, horas canonicas abiciunt. Eucharistiam sub specie panis et vini *et parvulis et dementibus præbent*. Conficiunt nihil præter orationem dominicam et verba consecrationis dicunt, neque vestimenta mutant, neque ornatus assumunt aliquos: quidam vero eousque desipiunt, ut non verum Christi corpus in sacramento altaris, sed representationem quandam esse contendant, errantis Berengarii, non conversi, sequaces. Ex sacramentis Ecclesie baptismum, eucharistiam, *matrimonium, ordinemque* recipiunt: de poenitentia parum sentiunt, de confirmatione et extrema unctione nihil. Monachorum religionibus infestissimi sunt, inventionesque diabolicas asserunt esse. Baptisma simplicis unda volunt. Nullam aquam benedicunt. Cimiteria non habent consecrata: cadavera mortuorum in campis, et ut digna sunt cum bestiis sepeliuntur: vanaque censent orare pro mortuis. Ecclesiarum consecrationes derident, et in omnibus locis passim conficiunt sacramentum. Nulla major his cura est quam sermonis audiendi. Si quis negligens est, domique torpet, aut negotio ludove vacat, dum sermo est, virgis caditur, et intrare ut verbum Dei audiat compellitur. Est illis domus quædam lignea similis horreo ruris: hanc templum appellant. Hic populo prædicant, hic legem per omnes dies exponunt, hic altare unicum habent, neque consecraturum, neque consecrandum, ex quo sacramentum plebibus exhibent. Sacerdotes neque coronas ferunt, neque barbas tondent: his Taborite frumento, cerevisia, lardo, leguminibus, lignis et omni suppellectili necessaria publice domum complent, et addunt in singula capita singulis mensibus sexagenam (60 Groschen), ex qua pisces, carnes recentes, et si velint vinum emant. — Fratres se invicem appellabant, et quod uni defuit, alter

[ A copper coin, value at present somewhat less than two cents. Tr.]

But after the reduction of Tabor by George Podiebrad, 1433,<sup>21</sup> they disappear entirely. In the mean time, however, their purer and more spiritual doctrine had made some progress amongst the Calixtines themselves, and hence sprung up a new party in Prague, A. D. 1450,<sup>22</sup> at first favored by Rokyczana,<sup>23</sup> adopting the religious notions of the Taborites without their fanaticism and superstition. Their numbers were soon much increased, especially by the accession of

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subministravit: nunc sibi quisque vivit, et alius quidem esurit, alius autem ebruis est. — Reversi ad ingenium avaritiæ jam omnes student, et quia rapere ut olim nequeunt, — lucris inhiant mercatura, sordidosque sequuntur quaestus. Sunt in civitates ad quatuor millia virorum, qui possent educere gladium: sed artifices facti lana ac tela ex magna parte victum querentes inutiles bello creduntur. Æneas was again in Tabor in the same year, and held there a disputation with several of the clergy, also with one Nicholas, whom they called *Episcopus*, which was attended by many of the citizens who were versed in the Latin tongue. Nam perlidum genus illud hominum hoc solum boni habet, quia litteras amat.

<sup>21</sup> Theobald, Th. 2. Cap. 19. S. 180.

<sup>22</sup> See *Jo. Lasitii* (a Polish nobleman who joined the brethren about A. D. 1580) de origine et rebus gestis fratrum Bohemorum libb. VIII. Lib. VIII. is printed, qui est de moribus et institutis eorum. Adduntur tamen reliquorum VII. librorum argumenta et particularia quadam excerpta. ed. *Jo. Amos, Comenius*, 1649. Svo., new edition, Amst. 1660. Svo. The work is still extant in Ms.; one copy was in Baumgarten's possession, see his Nachrichten von merkw. Büchern Bd. 6. S. 139. *Joach. Camerarii* historia narratio de fratrum orthodoxorum Ecclesiis in Bohemia, Moravia, et Polonia (written about 1570), nunc primum ed. Ludovici Camerarius, Heidelberg. (1605). Svo. Systema historico-chronologicum Ecclesiarum Slavonicarum per provincias varias — distinctarum libb. IV. opera Adriani Regenvolsicii (i. e. Andreae Wengerseii). Traj. ad Rhen. 1652 and 1679. 4to. *Jo. Amos Comenii* (Bishop of the Brethren in Poland, † 1671 in Amsterdam) hist. fratrum Bohemorum, eorum ordo et disciplina ecclesiastica. Amstelod. 1660. Svo. cum præf. *Jo. F. Buddei*. Halæ, 1702. 4to. D. Joh. Gottlob Carpzou's, Superintendent in Lubeck, Religionsuntersuchung der böhm. u. mährischen Brüder, von Anbeginn ihrer Gemeinen bis auf gegenwärtige Zeiten. Leipzig 1472. Svo. G. W. K. Lochner's Entstehung und erste Schicksale der Brüdergemeinde in Böhmen und Währen, und Leben des Georg Israel, ersten Aeltesten der Brüdergemeinde in Grosspolen. Nürnberg, 1832. Svo.

<sup>23</sup> They were in fact set on by him at the time of his quarrel with the Pope, and his nephew Gregory was one of their first leaders (*Comenius* ed. Budd. p. 14), see Prima epist. Fratrum ad Jo. Rokyczanum in *Camerarius*, p. 61: Gratissimæ nobis, valdeque jucundæ tuæ fuerunt conciones. Primum enim sedulo nos hortabaris ad vitandum et fugiendum horribiles errores Antichristi, his jam postremis temporibus relecti. — Præterea testabaris, Diabolum omnium Sacramentorum abusum introduxisse, miserum vulgus falsam salutis spem in iis reposuisse. Monstrabas denique, quomodo pii et veri Christiani sacramenta — percipere debeant. — Et breviter tristissimum esse dicebas et miserum religionis statum, præsertim eo anno, cum Rex adolescens rerum potiretur (Ladislaus, 1453). Nos vero his auditis magno afflictebamur dolore. — Insuper cum videremus multa et varia dogmata spargi, — perturbati erant animi nostri, — ita ut nesciremus, utrum his vel illis assentiri deberemus. — Commendabas nobis Petrum Chelozitium, quicum nos tandem collocti sumus, ipsiusque scripta legimus, ac plurima demum tum inter populum, male et extra ordinem fieri, facile perpeximus; ita ut etiam de te spem minime bonam conceperimus, cum videremus, te sequi ea, quæ tua ipsius conscientia vitanda et fugienda esse judicarat. Cumque de his tecum colloqueremur, tu hæc ad nos, *Scio*, inquisi, *vos vera sentire: sed si mihi suscipienda est causa vestri, eadem perferam convitia, in idem incurram dedecus, parique ignominia officiar necesse est.* — Coacti sumus edere confessionem fidei nostræ: ubi exposuimus, quid sentiremus de sacramento cænæ Domini (nam de hoc potissimum capite sententiam nostram sciscitabaris). — Nihil erat, cujus nos argueres, præter quod ritus quosdam seu ceremonias ecclesiasticas permutaverimus.

many of the Taborites,<sup>24</sup> and having made much progress also in Moravia,<sup>25</sup> they at length separated themselves entirely from the church (1457) under the name of "*Brethren of the law of Christ, Brethren, United Brethren.*"<sup>26</sup> After George Podiebrad's accession to the throne, when he, in conjunction with Rokyczana as Archbishop, was using every effort to obtain from the Pope the recognition of his claims, they thought it necessary to show their orthodoxy, by persecuting the Brethren. At first Rokyczana prevailed on the king to give them for their residence the remote district of Litz near Leutomischl, in the Giant mountains (1461); but the new sect continuing to spread, instead of falling into obscurity, a severe persecution was commenced, which compelled them to conceal themselves in deserts and caves through the remainder of the reign.<sup>27</sup> In the midst of these persecutions, however, they completed their forms of government, choosing their first *elders* at a solemn assembly in Lhota, A. D. 1467.<sup>28</sup> Under Wladislaus' administration they enjoyed more quiet,

<sup>24</sup> Esrom Rüdiger, Jo. Camerarius' son-in-law, Professor in Wittenberg, who afterwards joined the brethren, and became a teacher in the Gymnasium at Evanzig in Moravia, says in his *Narrationeula de fratribus orthodoxorum in Bohemia et Moravia Ecclesiis*, written 1579; see *Camerarius*, p. 159: Hoc tantum monebimus, Taboritarum seu Taborenium nequaquam pudere nostros debere (quod aliquibus tamen accidisse jam olim, et nunc etiam accidere videtur), quos in majoribus sui habeant atque recenseant. — Horum stirps sunt nostræ Ecclesiæ, quicquid dicant aut comminiscantur aliqui. — Et qui postea Fratres, et tum Taborita nominati sunt, — in iis sine dubio Taboritarum superstitionum fuit aliquid, et multum quidem: qui tamen Fratres non doctrinæ, sed studii certi professione a Taboritis se discriminare voluerunt. Territi enim clade et pene interfectione Taboritarum, et nomen hoc aversati sunt, et armis pro se et suis propugnare amplius voluerunt (quod tamen etiam tum non potuisse videntur), neque cum adversariis Pontificiis et Calixtinis disputando aut scribendo conflictari ipsis libuit, sed tantum veritatem ad suos docere et sectari, et expectare atque ferre extrema etiam omnia.

<sup>25</sup> The beginning of this community in this country was in Crenza, or Cromerzig. They were compelled by persecution to flee into Bohemia, see Lochner, S. 25.

<sup>26</sup> Prima Epist. Fratrum ad Rokyzanam, in *Camerarius*, p. 64: Ne existimes, quod propter ceremonias aliquas, vel ritus ab hominibus institutos sejunxerimus nos a vobis, sed propter malam et corruptam doctrinam. Si enim potuissemus veram illam fidem in J. Chr. dominum nostrum apud vos conservare, nunquam profecto secessionem hanc fecissemus. Sed cum videremus, tum vos ministros, tum populum his flagitiis et sceleribus contaminari, neque puram a vobis et integram usurpari religionem; coacti sumus salutis nostræ causa a cætu vestro discedere, ne vel tanta scelera et facinora vobiscum perpetrantes, vel saltem in iis conniventes, æternas tandem pœnas una vobiscum sustineremus. — Nos sine intermissione his temporibus turpissime a sacrificiis infamamur, qui negant nos habere veram fidem de sacramento corporis Christi, et hac ratione magnum acerbumque imperitæ multitudinis odium in nos concitant. Sed scias tu, et universi, nos ita credere, quemadmodum Christus dixit, Apostoli scripserunt, et primitiva Ecclesia docuit. Quod vero contrarium excogitatum, aut additum, aut ad alium usum, quam Christus voluit, accommodatum est, hoc ex animo aversamur.

<sup>27</sup> *Historia persecutionum Ecclesiæ bohemicæ* (the place and the author not given, probably by *Joh. Amos Comenius*) 1648. 12mo.

<sup>28</sup> *Camerarius*, p. 92. *Hist. persecutionum*, cap. 20. § 2-6, and *Comenius* ed. Budd. p. 18. The *Hist. persecut.* and *Comenius* relate further that Michael von Szamberg was then sent to the Waldensian bishop, Stephen, who had been driven from France, and had established himself in Austria, to be consecrated as

although the Calixtines made several attempts to gain them over.<sup>29</sup> They were joined by several of the nobles, under whose protection they erected houses of prayer. Their doctrines are stated in the Confession of Faith presented to king Wladislaus in A. D. 1504.<sup>30</sup>

## § 152.

### INDIVIDUAL ATTEMPTS AT REFORM.

The Councils of Constance and Basil had done much to spread abroad the knowledge of the corruptions of the church, though the view taken of its state differed widely with different individuals. The most fertile subject of complaint was the incapacity and the moral corruption of the clergy. The Popes were ready enough to remedy this, so far as consisted in renewing the old rules of discipline, but whenever any reform was proposed for the court of Rome itself, their resistance was most obstinate and bitter. Revolted at the growing evil, there appeared from time to time individuals of powerful minds, who, like the prophets of old, boldly rebuked the vices of the time, and, like them, only too often fell victims to their zeal. In Flanders

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bishop. Concerning the pretended Apostolic decree of those bishops, see § 87. It is very remarkable, however, that *Camerarius* should have taken no notice of this circumstance, notwithstanding his mention of Stephen, p. 116.

<sup>29</sup> Lochner, S. 38.

<sup>30</sup> In three letters to the king, A. D. 1504, 1507, and 1508, in the *Fasciculus rerum expetend. et fugiendarum* ed. *Edw. Brown*, p. 162 seq., and in *Balth. Lydii Waldensia* (T. I. Rotrod. 1616. II. Dordraci, 1617. Svo.) T. II. p. 1 seq. They dwell more on the points of agreement between them and the Catholic church, than on those of difference: of these last they speak most openly in the third letter, *Excusatio contra binas literas D. Augustini datas ad Regem*. With regard to the communion they repeatedly explain their doctrine thus: *quando Presbyter rite ordinatus verba testimonii Christi expresserit, continuo panis est corpus Christi verum, naturale, ex castissima virgine sumptum, similiter vinum sanguis est naturalis corporis ejus*. Nevertheless they deny (*Excusatio* in the *Fascic.* p. 182 seq.) the doctrine of transubstantiation, and the worship of the Eucharist. They maintain that the body of Christ est in Sacramento per aliam existentiam quam in dextris Dei. p. 184. cum suo substantiali assumpto corpore, quocum sedet nunc ad dexteram Dei, non potest multiplicari: — et non potest corporaliter sumi a fidelibus animabus, sed solum spiritualiter. — *Quamvis Christus non est hic cum corpore naturali: — est tamen spiritualiter, potenter, benedictus, in veritate*. In like manner they deny, p. 171 and 177, the worship of saints, and p. 177, the doctrine of purgatory: the true purgatory they maintain is in this world, in quo se purgant ad immortalia corpora. Of the doing away of certain usages they say, p. 180: *Ideo multas constitutiones et consuetudines, ordinationes et inventiones non continemus, quia in errorem sunt et eversionem fidei et æquitatis, — et quoniam hæ constitutiones sunt causæ idololatriæ, et spei erroneæ, et vanæ superstitionis, et occultationem mortalis peccati. Malis autem sacerdotibus sunt causa ad eorum indignitatem et ad seductionem a justitia, et ad avaritiam et sacram rerum quæstuum: populo autem sunt ad latrocinia onusque, ut plura impendant in vestes, adificia et splendorem, — quod in pauperes et egenos expendere debent. Ideo non observamus in multis rebus, quia multa impedimenta faciunt verbo justitiæ, orationi, rebus sanctis circa legis Dei sensum, propter quæ lex Dei venit in contemptum: et ita humanas constitutiones, ordinationesque tam diligentem custodiunt, sicut mandatum Dei vel et diligentius.*

the Carmelite, *Thomas Conecte*, began to preach with great success against the vices of the time,<sup>1</sup> but was burned at the stake in Rome, A. D. 1432.<sup>2</sup> *Andreas*, a Dominican, Archbishop of Carniola,<sup>3</sup> and Cardinal, undeceived in his notions of the holiness of the Pope by a visit to Rome, whither he went as imperial ambassador, ventured in the simplicity of his heart to admonish Sixtus IV. of his duty, and became in consequence an object of bitter persecution. He proposed to call a new Council in Basil, to redress the outrageous wrongs of the church, 1482, but died in prison in that city, 1484.<sup>4</sup> Still more

<sup>1</sup> See a description in *Enguerrand de Monstrelet* (Prévôt in Cambray, † 1453) liv. II. chap. 53. (nouv. édit. par J. A. Béchon. T. V. p. 197).

<sup>2</sup> *Enguerrand's* account, liv. II. chap. 127. T. VI. p. 62, is unsatisfactory. It appears only that his rebukes of the clergy were fatal to himself. According to *Bertrand d'Argentré* *histoire de Bretagne* (Paris, 1618. fol.) p. 788, he said, qu'il se faisoit des abominations à Rome, que l'Eglise avoit bien besoin de reformation, et qu'il ne falloit pas craindre les excommunications du Pape faisant le service de Dieu. Il accordoit aux religieux de manger de la chair, et disoit que à l'exemple de la nation Grecque le mariage ne devoit pas estre defendu aux Prestres, ny à ceux des siens, qui ne pouvoient se contenir. *Baptista Mantuanus* de vita beata in fine claims for him the name of a martyr: dum bene beateque viveret, a quibusdam invidis apud summum Pontificem capitis accersitur, et post carcerem, post tormenta, post cruciatum tandem, quum nihil damnabile reperissent gravius investigantes, quod jure non potuerunt, injuria perficere fortiter accinguntur, et comburendum scelerato rogo commiserunt. — Hujus flammam non Scavola rogo, sed Laurentii posse comparari non dubito: dicant qui velint, obstrepant, clamitent et insaniant: ille summo vivit Olympo.

<sup>3</sup> Archiepiscopus Craynensis, prob. Archbishop of Laybach in Carniola.

<sup>4</sup> The chief authorities are *Petri Vindogoniensis*, *Andreas' notary*, gesta archiepiscopi Craynensis in *J. H. Holtzingeri* hist. eccl. N. T. Sæc. XV. p. 347 seq., a collection of Acta with notes by Andreas, in which he attempts to excuse his participation in the matter. Compare *Christian Wurstisen's* (Notary in Basil, † 1588) *Baseler Chronik Buch VI. Cap. 11. Joh. Müller's* *Schweizergeschichte*, Th. 5. (Berlin, 1826) S. 284. — He summoned a general Council by an advertisement put up in the cathedral at Basil, July 13, 1482 (*Petrus Vindogoniensis*, p. 360): multis moti gravissimis damnabilibusque scandalis et sceleribus, quæ heu oculis vidimus, auribusque nostris audivimus in loco honoris, — curia videlicet Romana, vigere et contrahi, indeque inevitabiles depravationes Christifidelium utriusque status per totum longe lateque orbem insurgere, ut heu jam lamentabile sit videre et audire, naviculam Petri, i. e. totam simul universam Ecclesiam, — jactari nedum — persecutionibus Turcorum et infidelium ad extra, verum etiam intra se quassari, et scindi, dirimique laxatis soluti-que clavibus unientibus ubique per divisiones, prælia, hæreses, peccata, vitia, injustitias, errores et maleficia innumera, ut non improvide timendum sit, eam tandem — a sorbente gurgite damnationis subtrahi. — Attendentes quoque, juxta sacrosanctæ Synodi Constantiensis magnæ præhabite providentiam — tot tantisque malis præter sacrum Concilium nullo modo posse finem pacificum imponi; hoc anno — ad inclytam civitatem Basileensem, quam adhuc indubitatum congregandi Concilii locum cognovimus, ob zelum domus Dei nostri cum mordentibus gravibus fatigationibus et periculis nos recepimus, ibique in cathedrali Ecclesia — Concilium generale — legitime congregandum in nomine, ex parte, et ad laudem tantum — D. N. Jesu Christi, — fidei catholica reformationem, morum correctionem, scelorum, vitiorum extirpationem, et pacem universalem in populo Christiano procurandam — indiximus. On the 21 July, he added thereto an appeal against Pope Sixtus IV. (p. 368): facturus sermonem ad te, o Franciscæ de Savona, Ordinis Fratrum Minorum, qui cathedram sanctam male ascendisti, maleque nomine Sixtus IV. jam annis XI. occupasti, Apostoli Pauli ad Elymam habitis verbis recte potero exordiri (*Act. xiii. 10*): *o plene omni dolo et omni fallacia, fili Diaboli, inimice omnis justitiæ, non desinis subvertere vias Domini rectas*: dolo namque et fallacia non intrans per ostium,

like the course pursued by the prophets of old was that of *Jerome Savonarola*, a Dominican in Florence, who, in his stern rebukes and prophecy, aimed at once at reform in church and state, but only fell so much the sooner a victim of the vengeance of Rome (1498).<sup>5</sup>

sed per Simoniam quasi fur per fenestram proli dolor ingressus es in reginen Ecclesiæ sanctæ Romanæ. Inde facientem desideria Diaboli filium te esse veritas ipsa declarat, cum dicit: *vos ex patre Diabolo estis, et desideria patris vestri vultis facere* — Quotiens, o Sixte, intimæ compassionis affectu argui injustitias tuas, et non mihi auscultasti! quotiens scelera reprehendi tua, et me despexisti! quotiens prævaricationes tuas tibi objeci, et me subsannasti! Nonne licuit mihi secundum formam Evangelii dicere tibi secreta: cur benedicis et maledicis pro pecunia? cur beneficia vendis? cur gratiæ spirituales pecuniæ æstimatione taxas? — Et cum sollicitudo tua omnium Ecclesiarum esse debeat, ut quid apud, et quasi coram te peccantes non arguis? Cur toleras Sodomitas, sacrilegos, simoniacos, homicidas, officiis et professionibus suis non satisfacientes, — justitiam vendentes, doctrinam malam docentes, virgines stuprantes, sorores incestantes, sub cœlibatu pueros procreantes, moniales violantes, — fœneratores, Ecclesias quas deservire nequeunt locantes sub usura, — aliisque vitiis et maleficiis atque dehonestationibus superfluentes? — Inde fit, quod Clerus despicitur, — suscitaturque passim inter curiosos Laicos errorum materia, vel hæresium opinionis — ubique gloriantur, — quod in omnibus castris Cleri non vel vix sit, qui cum eis ad singulare certamen disputationis — descendere ansit, vel saltem incidentem dubitationem pro Laici satisfactione decidere, enucleare, quod taceo hæreticæ astutum et relatrante ratione et auctoritate concludere norit. Sicque cum majori scandalo Cleri fit, quod Laici fere plus sapiunt, magis honeste, religiose, justeque se gerunt quam Clerici, qui omnia facta sua quasi pro lege habentes, etiam errores suos per legem Jesu Christi conantur defendere. — Tu vero, Sixte, quando his pastorali sollicitudine obvias? ubi est labor tuus, ubi vigilantia tua, ubi districtio tua? — Cumque hujusmodi, o Sixte, a me pluries tibi cum dolore cordis secreta inter me et te dicta non acceperas, — habui ultra adhibere testes, dixique ea in cœtu Cardinalium Ecclesiæ, te ad emendationem exhortans. Tu vero, quasi incurabili vulnere, quod omnem medicinam absorbet, sauciatus, — non accepisti admonitionem meam in cor tuum, ut respisceres, sed magis magisque irretitus raptabas in animam meam, spiransque minarum et cædis tota die concinnabas dolos, quibus me caperes, tandemque injuste captum et judicatum me libere dimisisti. Igitur ne gravior indies magis magisque Ecclesia per tuas insolentias damnificetur, — jam ultimum superest, ut dicam Ecclesiæ. This was opposed by *Henricus Institoris*, an Inquisitor for the north of Germany. In his answer we find the remarkable passage (l. c. p. 413): Clamat mundus pro Concilio: sed quomodo congregabitur, ubi dispersi sunt lapides sanctuarii ejus, et obscuratum est aurum, mutatus est color optimus? Cujusmodi reformatio? Dic, ubi obedientia Principum, ubi zelus fidei? Et quia ista deficient, quæso, ex Conciliis ejusmodi reformatio proveniet? — *Ecclesiam per Concilium reformare non poterit omnis humana facultas; sed alium modum altissimus procurabit, nobis quidem pro nunc incognitum, licet heu præ foribus existat, ut ad pristinum statum Ecclesia redeat.*

<sup>5</sup> The chief authority for the history of this man, of whom the most diverse opinions have always been held, are the accounts of two contemporaries, one unfavorable to him in *Jo. Burchardi* diarium Curia Rom. (see § 133) *Eccard* II. p. 2087 seq., to which belong the important documents, p. 2150 seq., more correct in the *Mémoires de Comines* éd. de Lenglet du Fresnoy. T. IV. P. II. p. 72, and from a Ms. in Carlsruhe in *Paulus* aufklärenden Beiträgen zur Dogmen-, Kirchen-, und Religionsgeschichte. Bremen, 1830. S. 281 ff.; and the other *Vita H. Savonarolæ* by his friend *Jo. Franc. Picus*, of Mirandola († 1533), in *Guil. Batesii* vitæ selectorum aliquot virorum. Lond. 1681. 4to. p. 108 seq. A rich collection of these and other documents in *Vita R. P. Fr. Hier. Savonarolæ* auct. J. F. Pico Mirandolæ Concordiæque Principe notis accurata: adjecto ceu mantissa revelationum ejusdem F. Hieronymi compendio: additionibus insuper, actis, diplomatibus, epistolis, scriptorumque monumentis aucta et illustrata (by the Dominican *Jac. Quetif*.) Paris. 1674. 2 Tomi, 8vo. Very soon after entering the order at Bologna, 1475, he began to prophesy, see *Jo. F. Picus* in *Batesius*, p. 112: Per

A more narrow, monkish view of the subject was taken by the Fran-

id tempus divinarum revelationum particeps factus ingruentes et Italiae et aliis regionibus calamitates ad futurae renovationem Ecclesiae praevitit, quanquam non adeo tunc ea extra dubitationem illi paterent, ut omnis ei ambigendi occasio praepereretur: quod evenit, si prophetae lumen citra velamen humanae ratiocinationis effulgeat. Etenim adventitio lumine divino partim collustrabatur, — sed duce ratione in eam inclinabat partem, in quam divina quoque visa inducebant. — Consentaneum quippe videbatur, suam ut Ecclesiam Deus eodem perpendiculari, quo semper usus fuerat, metiretur, et obliquos ejus parietes revocaret ad lineam, monitis primum, deinde flagellis pro scelerum varietate diversis. Pontifices summo astu et dolo, necnon simoniaca perfidia supremum aucupari sacerdotium dicebantur palam, sic ut nec quisquam id fere revocaret in dubium. Mox adeptos solum scortis et cinædis eos auroque coacervando vacare, fama publica circumferebat, atque ad eorum exemplum qui suberant Cardinales et Episcopi sese instituere. Nullus in cis vel modicus Dei cultus, iis eadem vivendi ratio, nullaque religio. Quin etiam ferebatur, eorum aliquos Deum non colere, et in fidei nostrae contemptum et contumeliam pleraque spargere. Sed et plures eorum, qui religiosae addicti vitae, ab institutis se laxioribus seceverant, et traditas regulas profitebantur, unde et sibi cognomen usurpaverunt, ad hypocrisin dilabebantur. Proinde fervorem illum Christianis debitum non modo in universum tepuisse judicabant hi, qui Deum in spiritu et veritate colunt, sed torpuisse penitus et friguisse. Ad hæc Principes tyrannicam vim publice exercebant, et qui vexabantur, nihilominus rapinis, stupris, sacrilegiis, concussionibus, adulationibus inserviebant, ut illud sacrum repeti posset, *non esse, videlicet, qui faceret bonum usque ad unum*. Tantis itaque de causis, propter propheticum etiam spiritum, quo afflabatur, nonnihil de imminente clade pronuntiare cepit, quanquam sacrarum literarum involucris tegebatur arcana, ut impuros homines a perceptione mysteriorum arceret, — simul ne visis adhuc ambiguis deluderetur. Hanc ob causam sæpissime Deo preces funderet, et jejuniis corpus macerare, et flagellis atterere, et alios ad id officii cohortari studuit: quo tandem hæc divina clementiæ munere extra dubitationem lucideque innotescerent sibi, quæ prius ambigue et subobscurè monstrabantur. Oranti igitur ipsi et divinas laudes in Ecclesia persolventi, dum — is præsertim versiculus caneretur: *Bonus es tu, et in bonitate tua doce me justificationes tuas*: fugata a sensu et intellectu omnes tenebræ sunt, et suborta lux, quæ dubitationem omnem de futuris quæ præviderat eventis expulit. Mihi enim hoc privatim narravit. — Proinde cepit confidentius prædicere futuras clades, et eis veluti quibusdam adminiculis collabentem et tanquam intermortuum pessimis moribus Christianum orbem instaurandum. In 1489 he was removed to Florence, where he immediately began a series of prophetic and reproofing discourses on the Apocalypse (p. 114), prædicabat, renovandam sive reformandam Ecclesiam, sed cadendam prius et purgandam flagello gravi, nisi penitentiæ partes susciperentur. At first his prophecies were derided, but soon some of them came to pass: adduxerat autem jam in eum nonnihil populi fidem et prædicta nonnullis mors Innocentii VIII. Pontificis, et prævisus ab eo prædictusque Caroli ejus nominis VIII. Gallorum Regis in Italiam adventus, qui jam accelerare ferebatur ad expugnandum Apuliae regnum, et pari voce asseverata Mediceæ familiæ calamitas et ejus potissimum capitis Laurentii. Is cum eo tempore in republica Florentina princeps esset, sic ut fere omnia ad ejus nutum agerentur, quanquam sub specie civilis instituti, audissetque Hieronymum apertius in tyrannicos usus invehi, eum ut sibi conciliaret multis tentavit: but in vain. Partly perhaps, on account of the magnificence and luxury of the Medici. Of his preaching see p. 116: dicendi gratia — copiose abundavit: — quippe cum ipsa linguæ celeritas, rerum allatarum sublimitas, magnitudoque, et verborum sententiarumque elegantia prodigio par essent. Pronuntiabat voce libera et acuta, non fervido solum sed ardenti vultu, gestuque venustissimo. Ita vero illabebatur in auditorum aures, immo vero in præcordia, ut attentos eos extra se pene raperet. Et cum vox ipsa nec legentis prorsus esset, nec clamantis, nisi cum effulmineret in crimina, in ea tamen sentiebatur utrumque, neutrum discernebatur. See some specimens in *Prediche del Rev. Padre Fra Gieronimo da Ferrara per tutto l'anno in Vinegia, 1540, Svo.* Characteristic extracts see in *Riederer's Nachrichten Bd. 4. S. 335 ff.* The estimation in which he was held was greatly increased by the fulfilment of his prophecies of the coming of Charles VIII. to Italy, and the



ciscan, *John Vitarius*, in Tournay, who, however, was induced to

fall of the Medici, 1494 (the historian *Comines*, who came to Florence with Charles, and visited Savonarola, says, *Mémoires*, liv. VIII. chap. 3): il avoit toujours presché en grande faveur du Roy, et sa parole avoit gardé les Florentins de tourner contre nous: car jamais prescheur n'eut tant de credit en cité. Il avoit toujours assuré la venue du Roy, — disant qu'il estoit envoyé de Dieu, pour chastier les Tyrans d'Italie, et que rien ne pouvoit resister, ne se dellendre contre luy. — Aussi disoit publiquement l'avoir par revelation, et preschoit, que l'estat de l'Eglise seroit réformé à l'espée (i. e. par l'épée): his confidence increased in proportion, *Picus*, p. 115: Eo ipso tempore quo Carolus VIII. Rex Francorum Florentiæ morabatur, divina visa cœpit confidentissime patefacere. — Multa de imminente clade, multa de reformatione Ecclesiæ prædicere, multa de Pontificum et Regum vita dicere, multa de iis, quæ passurus erat ob prædicatam veritatem prænuntiare divino jussu palam exorsus est. He was not, however, satisfied with the course pursued by Charles in Italy (he sent a message to him by *Comines*, see *Mémoires*, l. c. pour ne s'estre bien acquitté de la reformation de l'Eglise, comme il devoit, et pour avoir souffert, que ses gens pillassent et derobassent ainsi le peuple, — que Dieu avoit donné une sentence contre luy, et en bref auroit un coup de fûtet): his hopes in him were all disappointed: Charles had to leave Italy in 1495, and the prophecy of his return was never fulfilled, see *Mémoires de Comines*, liv. VIII. chap. 26: il a toujours presché publiquement, que le Roy retourneroit derechef en Italie, pour accomplir cette commission, que Dieu luy avoit donnée, qui estoit de reformer l'Eglise par l'espée, et chasser les Tyrans d'Italie, et que au cas qu'il ne fit, Dieu le puniroit cruellement. The enemies of Savonarola began now to be numerous. His political influence with the new government gave him the appearance of being the head of a party. The friends of the Medici, who began now to increase in numbers, were of course his foes. *Picus*, p. 118: Inter omnes vero persecutores Hieronymi hi acerrimi inventi sunt, qui moribus pessimis, et potissimum Ecclesiæ præsides, quorum vita fœdissima universum orbem fœtore repleverat, Florentiniquæ illi cives, qui usurariæ pravitati obstinate operam navabant, et vitiorum cœno impensius volutabantur. Illorum libidinem avaritiamque, illorum luxus simoniacasque labes insectabatur, publice privatimque monere solitus, a Babylone (Romam intelligens) fugiendum esse, quoniam — malignus dæmon — ipsam flagitiorum omnium sentinam cloacamque effecisset. Monachorum, Monacharumque, et pene Religiosorum omnium contumelias ob id in se conflaverat, quod tepiditatem eorum (ita enim appellabat) et abusus quam plurimos coarguebat, suorumque Prædicatorum fratrum calumnias et insidias expertus est, quoniam congregationem fratrum Etruscum ab ea, quæ Cisalpinam incolit Galliam, segregaverat Pontificis Maximi auctoritate, atque illam divino jussu constituerat. — Optabat autem, ut eam vivendi normam tenerent sodales, qua a divo Dominico servata est. In 1495 he received a summons to appear before the Pope, but excused himself on the plea of sickness, and the danger from his enemies: the municipality of Florence likewise interceded for him, see extracts from their letter in *Vie de Scipion de Ricci* par *de Potter*. Bruxelles, 1825. T. II. p. 438 seq. Finally, in 1457, Alexander VI. sent a Breve to the Dominican convent in Florence, see *Burchardi diar.* in *Eccard* II., p. 2151: Sane Hieronymum quendam Savonarolam de Ferraria Ordinis Prædicatorum novitate pravi dogmatis delectatum accepimus, et in eam mentis insaniam Italicarum rerum commutatione deductum, ut se inissum a Deo et cum Deo loqui sine ulla canonica attestazione fateatur in populo contra canonicas sanctiones. — Christum præterea Jesum crucifixum et Deum mentiri, si ipse mentiatur, horrendum certe et execrabile adjurationis genus; extra salutis statum eum esse, qui vanis illius assertionibus non eredit; alia deinceps illum non minus inepta facere, dicere et scribere, quæ si prætereantur impune, nihil est quod non ausura falsorum Religiosorum temeritas sit, et in corpus Ecclesiæ, quod verendum est, vitia sub virtutum specie subintrarent. — Credebamus, — jam advenisse diem, quo de ipso meliora concipere deberemus, ac dolorem, quam nunc usque ex effreni arrogantia et scandalosa separatione a Patribus suis Lombardiæ perpassi fueramus, quæ subdola calliditate, sicut post cognovimus, perversorum quorundam Fratrum impetrata est, sua humiliter adhærentia in lætitiâ commutarem: sed quod dolenter referimus, spe nostra frustrati sumus. Nam licet per literas nostras ipsum in virtute sanctæ obedientiæ

monuerimus, ut ad nos veniret, veritatem ab eo et ab ore suo intellecturos; tamen non solum venire et nobis obedire recusavit, verum etiam in dies ipse acerbiorum magis doloris nobis causam subministravit, impudenter fidelium oculis legenda ingerens, quæ solo alias auditu temere profuderat imbibenda. On these accounts the Pope commissioned the Vicar-general of the Dominican congregation in Lombardy to investigate the case, in the mean time forbidding Savonarola's preaching, and ordering him to join again the congregation of Lombardy. In his answer to the Pope, dd. 19 Sept. 1497 (see *Eccard II.* p. 2153, more complete in *Paulus Beiträgen*, S. 289), Savonarola defends himself against these charges. In answer to the charge *me novitate pravi dogmatis delectatum*, he appeals to his often repeated declaration, *me et omnia mea sanctæ Romanæ Ecclesiæ submittere.* — *Si quis autem dicat, quod prædicarem futura, nondum est falsum dogma, quia hoc semper fuit in Ecclesia Domini Dei.* — *Secundo quia in litteris prædictis dicitur, me in eam mentis insaniam Italicarum rerum commutatione deductum, hoc etiam manifeste falsum est, et ab omnibus scitur, quia præterierunt quinque anni, quibus hæc prædixi, vel plures etiam quam decem anni jam sunt.* Afterwards he defends the separation from the congregation of Lombardy as not done in secret, maintaining that the Vicar-general of the congregation is not a suitable person to judge of his case, and strives to prove that the Pope's order to join the congregation must be forged. He thus concludes: *ego paratus sum in omnibus emendare me ipsum, ubicunque erro, et publice coram populo universo omnia errata mea revocare. Dignetur Sanctitas Vestra mihi significare, quid ex omnibus, quæ scripsi vel dixi, sit revocandum, et ego id libentissime faciam, nam et hac vice et semper, sicut sæpius dixi ac etiam scripsi, me ipsum et omnia mea dicta et scripta sub jectio correctioni sanctæ Romanæ Ecclesiæ et Sanctitati Vestræ.* On this the Pope wrote him more graciously, dd. 16 Oct. 1497 (*Eccard II.* p. 2152), inviting him to appear before him privately, but renewing the prohibition to preach. Savonarola observed this prohibition only for a little time, and his beginning again to preach was the signal for his enemies to prepare for a decisive blow. He was excommunicated: *Jo. Poggius*, Secretarius Camerae Apost. wrote a *Refutatorium errorum Fratris Hier. Savonarolæ: Jo. Fr. Picus*, an *Apologia pro Hieron. Savonarolæ viri prophætæ innocentia* (in *Goldasti Monarchia II.* p. 1635 seq.). Florence itself being threatened with excommunication, Savonarola ceased preaching. His brethren of the order now preached in his defence, the other monks against him. At length a Franciscan challenged a Dominican to the trial by fire; the points of controversy were (*Jo. Burchard* in *Eccard II.* p. 2088): *Conclusiones rationibus ac signis supernaturalibus probantur. Ecclesia Dei indiget renovatione. Flagellabitur, renovabitur. Florentia quoque post flagella renovabitur et prosperabitur. Infideles convertentur ad Christum. Hæc autem omnia erunt temporibus nostris. Excommunicatio nuper lata contra Rev. Patrem Hieron. Savonarolam nulla est: non servans eam non peccat.* Instead of the ordeal there was only a controversy between the monks. Each party now laid the blame upon the other. The populace, however, stormed the convent of the Dominicans, and Savonarola with other brethren, were made prisoners, and put to the rack. Two deputies from Rome put him again to the torture, and finally, May 23, 1498, ordered him, with two others of the order, to be hung and burned. His enemies maintain that on the rack he acknowledged himself an impostor (see *Burchard* in *Eccard II.* p. 2095): This his friends deny, *Picus* in *Batesius*, p. 130 seq.), maintaining that there are two reports of his trial, one genuine, the other spurious, see *Jac. Quetif* and *Jo. Franc. Pici* vitam Savon. ad cap. XVII. and *Theoph. Spizellii* infelix literatus, p. 665. The opinions concerning Savonarola have always been very various. Through the influence of the Dominicans, the favorable view afterwards prevailed in the Catholic church, so that *Don. Papebrochius* (*Acta SS. Maii*, T. V. 234) was uncertain whether or not to include him as *beatus*. In the Dominican convent in Florence, his cell was changed into a chapel (see *Vie de Scipion par de Potter*. II. p. 367). Compare *J. F. Buddei* retractatio dissertationis de artibus tyrannicis Hier. Savonarolæ in the *Parerga* historico-theologica, p. 321 seq. Amongst his writings are, besides sermons: *Triumphus crucis*, Florent. 1497. 4to. a defence of Christianity, *De simplicitate christianæ vitæ* libb. IV. 1496. *Expositio orationis dominicæ.* See the *Theology of Jerome Savonarola* by D. F. W. Ph. v. A. *mon in Winer's* und *Engelhardt's Journal der theol. Literatur*. Bd. 8. S. 257 ff.

retract, A. D. 1498.<sup>6</sup> All these alike made the mistake of expecting relief from new laws and institutions. A deeper view of the subject was taken by the Carthusian, *James of Erfurth*, who directed his attention rather to the prevailing superstitious notions and usages,<sup>7</sup> and the licentiate of the Sorbonne, *Johu Laillicr* (A. D. 1484 seq.), who showed the mischief of the Roman usurpations; <sup>8</sup> for it was in

<sup>6</sup> His doctrines as condemned by the Sorbonne in *d'Argentré collectio judiciorum de novis erroribus* l. II. p. 340: Il vaudroit mieux couper la gorge à son enfant, que de mettre en Religion non reformée. — Quiconques oïoit la Messe d'un Prestre tenant une femme en sa maison, peche mortellement. — Minus malum est homicidium, quam peccatum carnis. — Se ton Curé, ou aucun Prestre, tiennent femmes en leurs maisons, vous devez aller en leur maison et par force tirer la femme, ou autrement, confusiblement hors de sa maison. — Le Chant de Musique, que on chante à nostre Dame, n'est que de paillardise et provocation de paillardise. — His positions against absolution, see § 146, note 30. — Hora b. Maria non debent dici Sæcularibus. — Sancti non sunt rogandi. — Il y a aucuns, qui dient aucunes Oraison de la Vierge Marie, à fin que à l'heure de la mort ils puissent veoir la Vierge Marie (compare § 78, note 8). Tu verras le Diable, non pas la Vierge Marie — Il vaudroit mieux à une femme mariée rompre son mariage, que de rompre son jeûne.

<sup>7</sup> See § 144, note 1.

<sup>8</sup> In a public disputation, 1484, he maintained (*d'Argentré* l. II. p. 308): Petrus non habuit a Christo potestatem supra alios Apostolos, neque primum. Omnes hierarchisantes æqualem potestatem acceperunt a Christo ita, quod Curati sunt æquales in potestate, regimine et jurisdictione. Summus Pontifex non potest remittere viatoribus totam pœnam eis debitam ratione peccatorum suorum virtute indulgentiarum, etiãsi juste et rationabiliter dentur. Abbates, Priores, et alii Prælati Religiosorum non absolvunt suos Religiosos in virtute clavium, sed ex sola consuetudine. Confessio non est de jure divino. Si vultis, quod ego loquar de summo Pontifice, ego vastabo totum. Simples sacerdotes sunt inutiles. Confessi Religiosis mendicantibus, præsentatis et acceptatis secundum formam Decretalis *Dudum*, etc., non sunt absoluti et tenentur eadem peccata confiteri Curato. Summus Pontifex Johannes XXII. non potuit condemnare de Poliaco, nec facere Decretalem *Fas electionis* (§ 109, note 3). Quod decreta et decretales summorum Pontificum non sunt nisi truhæ. Ecclesia Romana non est caput aliorum Ecclesiarum. Unus hierarcha erat major altero in bonis temporalibus, vel forsan in virtutibus, et non in potestate hierarchisandi. After 1486 there is a new catalogue of the heresies which Laillicr preached to the people (l. c. p. 308 seq. Compare p. 311 seq.): I. Vous devez garder les Commandemens de Dieu et des Apostres: et au regard du commandement de tous ses Evesques et autres Seigneurs d'Eglise, tout autant que de paille, ils ont destruit l'Eglise par leurs vaverferies. II. Aucuns ont presché de ung Saint, qui est au lieu d'où Lucifer trebuchea (see *Johannes Mercator*, above, § 140, note 11). Tels prescheurs gastent tout, et depuis qu'ils ont esté iustituez, jamais l'Eglise de Dieu ne prosperera. Ils feront tant, que quand la matiere sera bien discutée, on trouvera que celui, qu'ils reputent Saint, n'est pas au lieu où étoit Lucifer, mais est au lieu, où actuellement est Lucifer: et ainsi que Pluto, dieu infernal, tient Proserpine entre ses bras, ainsi Lucifer tient cette ame. III. Les Saints riches et pecunieux sont maintenant canonisez, et les pauvres delaissez. Par quoi je ne suis pas tenu de croire tels estre Saints. La raison: si le Pape reçoit certaine somme de ducats, on monte sur vingt echaffaux à Rome pour le canoniser, etc. — Depuis le temps de St. Silvestre nul des Confesseurs a esté justement canonisé. IV. Se ung Prestre estoit marié clandestinement, et venoit à moy à confesse, je ne luy enjoindrois point de penitence. V. Les Prestres de l'Eglise Orientale ne pechent point en soy mariant, et croy, que ainsy ne ferions nous en l'Eglise Occidentale, se nous nous marions. VI. En ung conseil depuis quatre cents ans fut interdit aux Prestres soy marier de ung Pape ou d'un Papillon. Je ne sçay s'il le pouvoit faire. VII. Je donneray deux blancs à celui, qui me produyra aucun passage de l'écriture, par lequel soyons obligez a jeusner le Caresme. VIII. A b. Sylvestro citra

fact the tendency to substitute mere forms for the true spirit of religion, from which all the evil sprung. In Germany the character of the people naturally disposed to an internal religion, combined with the excitement produced by the Hussites<sup>9</sup> to lead men's minds to this view, and so to the true remedy of the evil in the study of the Scriptures.<sup>10</sup> This was especially the case in Franconia;<sup>11</sup> though the

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*Ecclesia Romana non est amplius Ecclesia Christi, sed Cæsaris et pecuniarum.* (Of this Laillier says in his recantation, p. 312: Et ay dit ces paroles en recitant l'opinion d'un grand Docteur, comme Wiclef, que croyois, ainsi que ay affermé par serment, estre Catholique, et n'avoit esté reprové par l'Eglise). IX. On n'est point plus tenu de croire aux Legendes des Sainets, que aux Cronicques de France. Furthermore the proposition: *Simplex Sacerdos potest ita bene consecrare Chrisma et sacros Ordines conferre, sicut Papa, vel Episcopus: et omnes sacerdotes sunt æqualis potestatis, tam Ordinis quam jurisdictionis, tantamque auctoritatem habet Thomas apud Indos, quantum Petrus apud Romanos.* The bishop of Paris forced him to retract the propositions of 1486 in the same year, and thereon gave him absolution (l. c. p. 310 seq.). The theological faculty, who were not present at the investigation pronounced the recantation unsatisfactory, and the absolution hasty, and appealed to the Pope (p. 313 seq.), who ordered a new investigation (p. 318 seq.).

<sup>9</sup> cf. *Epist. Juliani Card.* § 131, note 6. Also the zealous resistance to absolution § 146, note 30. In the trial of John Wesel it appears that Hussite missionaries had penetrated to almost every part of Germany (note 14). John Wesel was accused of intercourse with a certain Nicholas de Bohemia vel Polonia, to whom he was said also to have dedicated a treatise *super modo obligationis legum humanarum*. He confessed *secum eodem Nicolao fuisse conversatum de medicinis, et de communione sub utraque specie in Moguntia et Wesalia: addidit, quod istum Nicolaum vicisset ex Evangelio.* In particular Nicholas Rus, a priest and licentiate of theology in Rostok, about 1510, was led by his intercourse with the wandering Bohemian Brothers, (see *Flacii Catal. test. verit. ed. Francof. 1666. p. 840, and Chytræi Saxonia*) to write his work de triplici funiculo in the Low German dialect, in which, amongst other attacks on the Pope, are the following propositions: *indulgentias esse meram deceptionem piorum, et quantum: veras indulgentias contingere a solo Deo gratis propter Christum omnibus vere penitentibus: Papam non eam potestatem habere, quam ei multi tribuant, nec audiendum, nisi recta præcipiat: Sanctorum ossa non esse adoranda, Sanctos non esse invocandos: Spirituales debere dare censum, et subesse Magistratibus.* Further, reprehendit traditiones humanas, varios abusus et superstitiones. Inprimis vero gravissime insectatus est Spiritualium turpissimam vitam et officii neglectionem: dicit eos Antichristi ministros esse. He was exiled together with all who adhered to him, and went first to Wismar, but returned afterwards to Rostock, and finally took refuge in Livonia.

<sup>10</sup> Thus *Jo. Trithemius* writes to *Carolus Borillus, A. D. 1505* (see *Trithemii opp. hist. ed. Marqu. Freherus. Francof. 1601. fol. P. II. p. 476*): *Nunquam mihi placuit quorundam curiositas, qui humana commisit divinis, et sacram Scripturam, quæ et pura et sibi sufficiens est et nobis, gentilium loquacitate commaculant.* Contra quas b. Hieronymus in epistola loquitur ad Damasum Papam: *De Scripturis disputantem non decet Aristotelis argumenta conquirere, etc.* — Scriptura enim Dei manifesta est, testimonium Dei lucidum est, sapientiam prestans parvulis. Non egent literæ divinæ plicis, non involucris, non replicis, quia hæc non sapientiam præstant parvulis, sed eorum animos in confuso relinquunt, et per omnem vitam mentes hominum aberrare compellunt.

<sup>11</sup> As early as A. D. 1415, Frederick I. Elector of Brandenburg, appointed a preacher in the convent of St. Gumbert in Onolzbad, with the direction to preach the gospel according to the Scriptures, and as much as possible to forbear the ceremonies of the church of Rome, see *Jack Materialien zur Geschichte und Statistik Bamberg's. Th. 2. (Bamberg 1809) S. 111.* — On his way to Constance, Huss was exceedingly well received in Nuremberg, see his letter to the Bohemians in *Theobald's Hussitenkrieg. Nürnberg, 1621. Th. 1. S. 40 f.* — Afterwards the

great number of translations of the Scriptures which appeared show how general was the newly awakened feeling of their importance.<sup>12</sup> Next to the Bible the writings of Augustine contributed most to nourish this, the true spirit of reform. Three men in particular went before all others in this direction, and may therefore be considered as the forerunners of the great Reformation of the 16th century. *John of Wesel*,<sup>13</sup> Doctor of Theology in Erfurth, and afterwards as a preacher at Worms, attacked with great power the prevailing errors, and appealed to the Scriptures as the source of all true doctrine, but was forced to retract at Mayence, A. D. 1479,<sup>14</sup> and ended his life

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Council of Bamberg made every citizen take an oath against the Hussite heresy, which see in Jos. Heller's *Reformationsgeschichte des ehem. Bisthums Bamberg*. Bamberg, 1825. S. 11. Several similar occurrences in the 15th century, see in Heller. l. c.

<sup>12</sup> See § 145, note 13.

<sup>13</sup> His proper name was John Richrath of Oberwesel. Concerning him see Joh. Wessel ein Vorgänger Luthers von D. C. Ullmann. Hamburg, 1834. S. 109 seq.

<sup>14</sup> The immediate occasion of the proceedings against him was, according to *Wigandi Wirt* (see § 144, note 20) dialogus apologeticus, his intercourse with the Hussites (see note 9). He says (*Walchii monum. mediæ ævi*, Vol. II. fasc. 2. Præf. p. XVI): tractatus, manu Wesaliensis conscriptus ad Bohemiamque mittendus, quem tuus ille magister, Joannes quippe, quasi fidei regulas isti Nicolao Bohemorum nuntio tradiderat, discipulum captivitati, magistrum vero inquisitioni tradidit. Still the furious Dominican may have only inferred this from the Acta of the trial, without any particular authority for the assertion. In fact, however, there is no sufficient ground here for such an inference, far too little weight being here laid on this alleged intercourse. See *Paradoxa D. Jo. de Wesalia*, damnata per Magistros nostros hæreticæ pravitatis Inquisitores de Ord. Prædic. M. N. Gerhardum Elten de Colonia et M. N. Jacobum Sprenger anno 1479, Montaniæ, and Examen magistræ ac theologice D. Jo. de Wes. (the Acts of the proceedings against him) in *Orthuini Gratii* fascic. rerum expetendarum et fugiendarum, fol. 163. (ed. *Bronnii*, p. 325), and in *d'Argentré* I. II. p. 291 seq. The most important for the study of his theological views are his writings: *Disputatio adv. indulgentias in Walchii monumenta mediæ ævi* fasc. I. p. 111 seq., and *De auctoritate, officio et potestate pastorum ecclesiasticorum in Walch*, vol. II. fasc. II. p. 115 seq. (This work no doubt is his, since he was examined on propositions contained in it: it is the work cited in the Examen die Lunæ III. under the title tractatus de potestate ecclesiastica, but not as *Walch*, l. c. Præf. p. XIX., supposes, addressed to a Bohemian.) The first of these works he thus begins, p. 114: ante omnia protestor, nihil velle — asserere, quod veritati fidei, quæ in scripturis sacris continetur, quovis modo sit contrarium. Si vero opinio, vel assertio mea fuerit contraria alicui etiam sanctorum Doctorum, volo salvam esse ejus honorificentiam et sanctitatem, quia ajo cum b. Augustino ad Hieronymum: *alios ita lego, ut quantalibet sanctitate doctrinæ polleant, non ideo verum putem, quia ipsi ita senserunt, sed quia etiam per alios auctores, vel canonicas, vel probabiles rationes, quod a vero non aberrant, persuadere potuerunt.* (So too, he acknowledged on his trial, XVII., that he did not believe, *quod sacra Scriptura sit eodem spiritu exposita per SS. Patres et doctores, quo creditur primo tradita et revelata: and die Martis* he said expressly, *quod nihil sit credendum, quod non habeatur in Canone Bibliæ.*) His principles concerning the forgiveness of sins and absolution were as follows: *Omni delinquenti contra legem Dei Deus ipse legislator ex justitia indicit pœnam, quam non remittit, quantumcunque per misericordiam remittat culpam.* (namely, p. 135 seq. the true forgiveness of sins is only remission of the reatus pœnæ æternæ, not, however, of the reatus pœnæ temporalis.) *Sacerdotes Christi, quibus datæ sunt claves regni cœlorum, ministri sunt Dei in remittendis culpis. Pœnam quam pro peccato Deus indixit delinquenti, non potest homo remittere illi. Aliquem, quemcunque sacer-*

dotem, etiam summum Pontificem, indulgentias dare, quibus sit homo ab omni pœna a Deo indicta solutus, non est in sacro canone scriptum. Ab omni pœna, quam homo vel jus positivum indigit pro peccato, potest summus Pontifex absolvere. Ostenditur, quia ipse est *ab Ecclesia constitutus* juris positivi institutor, in quantum ad adificationem Ecclesiæ facit, non ad destructionem. Quod pœnæ per hominem vel jus positivum indictæ pro peccato respondeant Dei indictioni pœnæ, ita quod illa soluta satisfactum sit Deo, non est certum, nec creditum, nisi cui Deus revelavit. Opinioni doctorum de thesauro Ecclesiæ, congregato ex merito Christi et operibus supererogationis Sanctorum, commisso summo Pontifici ad distribuendum, quamquam sit valde pia, salubres tamen sunt debiles objectiones. — Opera Sanctorum in via existentium secundum esse suum transitoria sunt, et dum cessant Sancti operari, ipsa nullum esse habent secundum se: Dei autem misericordia, addita operantibus iis gratia gratumfaciente, aut est meritum, aut causat meritum. Sunt ergo opera non aliter, quam secundum (*gratiam*) meritum. (Hence he acknowledged on his trial that he had said to certain monks, XXII.: *Religio non salvat vos, sed gratia Dei*; and yet believed, *religionem viam esse ad salutem*). — Distribuere autem illa merita nemo potest, nisi Deus principaliter. Si autem homo ministerialiter hæc potuerit distribuere, hoc non erit, nisi per divinum pactum. — Tale autem pactum esse factum cum ministris per Jesum, in evangelicis scripturis non habetur. Quare non est habitum. Of the forgiveness of sins, p. 126. Remissio peccatorum est gratiæ, gratum facientis hominem Deo, donatio sive infusio. — Solus Deus donat gratiam et infundit — absque præcedente merito — his, qui quantum in eis est se parant ad recipiendam eam. P. 128: Pœnitentia est dolor de commissis peccatis. Et hæc est dispositio congrua ad remissionem peccatorum. P. 131: Est ex superius dictis notum, nullos sacerdotes facere remissionem peccatorum principaliter et effective, nisi per divinam assistentiam, quæ est gratia donata. Quare remissio Sacerdotum est quoddam ministerium sacramentale, exhibitum peccatori pœnitenti. Et non est aliud, quam datio sacramenti pœnitentiæ, cujus effectus est remissio peccatorum. He maintained, esse divini honoris, ut ipse solus creet et donet gratiam ex sua mera liberalitate, and therefore wished to substitute for the definition of a sacrament: est invisibilis gratiæ visibilis forma, sic quod ipsius imaginem gerat et causa existat Augustine's definition: est invisibilis gratiæ visibilis forma. P. 143 seq., in the passages *Matth.* xvi. 19; xviii. 18. *quodcumque ligaveritis, etc.* the church was not invested with the keys jurisdictionis, but only with the power of excluding impenitent sinners: p. 146: jurisdictionis, quæ est in Ecclesia, secundum quam principes dominantur subditis, et leges indiciunt eis, est a gentilitate sumpta et Christi verbo vetita (*Matth.* xx. 26). Jurisdictio itaque, quæ nunc est in Ecclesia, est ab hominibus instituta, ut sentit b. Hieronymus in epistola ad Evandrum et in expositione epistolæ ad Titum (see vol. I. § 29, note 1). Ex his sequitur, quod pueriliter sentiunt, qui dicunt, indulgentias dari ex vi clavium jurisdictionis. P. 152: tales remissiones, vocatæ indulgentiæ, sunt piæ fraudes fidelium, ut dixerunt multi presbyteri, et signanter quidem Cantor Parisiensis; fraudes, quia fideles peregrinantur ad sancta loca, afferunt eleemosynas ad pias causas — opinione, quod liberentur per ea ab omnibus pœnis, — et in hac opinione decipiuntur. — Et quia contingit, fideles talia facere opera in caritate Dei, erunt ipsa opera meritoria vitæ æternæ et augmentatoria gradus gloriæ, ideoque sunt piæ et utiles. Then p. 153 seq. of the infallibility of the church. Quia in Ecclesia universalis continetur Ecclesia Christi fundata super petram, — et hæc Ecclesia Christi est sancta et immaculata, — ideoque in ea non est error; — hæc erit vera locutio: Ecclesia universalis non errat. At the same time it is true: Ecclesia universalis errat. — Sic et hodie vere dicitur: Ecclesia est peccatrix, est adultera. To infer the holiness of the whole church from that of any particular church was not allowable, quia ex particularibus procedit. — From all this it is plain that John did not attribute to the hierarchy divine authority: their duties and their rights he discusses at large in his Tract. de potestate ecclesiastica in *Walchii* monim. mediæ ævi II. H. p. 118. It is important for the understanding of many apparent paradoxes which occur in his accusation to bear in mind the proposition with which he begins this work, ferendam esse quorumcumque magnatum tyrannidem, et imperiis temere non esse reclamandum, quatenus ratio Evangelii per tolerantiam afflictionum non periclitetur. Thus we may explain his assertion in the Paradoxis: Qui potestati resistit, Dei ordinationi resistit; sic scilicet, quod velit potestatem non esse. Thus, on the one hand, he denies, in

Examen XIV. quod Apostoli habuerunt auctoritatem a Christo condendi canones, aut instituendi aliquas leges (cf. De potest. eccl. in *Walch* II. II. p. 133: Quamvis audacia — Apostolorum successores — mandant observandum, non quod Christus in literis sacris, sed quod ipsi ex sese vel quæstus gratia huc impulsus, aut imperitandi libidine affecti, præcipiunt: Si ne ipsis quidem Apostolis licuit extra præcepta Dei quicquam docere, cum dicat Dominus: *docentes eos servare, quæcunque præcepi vobis!*) and in accordance therewith says, XXIV. nullum esse peccatum mortale, nisi quod Canon Bibliæ dicit esse mortale. So too XXVIII. Si vicarius significat aliquem, qui in absentia principalis habet facere opera principalis, tunc Christus non habet vicarium in terris. And yet he admits the propositions XI. Romanam Ecclesiam esse caput omnium aliarum Ecclesiarum, XII. quod Romanus Pontifex sit Christi vicarius, et necessarium esse unum caput Ecclesiæ, XVI. differentiam esse inter Episcopum et sacerdotem, and XV. that the laws of the Hierarchy were binding, namely, quod transgredientes legem humanam sic assumptam, peccent mortaliter. XXI. also he answers to the questions concerning the necessity of the continence of the clergy, and the septem horæ canonicæ: quod, quia susceperunt, etiam ad mandatum Ecclesiæ teneantur. Still, of course, he considered all these to be mere human institutions, and so preached (see Paradox): Christus nunquam instituit aliquod jejunium, nec prohibuit quemcumque cibum quocumque die, sicut carnes. Christus nullum festum præcepit celebrare. Item nullam orationem docuit, nisi dominicam, neque mandavit sacerdotibus canere vel legere septem horas canonicas. Si quis confiteatur, injungitur illi ardua pœnitentia, ut peregrinetur Romam, vel ad alia remotiora loca, strictum jejunium, quod dicat multas orationes. Quod Christus non fecit, sed solum dixit: vade, noli amplius peccare. Sic gravata est Christianitas per humanas leges et constitutiones. He objected, however, to open disobedience, De potest. eccl. in *Walch* II. II. p. 144: Si offensio proximi timeatur per hanc inobedientiam, profecto quatenus obtemperare licebit imperantibus non periclitante veritate, nefas fuerit non obedire: non quia hoc præceptum ab homine proficiscitur, sed quia expostulat caritas. His views of the efficacy of the usages in the church may readily be inferred: see Examen die *Martis*: Interrogatus, quid sentiat de consecratione et benedictione altarium, calicis, ornamentorum, cereorum, palmarum, herbarum, aquæ benedictæ, et aliarum rerum inanimatarum, etc., credit, quod nihil virtutis spiritualis et efficaciam habeant ad effugandum dæmones, et pro remissione venialium peccatorum. Credit etiam, quod aqua benedicta non habeat majorem efficaciam, quam alia aqua non benedicta, etc. His notions of free grace were peculiar. Essentially they were the same with those of Augustine: in the Paradox we have the following propositions: Deus ab æterno condidit librum, in quem scripsit omnes suos electos: quicumque autem in eo non est scriptus, nunquam inscribetur in ipsum in æternum, et qui in eo scriptus est, nunquam ex eo delebitur. — Sola Dei gratia salvantur electi. Et quem Deus vult salvare, donando sibi gratiam, si omnes sacerdotes vellent illum damnare, aut excommunicare, adhuc salvaretur ille. Et quem Deus vult damnare, si omnes — vellent hunc salvare, adhuc iste damnaretur. And in accordance with this he said in the Examen die *Martis*, quod Deus potest conferre gratiam habenti usum rationis absque omni motu liberi arbitrii. Opinatur, quod b. Paulus in sua conversione nihil fecit suo libero arbitrio pro sua conversione. — Sola Dei gratia salvantur electi. When therefore on Monday he acknowledged it to be his opinion, nullum esse peccatum originale in parvulis jam conceptis in utero materno; it was probably on the ground that only those who were capable of reason, are capable of sin. Other remarkable views of his are Examen die Lunæ VII. quod sacra scriptura non dicat, quod Spiritus Sanctus procedat a filio, aut ab utroque. VIII. falsum esse in symbolo Athanasiano hunc versum: *nam sicut anima rationalis et caro unus est homo, ita Deus et homo unus est Christus*. XIX. quod corpus Christi possit esse sub specie panis, manente substantia panis. John Wessel's opinion of John of Wesel in his Epist. ad Ludolphum de Veno (Opp. ed. Groning. 1614. p. 920 seq.): Audisti periculum venerabilis illius viri, Mag. Jo. de Wesalia, cujus tametsi, ut crebro ex me audisti, exorbitantes illæ et populo scandalosæ absurditates displiceant, eruditio tamen et peracre ingenium ejusmodi est, ut virum illum nequeam non amare, aut casibus ejus non condolare. O quantum profuisset illi, nostro more, ut sæpe inter nos Parisiis recensui, ante tum Realium tum Formalium exercitatum studia transgessis, et ita demum non incautum, non inopinum, sed velut ex arce et

in prison, A. D. 1482. On the other hand, *John Goch*,<sup>15</sup> Prior of a nunnery in Mechlin († 1475), who taught essentially the same thing, in dwelling constantly on the importance of perfect freedom as the vital principle of all true virtue,<sup>16</sup> was left undisturbed, whilst the

specula futuros insultus providisse. — Sape ego veritus in eo inconsideratam et temerariam ejus locutionem, quæ licet scholasticæ subtilitatis, et fortassis nonnunquam aliquid catholicæ veritatis haberet, et tamen in vulgus inductum, et non capacem plebem proferri cum gravi simplicium scandalo prorsus odiosum. The things in his preaching, at which offence was taken, were such as these: e. g. in the Paradoxis: Si s. Petrus instituisset jejunium, forte ideo fecisset, ut eo melius pisces suos vendidisset. Sacrum oleum est sicut aliud oleum, quod comedis domi in offa. Ich verachte den Bapst, die Kirche und Concilia, und lobe Christum. At his trial he was accused, no. XX., of having preached in Wi-baden, quod videns venerabile sacramentum Eucharistiæ videat Diabolum, though he denied it. The proceedings against him were the more cruel, inasmuch as he was already an infirm old man (Examen die Lunæ XX.: præ senio et debilitate vix cerebrare poterat), and had long been ill. Worthy of remark is what is said by the reporter of the trial at the close of this statement: Magister Jo. de Wesalia longo tempore gravi morbo laboravit, nihilominus inquirebatur ab eo satis fervide. Quædam negavit se dixisse, quædam et præ ætate et languore potuit conabatur interpretari, et ipse per sese etiam allegabat suam diuturnam infirmitatem. Dempto solo articulo de processione Spiritus Sancti, in aliis videtur non ita gravi censura fuisse castigandus, si induciæ datæ fuissent, si consultores ei fuissent adhibiti, si non omnes uno solo dempto fuissent de via Realium. Et nisi forsitan impetus quidam irrepisset in Religiosos triumphandi de Sæculari, et præsertim de eo, qui illorum Thomam peculiariter non coherat, forsitan poterat cum eo mitius — benigniusque actum — fuisse. Deum testor, qui omnia novit, hunc processum, qui cum eo servatus fuit usque ad revocationem et librorum suorum exustionem, vehementissime displicuisse Mag. Engelino de Brunsvico, maximo Theologo, et Mag. Johanni Keisersbergio, duobus utique viris (then both preaching in Strasburg) cum doctis, tum integris. Præcipue Mag. Engelino visum fuit nimis præcipitanter cum tanto viro actum esse. Immo non verebatur asserere, multos articulos ejus et majorem partem posse sustineri. Nec obtinuit de simulate Thomistarum contra Modernos, et de gaudio triumphandi Religiosorum contra Sæculares. Quis nisi ipse Diabolus seminavit illam zizaniam inter philosophos et inter theologos, ut tanta sit dissensio — inter eos, qui Thomam, qui Scotum, qui Marsilium imitantur, adeo ut, si universalia quisquam realia negaverit, existimetur in Spiritum Sanctum peccavisse? — Unde hæc cæcitas mentis, nisi a Diabolo? qui, ne utiliora, ne honestiora, ne moribus, virtutibus et salutem animarum conducentia discamus, phantasias nostras illudit, et trahit ad res minus salutaris, et ad gelidas harum intentionum speculationes, quibus neque ad Deum devoti reddimur, neque ad proximi dilectionem inflamamur. Et ideo minus edificamus in Ecclesia Dei, neque fervor Christianorum videtur augeri, sed indes diminui.

<sup>15</sup> Johann Pupper. Of whom see *Walchii* monim. medii ævi fasc. IV. Præf. p. XIII. seq., and vol. II. fasc. I. Præf. p. II. seq.

<sup>16</sup> Works: De libertate Christiana (ed. *Cornel. Græpheus*. Antverp. 1521. 4to. The editor was taken by the Inquisition and forced to retract, see *Gerdesii* scriptum antiquarium. T. VI. p. 496 seq.). De quatuor erroribus circa legem evangelicam exortis, et de votis et religionibus facticiis dialogus (in *Walch* fasc. IV. p. 73 seq.). Epist. apologetica adv. quendam Praedicatorii Ordinis super doctrina doctorum scholasticorum et quibusdam aliis (ed. *Corn. Græpheus*. Antverp. 1521. Reprinted in *Walch*, vol. II. fasc. I. p. 1 seq.). Of the true source of all doctrine Epist. apologet. in *Walch* II., I. p. 10: Sola scriptura canonica fidem indubiam et irrefragabilem habet auctoritatem. Antiquorum Patrum scripta tantum habent auctoritatis, quantum canonice veritati sunt conformia. Hæc fideli sunt amplectenda, quia canonice veritate student approbare quæ dicunt. Modernorum vero doctorum, maxime Ordinum Mendicantium, scripta, pro opinionibus innixa, nec fundamentum habent solidum, nec veritate illustrant intellectum, sed variis argumentum implicationibus ipsam nudam et simplicem veritatem obnubilantia, vanitati magis



deserviunt quam veritati. (cf. Dialogus in *Waleh* IV. p. 77 seq.). He points out four errors: Dialog. p. 83: Primus fuit illorum, qui cum lege evangelica, quam Christus suis sequacibus sub modicis præceptis et paucis sacramentis liberam dereliquit, onerosam etiam servitutem legis Mosaicæ necessariam fore ad salutem contendebant. P. 84: Secundum genus errorum est illorum, qui perfectionem christiana vita: ita in sola fide constituerunt, et opera fidei sibi necessaria non crediderunt, ita ut credentes in Christo et bonum fidei habentes, omnia sibi alia licere arbitrati sint. P. 91: Tertium genus errorum est illorum, qui utrumque actum tam interioris volitionis quam exterioris operationis ad christiana vita: perfectionem necessarium credunt: sed, quod naturales vires liberi arbitrii, sive naturalis facultas humana: naturæ absque auxilio divinæ gratiæ ad hoc sufficiat, impie dogmatisare non erubescunt. Hæc fuit hæresis Pelagiana, quæ, quamvis ab Ecclesia sit condemnata, — in quorundam tamen cordibus quadam reliquiæ ex ea serpere reperiuntur. — P. 99: Hinc in exterioribus observantiis et cæremoniis rigor intolerabilis exhibetur, et circa deficientes fratres benignitas caritatis negligitur. Motus appetitus sui infatigabiliter exequentur, traditiones hominum magno amore amplectuntur, sed potiora legis præterire reperiuntur. P. 109: Quartum genus erroris est illorum, qui — in hoc desipiunt, quod ad perfectiora opera legis evangelicæ faciendæ libertatem spiritus secundum interiorem motum fidei non sufficere contendunt, sed ad hoc obligationem voti necessario requiri, impie dogmatisare non erubescunt; ita ut libertatem evangelicam in servitutem obligatoriam redigentes a pharisaica superstitione non multum distare reperiuntur. Hic est error nostri temporis, qui cum Pelagiana hæresi in multis convenire cognoscitur. P. 112 he mentions St. Thomas as the author of this heresy, princeps erroris. P. 114 seq. he proves that voluntas voventis non firmatur in bono ex voto. P. 115: Religiosi possunt a bono virtutis delicere, et facinorosissimi fieri. Quod non est necesse per rationes probabiles adstruere, quia multorum vita nefandissima hoc declarat manifeste, ita ut vulgo dicatur: *quod Monachus audet præsumere, hoc Sathanas erubesceret excogitare.* P. 122: Æternæ beatitudinis præmium non est aliud, quam summi amoris exercitium. P. 124: Creatæ voluntas largitate divinæ bonitatis repletur, et ejus amore inflammata, ad recipiendum amorem assurgit. Unde sicut in ea continua et sine fine duratura erit tanta divinæ bonitatis influentia, sic continua et æterna erit ejus creatæ voluntatis ad Deum cum pleno amoris affluentia. P. 139: Anima rationalis eodem modo reducit in Deum, quomodo exit a Deo. Sed per libertatem divinæ voluntatis exit a Deo, ergo per libertatem suæ voluntatis debet reduci in Deum. (cf. Epist. apolog. in *Waleh* II., I. p. 19: Qua de causa Apostolus in omni scriptura et doctrina sua ita laborat ab evangelica libertate mosaicam servitutem excludere? Huc utique, ut omnibus patenter elaresceret, neminem posse legem evangelicam nisi per libertatem Spiritus meritorie observare. Nec mirum, quia lex evangelica est lex amoris. Amare autem nemo potest, nisi per voluntatis libertatem.) P. 142: Præcepta evangelica — non ad humanæ voluntatis libertatem onerandam, sed ad ipsam libertatem dirigendam ordinantur. — Sunt enim hæc præcepta lumen divinæ caritatis tenebris humanæ ignorantia: cœlitus infusum, quo divinæ voluntatis beneplacitum, quæ est regula omnis creatæ voluntatis, manifestatur, et ad ejus conformitatem creatæ voluntas dirigitur. To the question, Quare ergo Ecclesia votum fieri ordinavit, et cum tanta solemnitate fieri decrevit, si nihil boni supernaturalis in voluntate voventis efficit? he answers, p. 164: Ecclesia mater est fidelium: in matribus autem plus solet abundare affectus, quam vigere intellectus. Et ideo in quibusdam actibus Ecclesia: magis attendendus est affectus pietatis, quam lumen discretionis. Unde fit, ut quamvis Ecclesia militans aliquando erret in effectu, eo quod Ecclesia militans fallitur et fallit; non tamen errat in affectu, quia quicquid circa Ecclesia: filios ordinat ad profectum eorum, procul dubio materno affectu disponere laborat. — P. 167: Votum religionis propter infirmos et instabiles Ecclesia ordinavit, qui ad perfectam legis evangelicæ observantiam sub communi institutione christiana: religionis aliter induci non poterant, ut per exterioriorem obligationem sub jugo evangelicæ libertatis vivere assuescerent, qui absque obligatione ad hoc non poterant edomari. Cum igitur hæc ita se habeant, valde est a veritate alienum, quod quidam Religiosorum ad tam superstitiosam elationem religiones extollunt quod in suam contumeliam status eas perfectionis dicere non erubescant. P. 177: Divina ordinatio et constitutio est sufficientissima ad summam et perfectissimam legis evangelicæ observationem, et non indiget nova in-

still more thorough reformer, John Wessel,<sup>17</sup> (*Lux mundi, Magister contradictionum*) after a long course of constant activity in Cologne, Louvain, Paris and Heidelberg, was allowed to end his days quietly in his native city of Groningen († 1489), notwithstanding that Luther acknowledged the doctrines he taught to be altogether the same as his own.<sup>18</sup>

stitutione vel ordinatione. Et ideo positivæ constitutiones Ecclesiæ, ordinationi divinæ superadditæ, non sunt, nisi quædam exteriores honestæ observantiæ, ordinatæ vel propter majorem reverentiam in suscipiendis vel tractandis sacramentis, ut jejuno stomacho sacramentum eucharistiæ percipere, — et similia, quæ nihil faciunt ad sacramenti veritatem, sed ad honorem et dignitatem. P. 180: Quod illa necessitas coactionis sit per se causa boni productiva, vel quod sit per se bonum meritum, quemadmodum Thomistæ affirmant, omnino negamus, immo falsum esse, et hæresi Pelagianæ vicinum esse dicimus. — Positiva constitutio Ecclesiæ — non potest se extendere ad interiorem motum voluntatis, in quo est principium merendi, sed solum ad substantiam actus exterioris, qui potest fieri absque auxilio gratiæ secundum facultatem voluntatis. Dicere ergo, quod votum sit causa productiva meriti, — non est aliud dicere, quam quod exteriori actu voluntatis absque auxilio gratiæ potest aternæ beatitudo mereri. — Hæc fuit insania Pelagii hæretici, etc. — P. 199: Vita sacerdotalis, secundum eminentiam status sacerdotalis et dignitatem Ordinis regulata, est vere et simpliciter apostolica, et summa perfectio religionis christiænæ. P. 207: Ex sacramentorum primaria institutione, et ex divina ordinatione licet omnibus sacerdotibus omnia sacramenta dispensare. — Quod ergo nunc temporis Episcopis licet conferre aliqua, quæ non licent sacerdotibus, — hoc est vel propter Ecclesiæ consuetudinem vel constitutionem. Multa enim Ordini sacerdotali per consuetudinem vel constitutionem Ecclesiæ sunt ablata, quæ divina constitutione ei sunt collata.

<sup>17</sup> Called also Gansfort, probably from his native village. Two accounts of his life by Albr. Hardenberg and Gerhard Goldenhauer, prefixed to the *Opp. Wesseli. Comp. Effigies et Vitæ Professorum Academia Groningæ et Omlandiæ. Groning. 1654. fol. p. 12 seq. Guil. Mauwring de Wesseli Gansfortii cum vita, tum meritis in præparanda sacrorum emendatione in Belgio septentrionali. Pars prior (containing the life). Traj. ad Rhen. 1831. 8vo. Johann Wessel, ein Vorgänger Luthers. Zur Charakteristik der christl. Kirche und Theologie in ihrem Uebergang aus dem Mittelalter in die Reformationszeit. By D. C. Ullmann. Hamburg. 1834. 8vo.*

<sup>18</sup> Many of his writings are lost (*Hardenberg in vita Wess. p. 13: quæ in seriniis ipsius reperiebantur ejus manuscripta omnia eo mortuo opera Mendicantium monachorum et quorundam aliorum furore exusta erant*). Several of his treatises were sent to Luther from Holland, at first under the title *Farrago Wesseli* (prob. Witteb. 1521.), 4to., after A. D. 1522 several times published in Wittenberg, Basil, and Marburg under the title *Farrago rerum theologiarum uberrima doctiss. Viro Wesselo Groningensi auctore* (comp. Ullmann S. 461 ff.). Luther says, in his preface prefixed to the later editions: *Prodiit en Wesselus (quem Basilium dicunt) Phrisius Groningen. vir admirabilis ingenii, rari et magni spiritus, quem et ipsum apparet esse vere Theodidactum, quales prophetavit fore Christianos Jesaias, neque enim ex hominibus accepisse judicari potest, sicut nec ego. Hic si mihi antea fuisset lectus, poterat hostibus meis videri Lutherus omnia ex Wesselo hausisse, adeo spiritus utriusque concordat. The entire ed. of M. Wesseli Gansfortii Opera, quæ inveniri potuerunt omnia (ed. Petrus Pappus a Tratzberg) Groning. 1614. 4to. contains besides the farrago five treatises and a collection of letters. Wessel's Theologie, see Ullmann S. 187 ff. His doctrine of justification: *De magnitudine passionis* c. 45 (*Opp. p. 550*): *Arbitramur hominem justificari per fidem Jesu Christi absque operibus* (*Rom. iii. 28*), et *fides sine operibus emortua est* (*Jac. ii. 27*): *diversum dicunt Apostolus Paulus et Jacobus, verum non adversum. Communis utrique sententia est, justum ex fide vivere, fide, inquam, per dilectionem operante. Cap. 46, p. 553: Qui per opera sua justificari putat, non novit, quid sit justus. Justus est, qui unicuique quod suum est tribuit. Sed quis homo unquam absolvit, ut Deo esset qualis esse debet, omni homini sit qualis esse debet? Nescit quod sit suum debitum, nescit**

From all this it is evident, that however the views taken of the

etiam quanta sit futurorum bonorum expectatio, quam nullis operibus aequare potest: neque solum hac ignorantia errat, sed et sacrilegii (reus est), gloriam justificationis non Deo, sed sibi tribuens. Qui vero Evangelium audiens credit, desiderat, sperat, confidit ut læta nuntia, præterea amat evangelisatum justificationem et beatificantem, quantalibet pro consequendo faciat et patiat; non sua opera, non se operantem extollit, sed extentus totus et propensus in eum quem amat, a quo credit, cupit, sperat, confidit, justificatur, nihil sibi ipsi tribuit, qui scit nihil habere ex se. Cap. 47, p. 554: Præcepit igitur lex perfectionem, sed nihil adduxit ad perfectum. Sed quid? Num Evangelium duxit ad perfectum? Utique. Quem igitur? Omnem credentem, quoniam omni credenti Christus finis legis est ad iustitiam, et fructus, quoniam ipse est, qui dat potestatem filios Dei fieri his qui credunt in nomine ejus. Credendo verbo adhærent Verbo. Verbum Deus est. Credendo igitur Deo adhærent: et adhære Deo bonum est, quia qui adhæret Deo, unus cum eo spiritus sit, eum justo justus, cum sancto sanetus. — *Quæ sit vera communio Sanctorum?* Opp. p. 809: Vera essentiali unitate communicant Sancti omnes, quotquot una fide, una spe, una charitate Christo cohærent, sub quibuscunque Prælati, quantumlibet ambitiose contendentibus, aut dissentientibus, aut errantibus, etiam hæreticis Prælati degant. — Et hæc est illa sanctorum communio, de qua in Symbolo: *credo Sanctorum communionem.* — Constat, quod valde possibile, Græcum vera pietate adfectum omnia credere in Constantinopoli sub suo Patriarcha schismatico quæ Latinus Romæ credit: quid illi nocet suorum hæretica pravitas? Unitas ergo Ecclesiæ sub uno Papa tantum accidentaliter est, adeo ut non sit necessaria, licet conferens multum in Sanctorum communione. Of the power of the church and its relation to the Scriptures, De potestate Ecclesiastica, Opp. p. 753: Pastor gregem Domini pascere positus est. Verum quia grex pascendus rationis et liberi arbitrii est, non prorsus in potestate pastoris traditus est, ut nihil ab eo exigatur, nisi pastori obedire. Debet enim ovis ipse dinosce quibus pascatur, quibus inficiatur, et quomodocunque, oblatam etiam a pastore ipso, vitare pestiferam infectionem. Et in hoc si sequatur pastorem, non excusatur. Debet ergo populus pastores ad pascua sequi. Quando vero non pascit, pastor non est: neque tunc, velut inofficioso, grex ei parere tenetur. P. 769: Nemo magis Ecclesiam destruit, quam corruptus Clerus. Destruentibus Ecclesiam omnes Christiani tenentur resistere, usque etiam ad ultimos, puta rusticos juxta illud, 2 *Thess.* iii. 6. Sancta quippe rusticitas quantum Ecclesiam Dei edificat vitæ merito, tantum nocet, si destruentibus eam non resistit. P. 759: Propter Deum Evangelio credimus, et propter Evangelium Ecclesiæ et Papæ, non Evangelio propter Ecclesiam. Unde quod *Augustinus* (contra Epist. Manichæi, c. 6: *ego vero Evangelio non crederem, nisi me catholicæ Ecclesiæ commoveret auctoritas*) de Evangelio et Ecclesia dicit, originis de credendo verbum est, non comparationis aut præferentiæ. Dixit enim Apostolis Dominus Jesus: *Prædicatè omni creaturæ, docentes eos servare quæcunque præcepì vobis* (Matth. xxviii. 19, 20). Non igitur audiendi, nisi quantum missi: non missi, nisi cum Evangelio: non evangelisantes, nisi secundum Evangelium. Sed quia verisimilius est, unum aliquem penes Evangelium toti multitudini contradicentem errare, quam totam doctorem virorum Ecclesiam, ideo debet, quicumque ille fuerit, semper suspectum se habere, et formidare de errore. Verum quia scit, non impossibile, multos Doctores errare, debet semper adparentem Evangelii veritatem primo amplecti. Debet igitur sedulo diligenter inquirere veritatem et intelligentiam Evangelii. Debet tertio rationes contradicentium diligenter attendere, et illi parti, quam viciniorem Evangelio invenerit, firmiter adhære. Ex illo verbo Domini Jesu: *super cathedram Moysi sederunt scribæ et Pharisei: omnia ergo, quæ dixerint vobis servare, servate et facite* (Matth. xxiii. 2, 3), multi Prælatorum Ecclesiæ trahunt erroneam et falsam intelligentiam. Putant enim ex hoc verbo datam eis authenticam potestatem, ut obligare possint auditorem ad servandum et faciendum quæ dicunt. — Oportet tam Prælatorum quam Doctorem præcepta sic servare et facere, quemadmodum Paulus (1 *Thess.* v. 21; see p. 756) monuit, hoc est, quam diu in cathedra Moysi sedentes secundum Mosen dicunt. Et si quid extra vel contra, non magnopere ligat fideles contra legem perfectæ libertatis. Dei enim servi sumus, non Papæ: cui utique serviremus, si ad omnia ejus qualiacunque obligemur. Dictum est autem: *Dominum Deum tuum adorabis, et illi soli*

abuses in the church may have differed, the feeling of the necessity

*serviis* (*Matth.* iv. 10). P. 748: Papa tenetur credere et obligatur cum omnibus obligatis fidelibus. Et quando credit sicut obligatur, tunc fideles obligantur credere quod ipse credit: non quia ipse credit, sed quia credit quod credere debet. Et si alius melius eo crediderit quod credere debet, ipse Papa debet cum illo credere quocunque, etiam laico et muliere. — Unde concluditur, quod licet verisimiliter præsumendum sit, summum Pontificem et Prælatos tanto rectius ad veritatem Evangelii incedere, quanto ceteris aliis altius in sublime dignitatis erecti sunt, et ita, ceteris paribus, potius illis, quam alicui subditorum credendum: non tamen simpliciter subditos obligatos ad credendum illis. Hoc nempe adeo irrationalabile est et blasphemæ plenum, ut etiam quacunque hæresi pestilentius inveniatur. Potest nempe Prælatos errare. — Summorum enim Pontificum plerique pestilenter erraverunt, ut novissimis diebus nostris in Constantia, celebri Concilio claruit, Benedictus, Bonifacius, et Johannes XXIII, quam graviter fidem lacerarint. Et nostris postremis diebus Pius II, et Sixtus IV., quorum alter patentibus bullis regna terrarum sibi vendicavit, alter turpissimas dispensationes, non solum de præstito in causa civili juramento, sed etiam de præstando — emisit in abusu potestatis Apostolicæ; quicquid F. Petrus vel Comes Hieronymus in-olenter aut avare gesserunt, ipse postea cum resciret ratificavit, etiam bullis plumbatis. De sacramento pœnitentiæ, p. 779: Contra communem opinionem de monarchia Romani Pontifici, est, quod impossibile homini est fines orbis terræ nosse, qui nullo unquam cosmographo omnes comprehensi sunt. Quomodo igitur judicabit, quos nosse non poterit? Quomodo judicabit fidem, quorum linguam ignorat? Unitatem igitur Ecclesiæ sibi Spiritus Sanctus fovendam, vivificandam, conservandam retinuit et augendam, non Romano Pontifici, sæpe non curanti, reliquit. Of the supper: De sacram. Eucharistiæ, c. 24. p. 696 seq. Ubique nomen ejus benedictum, — vere illic ipse est non solum divinitate præsens et benevolentia, sed etiam corporaliter præsens. — Non hic dico, datum cuilibet homini Christiano, ut possit, cum velit, sacramentaliter per Eucharistiæ habere præsentem: hoc enim solis datum est sacerdotibus. Sed hoc dico, vere præsentem commemoranti nomen ejus, vere præsentem Dominum Jesum non sola deitate sua, sed et carne sua et sanguine, et humanitate tota. Quis enim dubitabit, corporaliter sæpe præsentem Dominum Jesum suis fidelibus in eorum agonibus, non propter hoc dimisso in cælestibus consensu ad dexteram Patris? Quis dubitabit, ita posse hoc simul tempore fieri extra Eucharistiæ, sicut in Eucharistiæ? Cap. 28. p. 703: Sic participare corpori et sanguini, hoc manducare est magis, quam si decies millies Eucharistiæ ad altare de manu sacerdotis arido corde, frigida voluntate, licet etiam in statu salutis, capiamus. Cap. 8. p. 763: Corpus autem et sanguis Domini Jesu quantumlibet sancta sint, corpora tamen sunt, non spiritus. Unde si corporaliter tantum sumantur, non solum non spiritualiter reficiunt manducantem, sed occidunt. — Unde Dominus (*Jo.* vi. 63): *Spiritus est, qui vivificat, caro non prodest quidquam*, h. e. parum est de carne quantumlibet sancta, sed operis magnitudo, et ineffabilis dilectio, et charitas offerentis per Spiritum Sanctum, illa est quæ vivificat. Cap. 10. p. 678: Valde notandum verbum Domini (*Jo.* vi. 53): *nisi manducaveritis, non habebitis vitam in vobis*. Habent autem vitam veram, qui credunt in eum. Ergo qui credunt in eum, hi sunt, qui manducant carnem ejus. — Manducabat ergo Paulus primus Eremita etiam temporibus illis, quibus mortalem nullum, ne dicam sacerdotem communicantem, videbat. Sed manducabat, quia credebat; et quod credebat, crebro commemorabat, etc. Of penance: De Sacram. pœnitentiæ, p. 789: Dicunt communiter, ad integritatem Sacramenti pœnitentiæ tria concurrere, contritionem, confessionem, satisfactionem. Sed hi, si intelligerent vim verbi in Psalmo (li. 18): *Cor contritum et humiliatum Deus non despiciet*, non tam importune instarent. Quid enim est cor contritum, nisi cor ad minima comminutæ et confractæ duritiæ obduratæ mentis humiliatum cor? — Si ergo, qui cor durum conterit et abjicit, cor piæ et spontaneum Deo non despiciendum offert, profecto jam humiliato corde justus, et jam Deo satisfactum in remissionem peccatorum. Non ergo prima contritio, neque postrema satisfactio ad Sacramentum pœnitentiæ vivificantis et justificantis ex morte ad vitam necessaria sunt, licet sine vera contritione, etc. sicut nec sine vera humilitate vita Spiritus vel reddit, vel conservatur. Participatio sacramentorum est opus gratiæ, non justitiæ. — Pœnitentiæ, si sacramentum est, contritione non eget, quia contritio justitiæ opus est, et ita contritus ante sacramentum

justus. — Infusæ jam gratiæ opus est contritio, detestatio videlicet peccati, opus meræ justitiæ: non ergo pars sacramenti pœnitentiæ, quia sacramentum pœnitentiæ præcedit, et operatur justificationem. P. 791: Neque dolor, neque tristitia, neque contritio in oculis Dei accepta sunt magis, quam amor, ex quo procedunt. P. 777: Nullus confitetur, nisi memor. Nullus memor, nisi justificatus ad vitam. — Patet ergo, quod antequam quis confiteatur peccatum suum, jam a reatu suæ prævaricationis, quo æterna sibi supplicia debebantur, per gratiam internæ compunctionis absolvitur. P. 795: Confessio sacramentalis ex forma sua non est judicialis, ita ut, si non adsit judicium — confessoris, non sit actus confitentis et absolventis vere verum sacramentum. Sufficit enim ad veritatem efficacis sacramenti, ut confitens vere et fideliter dicat, confessor post acceptam illius confessionem absque judiciali discussione absolvat. Quia sicut pœnitentis confessione levat pœnitentem Deus, et non peccator; ita sacerdotis absolutione dimittit Deus, et non confessor. Hi ministerium exhibent, sed mysterium operatur Deus. — De confitente et confessione solum judicat Deus, nihil de confessis peccatis. Quomodo enim judicare creditur confessa, qui confitenti promisit omnia retroacta per solam confessionem condonare? Stulte ergo faciunt, qui post confessionem non solum judicant, sed etiam post absolutionem terrores fiunt, flagris feriunt, virgis percutiunt. P. 796: Valde irrationabiliter de Sacramento confessionis loquuntur, qui adjunctam satisfactionem adserunt essentialem partem pœnitentiæ. Primo, quia detractant sacramentali sufficientiæ, qui non putant, Principis donationem sullicere ad remissionem. Secundo, falsificant verbum absolutionis, quia, cum dicunt absolvo, postea ligant, et innodatum dimittunt. Sed quod omnium gravius est, universon sacramentum periclitant, quia protrahunt usque in peractam totaliter pœnitentiam injunctam. Unde si fragilis ille iterum tempore medio labatur durante sacramento propter obicem positum in parte sacramenti, totum sacramentum facit nullum fuisse. Quæ enim essentialiter unum constituunt, unius nullitate omnia fiunt nulla. Of indulgentes: Epist. ad Jac. Hocch de indulgentiis, p. 778: A puero ridiculum et indignum semper mihi visum credere, aliquem hominem suo decreto posse facere, quo bonum in oculis Dei ut quatuor, fieret bonum ut octo. — Num tibi leves aut futiles causæ videntur, quibus ab hac nova indulgentiarum adsertione Patres ante Albertum ac Thomam, ut ipsi scripto testantur, discesserunt, asserentes, nihil esse nisi piam fraudem, ac dolum non malum, quo plebs officioso errore trahatur ad pietatem? De Sacram. pœnitentiæ, p. 773: Pari passu auctoritatis seu potestatis clavium ambulant indulgentiæ et excommunicatio, neque plus potest Papa in reconciiliandis Deo animabus, quam possit alienandis. Sed in excommunicandis nihil potest, nisi perforum ecclesiasticum foris ad oculum separare, et destituere etiam corpora mortuorum ecclesiastica sepultura: similiter in indulgentiis a vinculo Canonum et censuris liberare. Deo autem præter simplicem usum aut abusum fidei, spei et charitatis nihil est quod conciliare posset. Non enim reconciliatus Deo per gratiam sacramentalem et caritatem plus ei reconciliatur arbitrio aut æstimatione Papæ, aut excommunicatione Papæ magis alienatur a Deo. Non enim liceret excommunicare, si magis alienaret a Deo. Non enim licet ei facere magis peccatores, etc. Fidelis et prudens in domo Domini sui servus nihil facit præter et extra voluntatem Domini sui: et quidquid facit in domo Domini sui, Dominus ratum et firmum habet. — Nec ad hoc eum Ordinis dignitas authenticat, sed charitas per Spiritum Sanctum diffusa in corde. — Immo nec sexus femineus obstat, quin si fidelis et prudens charitatem habeat diffusam in corde suo, possit et ipse conformiter sentire, judicare, favere, diffinire divino judicio. Of purgatory: De purgatorio, p. 829: Purgatorium ignis est, qui interioris hominis sordes etiam carne soluti comitantes purgat potius, quam torquet. — Has maculas intellectualis disciplinæ ignis secundum Apostolum (I Cor. iii. 11 seq.) probat, — et lignum, fenum, stipulam exurit, donec super unicum, verum, solum et solidum fundamentum, Jesum Christum, nihil remanet superadificatum, nisi argentum, aurum, lapides pretiosi. P. 834: Sunt igitur (defuncti) in tali statu, quem si sciremus gauderemus. In statu igitur non misero, non sub virga lictoris, aut in igne præparato Diabolo et angelis ejus, sed sub disciplina Patris instituentis, et eorum quotidiano profectu gaudentis. P. 846. Thesis 33: Quod Christi Evangelium est solum, verum, præcipuum purgatorium, licet etiam alia minus principaliter possint rationabiliter tolerari. 34. Quod idem ergo verum purgatorium est paradus, sed amanti tanto amarior, quanto magis ipse purgatorum divino amore flagrarit. 35. Hunc flagrantis animæ ardorem et amaritudinem ego puto verum, postremum et perfectissimum purgatorium.

of a reform was very general.<sup>19</sup> It is not surprising that the wish should often have ripened into a hope, and this into confident expectation, and this again have expressed itself in prophecy.<sup>20</sup>

<sup>19</sup> See § 135, notes 27 and 28. *Guilielmus Baduus* de asse et partibus ejus. (Paris. 1514. fol.) inveighs, fol. 146 seq., most bitterly against the corruption of the clergy and the Pope. fol. 150 b.: *Quid vinea Domini, nonne ita degeneravit in labruscas, ut primo quoque tempore repastinanda videatur, et ex situ et carie negligentiae pastino quodam restituenda censura? Certe manum poscit et flagitat solertis et industrii vinitoris, qui palmites fructuarios et munifices a pampinariis internoscat, etc.* Fol. 152: *Status civitatis orthodoxæ e sede severitatis et disciplinæ convulsus manum quandam Paoniam poscit, ut apte et placide in eam reponatur, et luxata Ecclesiæ membra in artus suos redeant.* Sic fiet, ut principes Ecclesiæ non auro obryzo, non argentea supellectili, non opinis obventionibus et numerosis titulis opum suarum magnitudinem metiantur, quæ gazas Regum provocare, non divitiis priscorum antisitum amulari videntur: sed bonis internis, sed copia doctrinæ, sed iis animæ Christo de-pensæ dotibus, quæ in cordis scriniolis tanquam in gazophylaciis mystici fani conduntur.

<sup>20</sup> *Melanethon* in Apologia Conf. Aug. XIII. de votis Monasticis (ed. Rechenberg, p. 276): Apud nos in oppido Thuringiæ Isenaco Franciscanus quidam fuit ante annos triginta, *Johannes Hilten*, qui a suo sodaliterio conjectus est in carcerem propterea, quod quosdam notissimos abusus reprehenderit. Vidimus enim ejus scripta, ex quibus satis intelligi potest, quale fuerit ipsius doctrinæ genus.—Is multa prædixit, quæ partim evenerunt hætenus, partim jam videntur impendere. (His work Comm. in Apocalypsin et textum Danielis, quantum concordat cum Apocalypsi, vel eam supplet, from which there are some extracts in *Melech. Adami vitæ Theologorum*, p. 2 seq., showing at once what direction he took. He reckoned the end of the world in A. D. 1651).—Sed postremo, cum vel propter ætatem, vel propter squalorem carceris in morbum incidisset, accessit ad se Guardianum, ut suam valetudinem illi indicaret, cumque Guardianus accensus odio Pharisæico driter objurgare hominem propter doctrinæ genus, quod videbatur officere culinæ, cœpisset, tum iste omiſsa jam mentione valetudinis ingemiscens inquit, se has injurias æquo animo propter Christum tolerare, cum quidem nihil scripsisset aut docuisset, quod labefactare statum Monachorum posset, tantum notos quosdam abusus reprehendisset. *Sed alius quidem, inquit, veniet anno Dom. MDXVI, qui destruet eos, nec poteritis ei resistere.* Hanc ipsam sententiam de inclinatione regni Monachorum, et hunc annorum numerum postea etiam repererunt ejus amici perscriptum ab ipso in commentariis suis inter annotationes, quas reliquerat in certos locos Danielis. It was related of Andreas Proles, Prior of the convent Himmelsporte near Wernigerode, and Provincial of the Augustines († 1503), by an old monk in the convent, in a conversation with Flacius (see Catal. test. verit. ed. Francof. 1666. p. 849): Ab ipso sæpe audivi inter prælegendum hæc verba: *Auditis, fratres, testimonium scripturæ sanctæ, quod gratia sumus quicquid sumus, et gratia habemus quicquid habemus. Unde igitur tantæ tenebræ, et horrenda superstitiones? O fratres, res Christiana opus habet fortè et magna reformatione, quam quidem jam prope instare video.* Quærentibus fratribus, quare ipse non inciperet reformationem, ac erroribus sese opponeret, respondebat: *Videtis, fratres, me esse atate grandævum, corpore et viribus debilem, et agnosco, me non esse præditum tanta doctrina, industria et eloquentia, quantam hæc res postulat. Sed excitabit Dominus heroem atate, viribus, industria, doctrina, ingenio et eloquentia præstantem, qui reformationem incipiet, erroribusque sese opponet: ei Deus animum dabit, ut Magnatibus contradicere ausit; et ipsius ministerium salutis Dei beneficio comperietis.* Solitus est etiam sæpe dicere inter prælegendum: *Regnum Papæ magnam minatur ruinam, quia nimis alte et nimis cito erexit.* Luther also relates of Proles in the work "Von den neuen Eekischen Bullen und Lügen," Tom. 1. Jenens. f. 359. that seeing a portrait of D. John Zacharia, in which he was decorated with a rose in token of his services in bringing about the condemnation of Huss, he said, "Ah! I should not wish to carry a rose that had such thorns." Compare the *Leben des Andreas Proles, eines Zeugen der Wahrheit vor Luthero*, beschrieben von M. Gottfr. Schütze. Leipzig, 1744. 8vo.

## § 153.

## EFFECTS OF THE REVIVAL OF LETTERS.

The reviving study of ancient literature now furnished means for the due investigation of the state of the church, which the Scholastics had been wholly without.<sup>1</sup> As early as the 14th century the attention of literary men had been directed to the works of the old Roman poets by Dante and Petrarch, and Boccaccio had recommended the study of the Greeks; but these studies were first established on a permanent basis by the labors of John of Ravenna, teacher of Latin in Padua and Florence († before 1420), and Emanuel Chryssoloras, teacher of Greek at Florence and Pavia († 1415). The fall of Constantinople and the extinction of the Greek empire compelled many of the learned men of that nation to seek a refuge in Italy (from 1420 – 1430: George of Trapezuntum † 1484, John Argyropulus † 1486, Theodorus of Gaza † 1478: during the Council of Florence 1438: Bessarion † 1472, George Gemistus Pletho, who in 1441 returned to Greece: after the fall of Constantinople 1453: Emanuel Moschopulus, Constantine Laskaris, Demetrius Chalkondylas). Their partiality to the literature of their native land aroused the emulation of the Italians, and there appeared about this time a number of learned men in Italy, distinguished by their knowledge both of Latin and Greek literature: Gaspar † 1431, John Aurispa † 1459, Guarinus † 1460, Leonardus Brunus Aretinus † 1444, Poggius † 1459, Francis Philadelphus † 1481, Laurentius Valla † 1456, Nicholas Perottus † 1480, Christopher Landinus † 1504, Philip Beroaldus the older † 1504, Hermolaus Barbarus † 1493, Angelus Politianus † 1494. Many of the Italian princes made it their pride to patronize the liberal arts, especially the Medici at Florence, (Cosmo from 1429 – 1464, and Lorenzo from 1469 – 1492), Alphonso V. king of Arragon and Naples from 1442 – 1458, and Pope Nicholas V. from 1447 – 1455, and thus in the course of the 15th century these studies were held in high repute, and had been carried very far.

The great benefit supposed to be derived from the study of the ancients was the cultivation of the taste, and in pursuing this it was not heeded how great must be the influence of this often extravagant love of the ancients in weakening men's attachment to the church; nor, on the other hand, what means as well as excitement were thus furnished to perilous investigations of the prevailing doctrines and

<sup>1</sup> E. Meiners Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissenschaften. 3 Bände. Zürich 1795–97. 8vo. A. H. L. Heeren Gesch. der classischen Literatur im Mittelalter. 2 Theile (new ed. in his historical works, Th. 4 u. 5. Göttingen, 1822). Th. 1. S. 316 ff. D. H. A. Erhard Gesch. des Wiederaufblühens wissenschaftl. Bildung, vornehmlich in Teutschland bis zum Anfange der Reform. 3 Bde. Magdeburg, 1827–32. 8vo.

views. The Italian Humanists\* avoided carefully the appearance of any bearing of the studies in which they were engaged on Theology, except in the case of Laurentius Valla,<sup>2</sup> who († 1456) showed by several examples the dangerous influence which these antiquarian investigations might have on the received opinions. The New-Platonists, formed in the school which Cosmo de Medici had founded in Florence A. D. 1440, under the guidance of Gemistus Pletho,<sup>3</sup> adopted a kind of Syncretism, in which was mingled the most various superstitions, though for the most part adhering to the system of the church;<sup>4</sup> on which, however, by its independence, and its internal life, it could not fail to exert some influence.<sup>5</sup> Opposed to them, on the other

\* [Those who founded all progress on the study of the ancient languages were called Humanists. See Conversations Lexicon. Tr.]

<sup>2</sup> Of whom see *Tiraboschi* storia della letteratura italiana VI. II. p. 301 seq. Heeren Th. 2. S. 243 ff. He relates himself how he was denounced by the clergy on account of certain philo-osophical writings, in which he had defended the doctrines of Epicurus, and said some things that were deemed objectionable concerning the freedom of the will. He then shows that the supposed correspondence between Christ and Abgarus was not genuine; and that the usual account of the origin of the Apostles' Creed was not true. His most important work is *De eminentia Constantini donatione declamatio ad Papam*. — Opera. Basil. 1543. fol.

<sup>3</sup> K. Sieveking *Gesch. d. platon. Academie zu Florenz*. Göttingen, 1812. Heeren Th. 2. S. 41.

<sup>4</sup> Tennemann's *Gesch. der Philosophie*, Bd. 9. S. 138 ff. The most distinguished was Marsilius Ficinus, teacher of the academy in Florence († 1499, see *J. G. Schellhorn* de vita, moribus et scriptis Mars. Fic. in his *Amœnitatt. liter.* I. p. 37), and John Picus, count of Mirandula († 1494, see his life by his nephew *Jo. Franc. Picus*, prefixed to their *Opp.* Basil, 1573 and 1691. 2 Bde. fol. *Meiners* Lebensbeschreibungen. Bd. 2. S. 3 ff.). *Jo. Picus* at first included the Jewish Cabbala in this Syncretism; he says of those writings *Apologia Opp.* I. p. 82: Hos ego libros non mediocri impensa mihi cum comparassem summa diligentia, indefessis laboribus cum perlegissem, vidi in illis (testis est Deus) religionem non tam Mosaicam, quam Christianam; ibi Trinitatis mysterium, ibi verbi incarnatio, ibi Messias divinitas, ibi de peccato originali, de illius per Christum expiatione, de cœlesti Hierusalem, de casu Daemonum, de ordinibus Angelorum, de purgatoriis, de inferorum pœnis eadem legi, quæ apud Paulum et Dionysium, apud Hieronymum et Augustinum quotidie legimus. In his vero, quæ spectant ad philosophiam, Pythagoram prorsus audias et Platonem, quorum decreta ita sunt fidei Christianæ affinia, ut Augustinus noster immensas Deo gratias agat, quod ad ejus manus pervenerint libri Platoniorum.

<sup>5</sup> This was seen especially in the 900 Theses, which *John Picus*, then only 24 years old, sent every where in A. D. 1486, that they might be publicly discussed at Rome. The impression produced in Rome by this measure he himself describes in his *Apologia Opp.* I. p. 76: Aliqui philosophiam et literas omnino carpere, illud etiam (ut viderentur scioli) quandoque addentes, ejectum Adam de Paradiso, quod per scientiam boni et mali æqualem se Diis facere voluit: exterminandos pari exemplo de Christi curia, qui volunt sapere plus quam oportet. — Ex his autem, qui sapientiam, i. e. theologiæ studium, profitebantur, quidam fuere, qui conviciis forte levioribus non contenti, non jam audacem me, non temerarium, non gloriosum, sed magum, sed impium, sed novum in Christi Ecclesia hæresiarcham prædicarent. The following 13 Theses were rejected, *Opp.* I. p. 42: I. Christus non veraciter, et quantum ad realem præsentiam descendit ad inferos, ut ponit Thomas et communis via, sed solum quoad effectum. II. Peccato mortali finiti temporis non debetur pœna infinita secundum tempus, sed finita tantum. III. Nec crux Christi, nec ulla imago adoranda est adoratione patriæ, etiam eo modo, quo ponit Thomas. IV. Non assentior communi sententiæ theologorum dicentium, posse Deum quamlibet naturam suppositare, sed de rationali tantum hoc concedo.



hand, were those who adopted the system of Aristotle,<sup>6</sup> and who were thereby led to a dangerous spirit of skepticism.<sup>7</sup> This spirit, fed by a partial and imperfect criticism, and a contempt for every thing but philology, soon spread to many of the Italian Humanists, leading them in some instances to question the most universally acknowledged truths,<sup>8</sup> though they at the time kept up scrupulously their

V. Nulla est scientia, quæ nos magis certificeet de divinitate Christi, quam Magia et Cabala. VI. Si teneatur communis via de possibilitate suppositionis in respectu ad quamcunque creaturam, dico, quod sine conversione panis in corpus Christi, vel paucitatis annihilatione potest fieri, ut in altari sit corpus Christi secundum veritatem sacramenti Eucharistiæ: quod sit dictum loquendo de possibili, non de sic esse. VII. Rationalius est credere Originem esse salvum, quam credere ipsum esse damnatum. VIII. Dico probabiliter, et nisi esset communis modus dicendi theologorum in oppositum, firmiter asserem: assero tamen hoc dictum in se esse probabile, et est quod, sicut nullas opinatur aliquid ita esse præcise, quia vult sic opinari, ita nullus credit aliquid esse verum præcise, quia vult credere id esse verum. IX. Qui dixerit, accidens existere non posse, nisi inexistat. Eucharistiæ poterit sacramentum tenere, etiam tenendo, quod sit substantiam non remanere, ut tenet communis via. X. Illa verba, "Hoc est corpus," etc., quæ in consecratione dicuntur, materialiter tenentur, non significative. XI. Miracula Christi non ratione rei facta, sed ratione modi faciendi, suæ divinitatis argumentum certissimum sunt. XII. Magis improprie dicitur de Deo, quod sit intellectus vel intelligens, quam de anima rationali, quod sit Angelus. XIII. Nihil intelligit actu et distincte anima, nisi se ipsam.

<sup>6</sup> See the controversy on the comparative excellence of Plato and Aristotle in Tennemann, Bd. 9. S. 54 ff.; S. 63 ff.

<sup>7</sup> Which may be seen in the example of *Petrus Pomponatius*, teacher of philosophy in Padua and Bologna. † 1526. In his works *De immortalitate animæ*, *De fato*, *libero arbitrio*, *prædestinatione* et *providentia*, he calls the immortality of the soul, the eternity of the world, and of Providence, philosophical problems; always taking care to add, however, that he submits to the creed of the church. See Tennemann, Bd. 9. S. 64 ff.

<sup>8</sup> *Marsilius Facinus* in præf. ad Plotinum: Nos ergo in theologis superioribus apud Platonem et Plotinum traducendis et explanandis elaboravimus, ut hæc theologia in lucem prodeunte et poetæ de-inant gesta mysteriaque pietatis impie fabulis suis annumerare, et Peripatetici quam plurimi, id est philosophi pene omnes, ammoneantur, non esse de religione saltem communi tanquam de anilibus fabulis sentiendum. Totus enim ferme terrarum orbis a Peripateticis occupatus in duas plurimum sectas divisus est, Alexandrinam et Averroicam. Illi quidem, intellectum nostrum esse mortalem existimant, hi vero unicum esse contendunt. Utrique religionem omnem funditus æque tollunt, præsertim quia divinam circa homines providentiam negare videntur, et utrobique a suo etiam Aristotele defecisse, cujus mentem hodie pauci — ea pietate, qua Theophrastus olim et Themistius — interpretantur. Si quis autem putet, tam divulgatam impietatem, tamque acerbis munitam ingeniis, sola quadam simplici prædicatione fidei apud homines posse deleri, is a vero longius aberrare palam re ipsa procul dubio convincetur. Majore admodum hic opus est potestate, id autem est vel divinis miraculis ubique patentibus, vel saltem philosophica quadam religione, philosophis eam libentius audituris quandoque persuasura. These two errors were so general that the Council of the Lateran, A. D. 1513, considered it expedient expressly to declare against them, see Sess. VIII. (Cone. ed. Lubbei et Cossartii XIV. p. 157): Cum diebus nostris, quod dolenter referimus, zizania seminator, antiquus humani generis hostis, nonnullos perniciosissimos errores a fidelibus semper explosos in agro Domini superseminare et augere sit ausus, de natura præsertim animæ rationalis, quod videlicet mortalis sit, aut unica in cunctis hominibus; et nonnulli tenere philosophantes, secundum saltem philosophiam verum id esse, asseverent: contra hujusmodi pestem opportuna remedia adhibere cupientes, hoc sacro approbante Concilio damnamus et reprobamus omnes asserentes animam intellectivam mortalem esse, aut

external adherence to the church. They ventured no farther than to attack the scholastic philosophy, which was in fact the chief prop of the church, ridiculing its barbarous epithets,<sup>9</sup> and its mistaken rever-

unicam in cunctis hominibus, et hæc in dubium vertentes. — Cumque verum vero minime contradicat, omnem assertionem veritati illuminatæ fidei contrariam omnino falsam esse definimus, et ut aliter dogmatizare non liceat, districtius inhibemus; omnesque hujusmodi erroris assertionibus inherentes — ut detestabiles et abominabiles hæreticos et intideles vitandos et puniendos fore decernimus. Insuper omnibus et singulis philosophis in universitatibus studiorum generalium — districtè præcipiendo mandamus, ut cum philosophorum principia aut conclusiones, in quibus a recta fide deviare noscuntur, auditoribus suislegerint seu explanaverint, quale hoc est de animæ mortalitate aut unitate, et mundi æternitate, ac alia hujusmodi, teneantur eisdem veritatem religionis Christianæ omni conatu manifestam facere, et persuadendo pro posse docere, ac omni studio hujusmodi philosophorum argumenta, cum omnia sobulibæ existant, pro viribus excludere atque resolvere. See too what was said in Italy of the Popes, in *Jo. Fr. Pici* de fide et ordine credendi theorema IV. Opp. H. p. 177: alium meminimus Pontificem creditum et ordinatum, quem tamen præstantes viri putarent, nec Pontificem eum esse, nec esse posse, utpote qui nullum Deum credens omnem infidelitatis culmen excederet; pessimaque ejus opera in cõmendo Pontificatu, in omnigenis sceleribus exercendis id ipsum testabantur, sed et pessima quoque dicta confirmabant. Namque factum eum affirmabatur domesticis quibusdam, nullum se Deum aliquando, etiam dum pontificiam sedem teneret, credidisse: et alium audiivi Pontificem summum, qui vivens familiari cuidam aperuerat, apud se animarum immortalitatem minime creditam, mortuus vero eidem per vigiliam apparuit divino judicio manifestans, se, quam mortalem crederat animam, immortalem tunc maximo cum damno et perpetuis cum ignibus experiri. So too in his vita Savonarolæ in *Batesius*, p. 112. see § 152, note 5. What Leo X. is reported to have said to his private secretary, Peter Bembo, would not therefore be without precedent (*Wornæi* list. Papatus. Salmur. 1611. p. 820): Quantum nobis nostrisque ea de Christo fabula profuerit, satis est omnibus sæculis notum. *Erasmii* responsio nervosa ad Albertum Pium, Principem Carpentensem, in *v. d. Hardt* list. lit. Reform. I. p. 173: Qui divina derideant, facilius invenies in Italia apud tui ordinis homines, atque adeo in illa laudatissima Roma, quam apud nos. *Idem*, lib. XXVI. ep. 34. ad Augustinum Eugubinum (Opp. ed. Cleric. III. II. p. 1382): At ego Roma his auribus audiivi quosdam abominandis blasphemis debacchantes in Christum, et in illius Apostolos, idque multis mecum audientibus, et quidem impune. *Ibidem* multos novi, qui commemorabant, se dicta horrenda audisse a quibusdam sacerdotibus aulæ Pontificiæ ministris, idque in ipsa Missa, tam clare, ut ea vox ad multorum aures pervenerit. *Id.* ad Guolfgangum Fabricium Capitonem (l. c. III. I. p. 189): Omnia mihi pollicentur, rem (bonarum literarum) felicissimè successuram: minus adhuc scrupulus habet animum meum, ne sub obtentu præscæ literaturæ renascentis caput erigere conetur Paganismus, ut sunt et inter Christianos, qui titulo pene duntaxat Christum agnoscunt, cæterum intus gentilitatem spirant: aut ne renascentibus Hebræorum literis Judaismus meditetur per occasionem reviviscere, qua peste nihil adversius, nihilque infensius inveniri potest doctrinæ Christi. Sic enim fert natura rerum humanarum, ut nullius unquam boni tanta fuerit felicitas, quin hujus prætextu mali quippiam simul conaretur irrepere. Compare *Henke* in *Villers* Versuch über den Geist und den Einfluss der Reformat. Luthers übers. v. Cramer. 2te Aufl. Hamb. 1828. Abthl. 2. S. 60 ff.

<sup>9</sup> *Harmolaus Barbarus* Ep. ad Jo. Picum Mirandulæ (in *Angeli Politiani* Epistt. lib. IX. Ep. 3) expresses the common notion of the Humanists on the subject: Neque enim inter auctores latinæ linguæ numero Germanos istos et Teutonas (i. e. barbarians), qui ne viventes quidem vivebant, nedum ut extincti vivant, aut si vivunt, vivunt in penam et contumeliam. Appellantur enim vulgo sordidi, rudes, inculti, barbari. Quis malis sic esse, quam prorsus non esse? Atenim utile aliquid dixerunt, valere ingenio, doctrina, bonarum rerum copia: non nego penitus, quod et possum negare: sed sermo nitidus et elegans, saltem purus et castus, qualis vel in auctoribus christianis græcis latinisque perspicitur, laudem et memoriam sempiternam scriptoribus conciliat. nisi quis pictorem, et excusorem, et statuarium, et

ence of Aristotle. Paulus Cortesius, a secretary of the Pope, was the first who attempted to present the Catholic system of faith in a classic dress,<sup>10</sup> but succeeded only in showing that the servile imitation of the ancients might lead as easily to offences against good taste, as to skepticism in doctrine.<sup>11</sup>

In Germany the study of the ancients led to widely different results as regarded its effect on Theology. These studies were first introduced in the schools of the Brethren of the Common Life.<sup>12</sup> In these schools every thing was valued according to its influence on religion, in which light therefore this new source of knowledge was chiefly regarded; and this view, so well suited to the earnest religious character of the nation, continued to be held by most of the German

cæteros opifices laudari posse judicet hoc solo, quod magni constet et preciosa sit materia, circa quam versentur. *Picus* attempts in his answer to defend the Scholastics (l. c. Ep. 4): Perdiderim, ego inquam, apud Thomam, Joannem Scotum, apud Albertum, apud Averroem meliores annos, tantas vigiliis, quibus potuerim in bonis literis fortasse nonnihil esse? He seeks to show non defuisse illis sapientiam, si deficit eloquentia, quam cum sapientia non conjunxisse, tantum fortasse abest culpa, ut conjunxisse sit nefas. *Hermolæus* replies (l. c. Ep. 5): Illud sane plurimum me delectat, quod sub specie defensionis exitialiter jugulas quos defendis: primum quod hostes eloquentiæ tueri se nisi per eloquentes viros non possunt, quasi mancipia, quasi bruta, deinde quod, si te patrono, te vindice, te advocato non elabuntur, neque colluctari, neque tergiversari præterea poterunt. Proinde ab amicis, quos habeo Patavii, certior factus sum, apologiam tuam, quæ Scytharum et Teutonum est inscribi cœpta, — molestissimam accidisse majori eorum parti quos defendis, aliis aliter factum tuum interpretantibus. — Ad quæ si qui sunt ex illis paulo minus asini, volebam dicere ἀμύσσοι, auricularum tantum movent: cæteri diffugiunt, respuunt, detestantur. Quorum e numero unus aliquis a Gymnasio Patavino (nihil congingo, *Pice*, ridiculam omnino, sed veram historiam denarro) audaculus et insolens, cujusmodi fere sunt, qui literas humaniores et odio et ludibrio habent, *Picus*, inquit iste quisquis est, grammaticus opinor, parvo pedi calceos magnos circumdedit. — Ecquis est, inquit, tam stolidus, — qui patronum hunc egregium cum altero, quisquis est, nefario grammatista colludere non intelligat? etc.

<sup>10</sup> *Paulus Cortesius* in *Sententias*. Qui in hoc opere eloquentiam cum theologia conjunxit. Romæ, 1512. fol.

<sup>11</sup> *Erasmus* Ep. ad Jo. Vergaram, 1527 (Opp. III. l. p. 1015), says on this subject: Præterea fervet illic (Romæ) Paganismus quorundam, quibus nihil placet nisi Ciceronianum: ac non Ciceronianum appellari multo probrosius esse ducunt quam appellari hæreticum. Hos dictu mirum quam infensos habeam, quod non exprimam Ciceronem, quem haud scio an quisquam eorum exprimat. Ego certe nec affecto, et si affectarem tractans rem christianam, ridiculus essem.

<sup>12</sup> *Herm. Hamelmann* (Superintendent in Oldenburg) relatio hist. quomodo hominibus Westphalis potissimum debeatur, quod lingua latina et politiore artes per Germaniam sint restituta: priori nitore. Lemgov. 1580 (in his Opp. genealogico-historica. Lemgov. 1711. 4to. p. 321) relates: cum Thomas a Kempis — suscepisset curam scholæ Daventriensis, ecce in ea erant discipuli *Rodolphus Agricola*, *Mauritius Comes Spiegelbergicus*, *Rodolphus Langius*, *Antonius Liber Susatensis*, *Ludovicus Dringenbergicus* Paderbornensis, *Alexander Hegius* et similes. Illos præceptor, postquam audiret reflorescere studia in Italia, — plerosque hortatur, ut se in Italiam reciperent, imo fuit suasor ditioribus tribus, ut Comiti Mauritio et utrique Rodolpho. He then states that the study of the languages was thus introduced into Germany. — It is true that this account places Thomas a Kempis in a position which he never occupied (*Delprat* over de Broederschap van G. Groote, p. 280), still there is little doubt of the general correctness of the tradition. Compare *Meiners* Bd. 2. S. 308 ff.

Humanists.<sup>13</sup> Not led, like the Italians, to indifference by their new insight into the corruptions of the church, as set forth by the earliest of their teachers, Rudolph Agricola of Heidelberg, † 1485,<sup>14</sup> they preferred to speak out honestly and boldly their more correct notions, in order, if possible, to bring about a reformation. In this, as well as in advancing the progress of the sciences generally, the newly invented art of printing (Mayence, A. D. 1440)<sup>15</sup> was a most opportune assistance. One of the earliest to distinguish himself was *John Reuchlin*, from 1502 Judge of the Suabian circle, 1520 Professor in Ingolstadt, † 1521,<sup>16</sup> who, though misled in part by his philosophic notions,<sup>17</sup> yet was of use in showing how little the Scriptures were studied as they should be, and pointing out the means of improvement,<sup>18</sup> as well as showing the defects of the usual mode of

<sup>13</sup> This is evident also from the censures which *Trithemius* de laudibus s. Annæ, c. 3, passed on them: Commoneo vos, o viri eruditione et scientia literarum insignes, devotionem simplicium non spernere, cultum sanctissimæ matris Annæ quasi novum reprehendere, sed potius pro posse imitari. — Sunt namque inter vos, quod pæce honorum dixerim, qui typho superbiæ inflati omnia devotionis simplicium exereitia despiciunt, Sanctorum miracula et exempla velut deliramenta contemnunt, nihilque sanctum admittendum existimant, quod Philosophorum argumentis non probant, revelationes omnes a Deo devotis hominibus ostensas mendacia vel somnia mulierum reputant, legendas Sanctorum fabulas appellant, et dum eruditionem suam temere prædicant, magna Dei opera impudenter oppugnant. Tractatus quoque sanctorum patrum et devotorum hominum, qui Tullianam præ se non ferunt eloquentiam, tanquam eruditione carentes abjiciunt, et cælestis eruditionis verba propter eruditionem simplicium contemnunt. — Rara est in eruditis devotio, quia, dum in profunditate suæ acquisitæ doctrinæ confidunt, a simplici devotione longius recedunt. — Temeraria igitur ora obstruite, male disertæ linguas cohibete, et nolite contra Dominum loqui mendacium, devotionem nolite læcere simplicium, ne vobis grave reputetur in scandalum.

<sup>14</sup> *Jo. Saro Holsat.* orat. de vita Rud. Agricolæ (in *Melanchthonis Declam. T. I. p. 602*) gives various passages from the letters of Goswin von Halen, a servant of Joh. Wessel (see § 152, note 17), showing his intimacy with Rudolph Agricola; e. g. he relates: Se familiaribus item et apertis eorum sermonibus sapius interfuisse, in quibus deplorarent Ecclesiæ tenebras, reprehenderent profanationem in Missis, et cælibatum; etiam de justitia fidei disputarent, quid sit, quod Paulus toties inculcat, homines fide justos esse, non operibus; illos aperte rejecisse Monachorum opinionem, quæ contrarium fingeret; item sensisse de humanis traditionibus, errare eos, qui affingunt illis opinionem cultus, et non posse violari judicant.

<sup>15</sup> See especially C. A. Schaaß's *Gesch. der Erfindung der Buchdrucker-kunst durch Joh. Gensfleisch gen. Gutenberg zu Mainz*, pragmatisch aus den Quellen gearbeitet. 3 Bde. Mainz, 1830–31. Svo.

<sup>16</sup> *Ph. Melanchthonis Oratio continens historiam Jo. Capionis Phorcensis* (in ej. *Declamat. T. III.*). *Vita Jo. Reuchlini* descripta a J. H. Majo. Francof. et Spiræ 1687. Svo. C. F. Schnurrer's *Nachrichten von chemal. Lehrern der hebr. Literatur in Tübingen*. Ulm. 1792. Svo. S. 6 ff. *Meiners* Bd. 1. S. 44 ff. *Erhard* Bd. 2. S. 147 ff. *Joh. Neuchlin u. s. Zeit* von D. E. Th. Mayerhoff. Berlin 1830. Svo. (comp. Förstmann's *Rec. in d. Berliner Jahrb. f. wissenschaftl. Kritik* 1832 Juni S. 923 ff.).

<sup>17</sup> Comp. his works *De verbo mirifico* and *De arte cabbalistica*, see *Erhard* Bd. 2. S. 242 ff. *Mayerhoff*. S. 96 ff.

<sup>18</sup> By his work *De rudimentis hebraicis* libb. III. Phorcæ 1506. fol. (containing a dictionary and grammar) he laid the foundation for the study of the Hebrew language amongst Christians. Concerning his departure from received expositions, he says *Præf. in lib. III. p. 548*: At gravius insurgent, credo, invidi contra dictionarium nostrum, in quo multorum frequenter interpretationes taxantur. Proh

preaching.<sup>19</sup> But it was *Desiderius Erasmus*, from A. D. 1516 in Basil, † 1536,<sup>20</sup> who had the deepest insight into the corruptions of the church, both in government and doctrine, and was most successful by his able and attractive writings, such as the *Enchiridion militis christiani* (1503), and *Moriæ eucomium* (1508), in spreading his views amongst the already large circle of his learned contemporaries; <sup>21</sup> whilst in his theological works he sought to lay a foundation

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scelus, exclamabunt, nihil indignius patrum memoria, nihil admissum crudelius, cum ille homo audacissimus tot et tam sanctos viros divino spiritu allatos labefactare contendat. Hieronymi beatissimi scriptura Gelasio Papa teste recepta est in Ecclesia: venerabilis pater Nicolaus de Lyra ordinarius expositor Biblicæ omnibus christifidelibus vir integerrimus probatur. Jamjam exortus est aliquis famulus qui plurimus in locis illos imperite transtulisse notat. Quorum imminentibus clamoribus hæc pauca respondeo, mihi licere quod eisdem illustrissimis luminibus licuit. Hieronymus, vir sanctus, LXX. carpit interpretes non semel, bis, terve, sed sapissime numero: — quos tamen Ptolemæus Alexandria Rex divina eredit virtute transtulisse. — Nicolaus item de Lyra divum Hieronymum in translatione sua ostendit reprehensibilem: — ipsemet vero Nicolaus, ut æqualem mensuram pateretur, simile a rev. Burgeni Episcopo frequentibus eum notis, invito etiam nescio quo fratre Doringo ferre coactus est. Sed quid pluribus erit opus? Ille idem divus Hieronymus in translatione sua seipsum errasse fatetur in commentariis super Isaiam cap. XIX. — Cur igitur in iis, quæ ad interpretandi modum artemque grammaticam et ad veritatem idiomatis spectant, me quoque non deceret in lucem producere, quid cum doctissimis Hebræorum sentirem, quippe ad quos etiam eodem Hieronymo teste confugiendum est, quoties in vetere Testamento controversia movetur. Quanquam enim Hieronymum sanctum veneror ut Angelum, et Lyram colo ut magistrum; tamen adoro veritatem ut Deum.

<sup>19</sup> Liber congestorum de arte predicandi. Phorcæ, 1504. 4to.

<sup>20</sup> See the *Compendium vitæ Erasmi*, written by himself, and sent to Conr. Goelenius, and *Erasmi vita* by *Beatus Rhenanus*, in the dedication of *Erasmi*'s works to the emperor Charles V., both prefixed to *Erasmi* opp. ed. Cleric. T. I. and in *Batesii vitæ selectorum virorum*, p. 187 seq. — *Vie d'Erasmus par Burigny*, 2 voll. à Paris 1757. 8vo. *Erasmus v. Rotterdam nach s. Leben und Schriften von S. Hess*, Zwei Hälften, Zürich 1790. *A. Müller's Leben des Erasmus v. Rotterdam*, Hamburg 1828. 8vo. *Erhard* Bd. 2. S. 461 ff. *Erasmi* opp. ed. B. Rhenanus. Basil. 1540. IX voll. fol. ed. (Jo. Clericus). Lugd. Bat. 1703 seq. XI voll. fol.

<sup>21</sup> The *Colloquia familiaria* date from a period later than the beginning of the reformation, and bear marks of the influence exerted on Erasmus by that event. The purpose of the *Enchiridion* he thus himself describes, *Ep. ad Jo. Coletum* (*Opp.* III., I. p. 95): *Enchiridion non ad ostentationem ingenii aut eloquentiæ conscripsi, verum ad hoc solum, ut mederer errori vulgo religionem constituentium in ceremoniis, et observationibus pene plusquam Judæis rerum corporalium; ea quæ ad pietatem pertinent mire negligentium. How he accomplished this the following may serve for an example. The fourth canon for a Christian life, which he gives in the *Enchiridion* is (*Opp.* T. V. p. 25): *ut toties vitæ tuæ Christum velut unicum scopum præfigas, ad quem unum omnia studia, omnes conatus, omne otium ac negotium conferas. Christum vero esse puta non vocem inanem, sed nihil aliud, quam caritatem, simplicitatem, patientiam, puritatem, breviter quidquid ille docuit. Diabolum nihil aliud intellige, quam quidquid ab illis avocet. Under this head he observes e. g.: Sunt qui certos Divos certis quibusdam colunt ceremoniis. Alius Christophorum singulis salutat diebus, sed non nisi conspecta ejus imagine: quo tandem spectans? Nempe huc, quod sibi persuaserit, sese eo die a mala morte tutum fore. Alius Rochum quendam adorat: sed cur? Quod illum credat pestem a corpore depellere. Alius Barbaræ, aut Georgio certas preculas admiratur, ne in manus hostium veniat. Hic jejunit Apolloniæ, ne doleant dentes. Ille visit divi Job simulacra, ut scabie careat. Nonnulli de lucro certam portionem pauperibus nuncupant, ne merces naufragio interciant. Hieroni**

cerceolus accenditur, ut res quæ periit recipiatur. In summa, ad hunc modum, quot res sunt quas vel timemus vel cupimus, totidem iis Divos præfecimus, qui et ipsi diversis nationibus diversi sunt, ut id apud Gallos valeat Paulus, quod apud nostrates Hieron. neque passim id valeat Jacobus aut Joannes, quod illo atque illo loco. Quæ quidem pietas, nisi a respectu commodorum atque incommodorum corporaliū ad Christum referatur, a Deo Christiana non est, ut non ita multum absit a superstitione eorum, qui quondam Herculi decimam bonorum partem volebant, ut ditescerent, aut Æsculapio gallum, ut a morbo revalescerent, aut qui Neptuno taurum credabant, ut feliciter navigarent. Nomina quidem commutata sunt, sed finis utrisque communis. In the Encomium Moriae he says e. g. (Opp. T. IV. p. 443): Illud hominum genus haud dubie totum est nostræ farinæ, qui miraculis ac prodigiis gaudent mendaciis, vel audiendis vel narrandis. — Atque hæc quidem non modo ad levandum horarum tedium mire conducunt, verum etiam ad quæstum pertinent, præcipue Sacrificiis et Concionatoribus. His rursum affines sunt ii, qui sibi stultam quidem, sed tamen jucundam persuasionem induerunt, futurum, ut, si lignum aut pictum aliquem Polyphemum Christophorum adspexerint, eo die non sint perituri. — Nam quid dicam de iis, qui sibi fidei scelerum condonationibus suavisime blandiuntur, ac Purgatorii spatia veluti cleydydis metiuntur, sæcula, annos, menses, dies, horas tanquam e tabula mathematica citra ullam errorem dimittentes. Aut de iis, qui magicis quibusdam notulis ac pæculis, quas pius aliquis impostor, vel animi causa, vel ad quæstum excogitavit, freti nihil sibi non pollicentur, opes, honores, voluptates, — denique proximum Christo apud Superos concessum, quem tamen nolint nisi admodum sero contingere, h. e. cum hujus vitæ voluptates invitos eos ac mordicus retinentes tamen deseruerint, tum succedant illæ Cælitum deliciae. Hic mihi puta negotiator aliquis, aut miles, aut iudex abjecto ex tot rapinis unico nummulo vitæ Lernam semel expurgatam putat, totque perjuriam, tot libidines, tot ebrietates, tot rixas, tot cædes, tot impeturas, tot pericidias, tot proditiones existimat velut ex pacto redimi, et ita redim, ut jam liceat ad novum scelerum orbem de integro reverti. Quid autem stultius iis, imo quid felicius, qui septem illis sacerorum Psalmorum versiculis quotidie recitatis plus quam summam felicitatem sibi promittunt? Atque hos magicos versiculos Demon quispian, facetus quidem ille, sed futilis magis quam callidus, divo Bernardo creditur indicasse, sed arte circumventus miser. Et hæc tam stulta, ut me ipsam propmodum pudeat, tamen approbantur, idque non a vulgo modo, verum etiam a religionis professoribus. Quid jam, nonne eodem fere pertinet, cum singulae regiones suam aliquam peculiarem vindicant Divum, eumque in singulos singula quedam partiuntur, singulis suos quosdam culturae ritus attribuant, ut hic in dentiam cruciati succurrat, ille parturientibus dexter adsit, alius rem furto sublatam restituat, hic in naufragio prosper adfulgeat, ille gregem turatur: atque item de cæteris. Nam omnia percensere longissimum fuerit. Sunt qui singuli pluribus in rebus valeant, præcipue Deipara Virgo, cui vulgo hominum plus prope tribuit, quam Filio. Verum ab his Divis quid tandem petunt homines nisi quod ad stultitiam attinet? Agedum inter tot anathemata, quibus templorum quorundam parietes omnes, ac testudinem ipsam refertam conspiciatis, vidistisne unquam qui stultitiam effugerit qui vel pilo sit factus sapientior? Alius enatavit incolomis. Alius ab hoste perfosus vixit. — Alius a marito deprehensus elusit. Nullus pro depulsa stultitia gratias egit. Adeo suavis quidam res est nihil sapere, ut omnia potius deprecantur mortales, quam Moriam. Sed quid ego hoc superstitionum pelagus ingredior? — Usque adeo omnis omnium Christianorum vita istiusmodi delirationibus undique scatet: quas ipsas tamen Sacrifici non gravatim et admittunt et alunt, non ignari, quantum hinc lucelli soleat accrescere. Inter hæc, si quis odiosus sapiens exoriatur, succinatque id, quod res est, non male peribis, si bene vixeris; peccata redimes, si nummulo addideris odium malefactorum, tum lacrymas, vigiliis, precatones, jejunia, ac totam vitæ rationem commutaris; Divus hic tibi favebit, si vitam illius æmulaberis: hæc, inquam, atque id genus alia, si sapiens ille obgannat, vide a quanta felicitate repente mortalium animos, in quem tumultum retraxerit? P. 450: Sic sculptus est hominis animus, ut longe magis fucis, quam veris capiatur. — Si quis sit Divus fabulosior et poëticus, quod si exemplum requiris, finge hujus generis Georgium, aut Christophorum, aut Barbaram; videbitis hunc longe religiosius coli, quam Petrum, aut Paulum, aut ipsum etiam Christum. P. 463: Porro Theologos silentio transire fortasse præstiterit, και ταύτην χαμαρίαν οὐ κινεῖς, nec hanc anagyriū tangere, utpote

genus hominum mire superciliosum atque irritabile, ne forte turmatim sexcentis conclusionibus adorantur, et ad palinodiam adigant, quod si recusent, protinus *haereticam* clamitent. Nam illico solent hoc terrere fulmine, si cui sunt parum propitii. Sane quamquam non alii sunt, qui minus libenter agnoscant meam in se beneficentiam, tamen hi quoque non mediocribus nominibus obstricti sunt, dum felices sua philautia, perinde quasi ipsi tertium incolant caelum, ita reliquos mortaleis omnes ut humi reptantes pecudes e sublimi despiciunt, ac prope commiserantur, dum tanto magistralium definitionum, conclusionum, corollariorum, propositionum explicitarum et implicitarum agmine septi sunt, tot exuberant *καταφυγίταις*, ut nec Vulcaniis vinculis sic possint irretiri, quin elabantur distinctionibus, quibus nodos omnes adeo facile secant, ut non Tenedia bipennis melius: tot nuper excogitatis vocabulis, ac prodigiosis vocibus seantent. — In quibus omnibus tantum est eruditionis, tantum difficultatis, ut existimem ipsis Apostolis alio spiritu opus fore, si cogantur hisce de rebus cum hoc novo Theologorum genere conserere manus. Paulus fidem praestare potuit: at idem cum ait: *fides est substantia rerum sperandarum, argumentum non apparentium*, parum magistraliter definiuit. Item ut caritatem optime praestitit, ita parum dialectice vel dividit, vel finit in priore ad Cor. epistola, c. xiii. etc. Of the useless questions of the Scholastics compare his Annot. in 1 Tim. i. 6. See above, § 143, note 7. P. 481: Principum quidem institutum summi Pontifices, Cardinales, et Episcopi jam pridem gnauiter amulantur, ac prope superant. Porro si quis perpendat, quid linea vestis admoheat, niveo candore insignis, nempe vitam undiquaque inculpata; quid sibi velit mitra bicornis, — puta Novi pariter et Veteris Instrumenti absolutam scientiam; — haec, inquam, atque id genus multa si quis perpendat, nonne tristemet adeo sollicitam vitam egerit? At nunc belle faciunt, cum sese paseunt, caeterum ovium curam aut ipsi Christo mandant, aut in Fratres, quos vocant, ac vicarios reijciunt. Neque vel nominis sui recordantur, quid sonet Episcopi vocabulum, nempe laborem, curam, sollicitudinem. Verum in irretiendis pecuniis plane Episcopos agunt, *οὐδ' ἀλαοκοπήν*. — Jam summi Pontifices, qui Christi vices gerunt, si conentur ejusdem vitam amulari, nempe paupertatem, laborem, doctrinam, crucem, vitam contemptum, si vel Papae, i. e. patris nomen, vel Sanctissimi cognomen cogitent: quid erit in terris afflictus? aut quis eum locum omnibus emat facultatibus; emptum gladio, veneno omnique vi tueatur? Quantum his abstulerit commoditatum, si semel inaccessiverit sapientia? Sapientia dixi? imo vel mica salis illius, ejus meminit Christus. — At nunc fere, si quid laboris est, id Petro et Paulo relinquatur, quibus abunde satis est otii. Porro si quid splendoris aut voluptatis, id sibi sumunt. Atque ita fit nea quidem opera, ut nullum paene hominum genus vivat mollius, minusque sollicitum, ut qui abunde Christo satisfactum existiment, si mystico ac pane scenico ornatu, cerimoniis, Beatitudinum, Reverentiarum, Sanctitatum titulis, et benedictionibus ac maledictionibus Episcopos agant. Priseum et obsoletum, nec horum omnino temporum, miracula edere: docere populum, laboriosum: sacras interpretari litteras, scholasticum: orare, otiosum: lacrymas fundere, miserum ac muliebre: egere, sordidum: vinci, turpe parumque dignum eo, qui vix Reges etiam summos ad pedum beatorum admittit oscula: denique mori, inamabile: tolli in cruce, infame. Restant sola haec arma ac benedictiones dulces, quarum meminit Paulus (Rom. xvi. 18), atque harum quidem sunt sane quam benigni, interdictiones, suspensiones, aggravationes, anathematizationes, ultrices picturae, ac fulmen illud terrificum, quo solo nutu mortalium animas vel ultra tartara mittunt. Quod ipsum tamen sanctissimi in Christo patres, et Christi vicarii in nullos torquent acrius, quam in eos, qui instigante Diabolo patrimonia Petri minuere atque arrodere conantur. Cujus eum haec vox sit in Evangelio: *reliquimus omnia, et sequuti sumus te*, tamen hujus patrimonium appellant agros, oppida, vectigalia, portitoria, ditiones. Pro quibus dum zelo Christi accensi, ferro ignique dimicant, non absque plurimo Christiani sanguinis dispendio, tum demum Ecclesiam Christi sponsam sese credunt apostolice defendere, fortiter profligatis, ut vocant, hostibus. Quasi vero ulli sint hostes Ecclesiae perniciosiores, quam impii Pontifices, qui et silentio Christum sinunt abolescere, et quaestuariis legibus alligant, et coactis interpretationibus adulterant, et pestilente vita jugulant. — P. 485: Jam vero vulgus Sacerdotum, nefas esse ducens, a Praesulum suorum sanctimonia degenerare, euge, quam militariter pro jure decimarum ensibus, jaculis, saxis, omnique armorum vi belligerantur: quam hic oculati, si quid ex veterum litteris possint elicere, quo plebeculam terrent, et plus quam decimas deberi convincant. At interim non

for a thorough reformation.<sup>22</sup> Not less important were the hints

venit in mentem, quam multa passim legantur de officio, quod illi vicissim præstare populo debeant. Nec saltem admonet eos vertex rarus, Sacerdotem omnibus hujus mundi cupiditatibus liberum esse oportere, neque quidquam nisi cælestia meditari. Sed homines suaves se suo officio probe perfunctorum ajunt, si preculas illas suas utemque permurmuravit, quas me Hercule demiror si quis Deus vel audiat, vel intelligat, cum ipsi fere nec audiant, nec intelligant, tum cum eas ore prestrepunt.

<sup>22</sup> Here are to be reckoned his labors on the New Testament, his editions of Cyprian and Jerome, and his translations of the works of Origen, Athanasius, and Chrysostom, and especially, Ratio verae theologiae, Ecclesiastes s. de ratione concionandi, and a Commentary on some Psalms, all contained in his Opp. ed. Clerici, T. V. As a specimen of the progress he had made in theological knowledge, see first his just remark on the manner in which the various dogmas and usages grew up in the Christian church, Annot. on *Matth.* xi. 30, *jugum meum suave*: Quænammodum apud Judæos legem per se molestam aggravabant hominum constitutiones, ita cavendum est etiam atque etiam, ne Christi legem, per se blandam ac levem, gravem et asperam reddant humanarum constitutionum ac dogmatum accessiones. Quæ sic primum obrepunt, ut vel tanquam pusilla negligantur, vel pietatis specie commendata libenter amplectantur etiam homines probi magis quam providi. Semel recepta paulatim gliscent augescuntque, donec in immensum aucta jam nolentes premant et obruant, seu consuetudinis, ejus violenta tyrannis est, præsidio, seu Principum auctoritate, quod temere receptum est in suum emolumentum abutentium, mordicusque retinentium. Quam pura, quam simplex fides a Christo nobis tradita, quam huic simile symbolum, sive ab Apostolis ipsis, sive a viris apostolicis proditum! Huic deinde multum adjunxit Ecclesia, dissidiis Hæreticorum dissecta vexataque: quorum etsi quædam sunt, quæ citra fidei dispendium poterant omitti, tamen pleraque videbantur etiamnum ad rem pertinere. Tot jam erant symbola, quot homines, nihilo melius bonæ fidei signum, quam cum in contractibus res multis ac verbosis sygraphis agitur, quæ eum ad excludendas captiones adhibeantur, quo circumspectius scriptæ sunt, hoc plus captionum solent fere gignere. Postremo res eo paulatim deducta est, ut Scholasticorum aliquot placita, quos articulos vocant, aut homunculorum quorundam nova quædam ad fastum comminiscientium vel opiniones, vel somnia propemodum aequentur articulis fidei apostolicæ. Atque in his nec scholæ diversæ, nec ejusdem scholæ mystæ inter se consentiunt: neque apud ipsos perpetua sunt, sed pro tempore mutantur. Et tamen ita primum irrepserunt, ut in scholis tantum haberentur probabiles opiniones. Mox scholæ parietes egressæ in libros, et in publicas adeo consciones eruperunt. Ac sæpenumero fit, ut quod semel utemque prodidit definiendi temeritas, confirmet et augeat tuendi pertinacia. Sunt autem pleraque hujus generis, ut impium sit homini de his definire. Qualia fere sunt, quæ de ratione essentiæ divinæ, deque distinctione Personarum philosophamur. — His proxima sunt, quæ de ratione mysteriorum, velut e cælo petita, pronunciamus: cum magis ad pietatem faciat ex his excerpere, quæ ad vitæ sanctimoniam conducant. Verum hæc pronuncianti temeritas a Veteribus orta nunc longius progressa est, quam ut ferri possit. He then passes to the onus humanarum constitutionum, the multitude of hierarchs, qui religionis imagine personati, ventris agunt negotium, the innumerable regulations concerning dress, fasts, festivals, vows, marriage, confession, serving only to oppress the people and enrich the clergy. In templis vix valet Evangelium interpretari. Concionis bona pars ad Commissariorum (the indulgence merchants) arbitrium consumenda est. Nonnunquam et sacrosancta Christi doctrina aut suppressenda, aut ad illorum rem detorquenda. Ad hæc qui modeste pii sunt, taciti secum ingeniscunt. Qui populi malis aluntur, et quorum interest Christi gregem — quam maxime servum esse et obnoxium, adeo non reclamant, ut modis omnibus exaggerent. Accedunt iis, qui vel ambient præmium aliquid obsequii, vel timent pernam libertatis. Ita dum nemo succurrit, res paulatim eo prolabitur, ut pene nihil jam pudeat. — Nec ulla superest medendi spes, nisi si Christus ipse veritat, aut certe exeat Pontificum ac Principum animos ad ea quæ vera sunt pietatis: aut Theologi et Concionatores, non seditiosis clamoribus, sed sobrie placideque quæ Christo digna sunt, magno consensu doceant et inculcent. — Tumultus ubique vitandus: et præstat ferre Principes impios, quam novatis rebus



given by Sir Thomas More in his *Utopia* (1516), of the points in which a reform was to be wished for in the church.<sup>23</sup>

gravius malum accersere (according to which principle Erasmus at a later period condemned Luther's reformation). Ann. ad I *Cor.* vii. 39, he investigated the question: an liceat ut matrimonia quaedam dirimantur, non temere, sed gravibus de causis, neque per quoslibet, sed per Ecclesiae praefectos, aut iudices legitimos, et ita dirimantur, ut liberum sit utrique cui velit jungi, aut alteri certe, qui divortio non dederit causam. Scio quaedam esse ejus generis, ut nefas sit ceu dubia vocare in disputationem. — Quaedam ita recepta sunt auctoritate Ecclesiae, ut pro re nata possint mutari. In illustration of this last position, he gives, in attempting to prove the lawfulness of divorce from the Scriptures, and the usages of the early churches, the following instances: In Aetis Apostolorum solenni celebrique Concilio decretum ac promulgatum est, ut qui ex Paganismo cooptarentur in Christianos, abstinerent ab idolothytiis, a suffocato animante, a sanguine, et a stupro. — Et tamen quod ibi decretum est, adeo est antiquatum, ut nunc judaizare crederetur, qui abhorreret a gallina suffocata, aut fartis sanguine distentis. — Paulus vetat Episcopum fieri qui neophytus sit, aut percussor, aut vinolentus. At hodie Romanus Pontifex vel heri baptizatum, vel piratam publicum admittet ad honorem episcopalem, si videatur, nihil deterritus Paulina constitutione. In synaxi transsubstantiationem sero definiit Ecclesia: diu satis erat credere, sive sub pane consecrato, sive quocumque modo adesse verum corpus Christi: ubi rem propius contemplata est, ubi exactius expendit, certius praescripsit. Non erant haeretici, qui olim credidissent Spiritum Sanctum a Patre duntaxat procedere, et haud scio, an maxima pars Christianorum primitus ita crediderit: expensa re definiit Ecclesia, quod hodie sequimur. Idem videtur accidisse in conceptione b. Virginis, si tamen hoc Ecclesia sic definiit, ut haeticus sit habendus qui dubitet. — Nemo priscorum audebat clare pronuntiare, Spiritum Sanctum esse Patri Filioque homousion, ne tum quidem, quum quaestio de Filio tanta contentione per universum orbem ageretur. — Nunc audemus profiteri. Afterwards on the question, whether marriage is a sacrament? Jam vero quod de sacramento afferunt, cujusmodi sit, videamus, per quod volunt omne matrimonium semel contractum esse indissolubile. Neque enim hic Augustinus, qui tria bona ponit in matrimonio, quum tertium sacramentum vocat, sentit unum e septem sacramentis: quod ipsum subnotare videtur Petrus Lombardus Dist. XXXI: imo haud scio, an hoc sacramentum septimum veteribus fuerit cognitum. Primum quod Dionysius enumerans nominatim singula, et singulorum vires, ritus ac ceremonias explicans, de conjugio nullam facit mentionem. — Deinde quum tot voluminibus tractatum sit de matrimonio vel a Graecis vel a Latinis, nullus est locus unde liqueat, illos conjugium inter septem sacramenta commemorare. — Verum cur haec recenseo, quum Durandus (see § 113, note 1) fateatur, matrimonium a recentioribus Theologis denique numerari ceptum inter ea, quae proprie dicuntur Ecclesiae sacramenta? Porro quod Paulum sequuti veteres matrimonium aliquoties vocant sacramentum, id sentiunt, opinor, in copula viri et uxoris, quoniam est artissima amicitia, representari typum quandam et imaginem Christi, sponsam Ecclesiam sibi copulantis. In general with regard to Erasmus' merits, see John Turzo, bishop of Breslau, letter to Erasmus, dd. 1 Dec. 1519 (*Erasmii Opp.* III. l. p. 522): At tu quomodo tibi non injurios videri possis, qui laudes, quibus te universus propemodum orbis verissime prosequitur, — averseris? Debentur profecto tibi longe majora, praesertim cum tui unius patrocinio omnium honestissimarum disciplinarum nitor, multo jam barbarici situ et squalore obtenebratus, resplendescat, tum sincera quoque illius theologiae puritas, et sanctissima studia, prope ad interitum reducta, te parente, te duce, veluti renata toto orbe reflorescant.

<sup>23</sup> De optimo reipublicae statu deque nova insula Utopia. In the description of this ideal republic, there is a section lib. II. (ed. Glasguae, 1750. 8vo. p. 227) de religionibus Utopiensium: Religiones sunt non per insulam modo, verum singulas etiam urbes variae, aliis solem, lunam aliis, aliis aliud errantium siderum Dei vice venerantibus. Sunt, quibus homo quispiam, cujus olim aut virtus aut gloria enituit, non pro Deo tantum, sed pro summo etiam Deo suspicitur. At multo maxima pars, eademque longe prudentior, nihil horum, sed unum quoddam numen

putant, incognitum, aeternum, immensum, — per mundum hunc universum virtute, non mole, diffusum: hunc parentem vocant, originis, auctus, progressus, vices, finesque rerum omnium huic acceptos uni referunt, nec divites honores alii praeterca ulli applicant. Quin ceteris quoque omnibus, quoniam diversa credentibus, hoc tamen cum istis convenit, quod esse quidem unum censent summum, cui et universitatis officium et providentia debeat, eumque communiter omnes patria lingua Mithram appellant. — Ceterum paulatim omnes ab ea superstitionum varietate desciscunt, atque in unam illam coalescunt religionem, quae reliquas ratione videtur antecellere. — At posteaquam acceperunt a nobis Christi nomen, doctrinam, mores, miracula, — non credas quam prorsus in eam sectam affectibus etiam ipsi concesserint. — Haud pauci nostram in religionem coierunt, lymphaque sacra sunt abluti. Verum quoniam in nobis — nemo — sacerdos erat, ceteris initiati ea tamen sacramenta desiderant, quae apud nos non nisi sacerdotes conferunt: intelligunt tamen optantque ita ut nihil vehementius. Quin hoc quoque sedulo jam inter se disputant, an sine christiani Pontificis missu quisquam e suo numero delectus sacerdotii consequatur characterem: et electuri sane videbantur, verum quum ego discederem, nondum elegerant. Quin hi quoque, religioni christianae qui non assentiunt, neminem tamen absterrent, nullum oppugnant imbutum, nisi quod unus e nostro caetu me praesente coercitus est. Is quum recens ablutus, nobis contra suadentibus, de Christi cultu publice majore studio quam prudentia dissederet, usque adeo coepit incallescere, ut jam non nostra modo sacra ceteris anteferet, sed reliqua protinus universa damnaret, profana ipsa, cultores impios ac sacrilegos, aeterno plectendus igni vociferaretur. Talia diu concionantem comprehendunt, ac eum non sprete religionis, sed excitati in populo tumultus, agunt, peraguntque, damnatum exilio muletant. Siquidem hoc inter antiquissima instituta numerant, ne sua cuiquam religio fraudi sit. Utopus enim jam inde ab initio — in primis sanxit, uti, quam cuique religionem libeat sequi liceat; ut vero alios quoque in suam traducat, haecenus nisi possit, uti placide ac modeste suam rationibus adstruat, non ut acerbe ceteras destruat. — Haec Utopus instituit non respectu pacis modo, — sed quod arbitratus est, uti sic decerneretur, ipsius etiam religionis interesse, de qua nihil est ausus temere definire, velut incertum habens, an varium ac multiplicem expetens cultum Deus aliud inspiciat alii. Certe vi ac minis exigere, ut quod tu verum credis idem omnibus videatur, hoc vero et insolens et ineptum censuit. Tum si maxime una vera sit, caetera omnes vana, facile tamen praevidit (modo cum ratione ac modestia res agatur) futurum denique, ut ipsa per se veri vis emergat aliquando atque emineat: sin armis et tumultu certetur, ut sunt pessimi quique maxime pernicaces, optimam et sanctissimam religionem ob vanissimas inter se superstitiones, ut segetes inter spinas ac frutices, obrutum iri. Itaque hanc totam rem in medio posuit, et quid credendum putaret, liberum cuique reliquit: nisi quod sancte aut severe vetuit, ne quis usque adeo ab humanae naturae dignitate degeneret, ut animas quoque interire cum corpore, aut mundum temere ferri sublata providentia putet. Atque ideo post hanc vitam supplicia vitis decreta, virtuti praemia constituta credunt: contra sententiam ne in hominum quidem ducunt numero, ut qui sublimem animae suae naturam ad pecuni corpusculi vilitatem deiecerit: tantum abest, ut inter cives ponant, quorum instituta moresque (si per metum liceat) omnes floccifactorum sit. — Quamobrem sic animato nullus communicatur honos, nullus magistratus committitur, nulli publico muneri praeficitur: — ceterum nullo afficiunt supplicio, quod persuasum habeant, nulli hoc in manu esse, ut quicquid libet sentiat. — Verum, ne pro sua disputet sententia, prohibent, atque in duntaxat apud vulgus: nam alioquin apud sacerdotes gravesque viros seorsum non sinunt modo, sed hortantur quoque, confisi fore, ut ea tandem vesania rationi cedat. — Gratum Deo cultum putant naturae contemplationem, laudemque ab ea. Sunt tamen, hique haud sane pauci, qui religione ducti literas negligunt, nulli rerum cognitioni student, neque otio prorsus ulli vacant, negotiis tantum bonisque ceteris officiis statuunt futuram post fata felicitatem promereri. Itaque alii agrotis inserviunt, alii vias reficiunt, — nec in publico modo, sed privatim quoque ministros ac plus quam servos agunt: nam quicquid usquam operis est asperum, difficile, sordidum, — hoc illi sibi totum libentes hilaresque desumunt; ceteris otium procurant, ipsi perpetuo in opere ac labore versantur: nec imputant tamen, nec aliorum sugillant vitam, nec suam elferunt. Hi quo magis sese servos exhibent, eo majore apud omnes in honore sunt. Eorum tamen haereses duae sunt: altera caelibus, qui non Venere modo

It was to be expected that the Scholastics, as the guardians of the existing order of things, would become excited against the Humanists, by whom they were constantly ridiculed, and the state of the church so constantly censured. This hatred had already shown itself in various ways,<sup>24</sup> when Reuchlin's controversy with John

in totum abstinent, sed carnum esu quoque; — altera laboris haud minus appetens, conjugium praefert, ut cujus nec aspernantur solatium, et opus naturae debere se et patriae liberos putant. Nullam voluptatem refugunt, quae nihil eos ab labore demoretur; carnes quadrupedum vel eo nomine diligunt, quod tali cibo se validiores ad opus quodque ceaseant. Hos Utopiani prudentiores, ad illos sanctiores reputant: quos, quod calibatam anteferunt matrimonio, asperamque vitam placidae anteponunt, si rationibus niterentur, irridere, nunc vero, quum se fateantur religione duci, suspiciunt ac reverentur. — Sua lingua Buthrescas (i. e. *Βουθρησκους*) vocant, quod verbum latine Religiosos licet interpretari. Sacerdotes habent eximia sanctitate, eoque admodum paucos. — Unus reliquis praeficitur. Eliguntur a populo, idque caeterorum ritu magistratum, occultis, ad studia vitanda, suffragiis: electi a suo collegio consecrantur. Hi rebus divinis praesunt, religiones curant, ac morum veluti censores sunt. — Caeterum ut hortari atque admonere illorum est, ita coercere atque in facinorosos animadvertere Principis atque aliorum est magistratum, nisi quod sacris interdicitur quos improbe malos comperiunt. Nec ullum fere supplicium est quod horreant magis: nam et summa perculluntur infamia, et occulto religionis metu lacerantur, ne corporibus quidem diu futuris in tuto: quippe ni properam poenitentiam sacerdotibus approbent, comprehensi impietatis poenam senatui persolvunt. Pueritia juvenusque ab illis eruditur, nec prior litterarum cura, quam morum ac virtutis habetur. — Sacerdotibus (ni feminae sint: nam neque ille sexus excluditur, sed rarius, et non nisi vidua natuque grandis eligitur) uxores sunt popularium selectissimae. Neque enim ulli apud Utopienses magistratu major habetur honos; usque adeo, ut, si quid etiam flagitii admisissent, nulli publico iudicio subsint. Deo tantum ac sibi relinquuntur. — Religio quoniam non est ibi apud omnes eadem, ut universae tamen ejus formae, quanquam variae ac multiplices, in divinae naturae cultum, velut in unum finem diversa via commigrant; ideoque nihil in templis visitur auditurque, quod non quadrare ad cunctas in commune videatur. Si quod proprium sit cujusquam sectae sacrum, id intra domesticos quisque parietes curat. Publica tali peragunt ordine, qui nulli prorsus ex privatis deroget: itaque nulla Decrum effigies in templo conspicitur, quo liberum cuique sit, qua forma Deum velit e sua religione concipere: nullum peculiare Dei nomen invocant, sed Mithrae dumtaxat, quo vocabulo euncti in unam divinae majestatis naturam, quaecunque sit illa, conspirant: nullae concipiuntur preces, quas non pronuciare quivis inoffensa sua secta possit. All this cannot well be mere sport, as is supposed by Rudhardt, S. 156. The Utopians are not described as perfect men, but their customs are supposed to be such as are possible amongst men as they are. That the author was in earnest is plain from the whole book, and equally so the application to the existing state of things: the Utopia closes thus: facile confiteor permulta esse in Utopiensium republica, quae in nostris civitatibus optarim verius quam sperarim.

<sup>24</sup> Compare what is related by Reuchlin of his appearance in Basil, 1478, in his *Dedicat. libri de acc. et orth. ad Adrianum Card.* (Vita *Reuchlini* descripta a J. H. Majo. p. 161): Extra ordinem utriusque generis auctores publice docui. Atque id primum studio, magis ut grammatici quam elegantiae haberemur. Quid enim requireres amplius ab hominibus, qui annos jam supra trecentos aliud nihil mollebantur, quam ut barbari essent? Unde cum loquendi vitio amor etiam et voluptas quaedam balbutiendi insederat. Sed prospere cessit. Magnae rei non frustra admoliti manum sumus, tametsi strenue refragarentur initio istius generis magistri, quos hodie scilicet hostes patimur, quibus corruptissimo iudicio et admirabili *φλαυρία* tumentibus nihil praeter faeces suas recte probatur. Jam usu res exsplendescibat, fiebatque, ut purius et scriberet et diceret juvenus Germanica, idque me auspice. Deinde accessit Graecarum litterarum studium, sine quibus nemo sat politus censi potest. Hisce ad philosophiam revocabamur Aristotelicam, quae nonnisi a Graecis hominibus proprie ac rite tradi solet. Huc aspirabant,

Pfefferkorn and the Dominicans in Cologne, on the question, whether the writings of the Jews ought to be burned, gave the signal for a general contest between the Scholastics and Humanists in Germany.<sup>25</sup>

si qui bonis ingenii, non corrupta ista et perturbata disciplina infecti erant. Sensim pueriles scholarum nugæ deserebantur. Ibi vero supercilia tollentes veterinosi Sophistæ, mirum, ut ridiculi ajebant, literarum genus a nobis tractari, alienum a Romana pietate; Græcos schismaticos esse; interdictas eorum disciplinas contra Ecclesiæ decreto nobis magistris prodi. Viden', — quid passus a Sophistis effecerim, ut respiceret Germania vel tandem? Sero enim Phryges sapiunt. *Erasmus* relates in reference to his edition of the New Testament, Ep. ad Capitonem ann. 1516 (Opp. III. l. p. 188): Nuper hic (Antverpiæ) quidam apud plebem, in sacra scilicet concione, lachrymabili voce deploravit, actum esse de divinis literis ac theologis, qui hæcenus fidem christianam suis humeris fulsissent, posteaquam extitissent, qui sacrosanctum Evangelium, atque adeo ipsam præcationem dominicam emendarent: perinde quasi ego Matthæum aut Lucam reprehendam, ac non eos potius, quorum inscitia incuriave depravatum est, quod illi recte scripserunt. So too when at work on the edition of Jerome's works, see Epist. apologetica ad Mart. Dorpium (Opp. T. IX. v. d. *Hardt* hist. reform. liter. l. p. 22): Cum opus esset institutum, et fama jam percubisset, currere quidem graves ut habentur viri, et in-ignes ut sibi videntur theologi, per omnia sacra typographum obstantes, ne quid Græcitatæ aut Hebraismi pateretur admisceri: ingens in eis literis esse periculum, nec quicquam esse fructus: ad solam curiositatem esse paratas. Of the reception of his edition of the New Testament, he says, Ep. ad Leonem X. ann. 1519 (l. c. p. 490): Hanc mire contentientibus calculis approbant omnes, exceptis perpaucis, quorum alii stupidiore sunt, quam ut possint rectis rationibus coargui, alii superbiore, quam ut velint meliora discere, — quidam ambitiores, quam ut sustineant videri nescisse quicquam antehac, sed omnes ejusmodi, ut non referat talium ambisse suffragium. — Metuebant tyrannidi suæ, quidam etiam quæstui, si mundus respiceret. Quid sibi persuaserint nescio, certe rudibus et indoctis persuadere conantur, linguarum cognitionem, bonasque, quas vocant, literas adversari theologiae studio, cum nullis disciplinis ea magis vel ornentur, vel adjuvetur. Hi (ut sunt omnibus Musis et Græciis iratis nati) sine fine belligerantur adversus studia, sese nostris temporibus ad meliorem frugem erigentia. Summa vero victoriæ spes in meris sycophantiis illis est sita. Si libri agant, nihil aliud quam suam traducunt stultitiam, simul atque inscitiam. Si rationibus conflictantur, nimirum superat manifesta veritas: tantum apud imperitam plebeculam stultasque mulierculas vociferantur, quibus imponere facillimum est, præsertim religionis prætextu, cuius simulanda miri sunt artifices. Prætextunt horrenda nomina, hæreses, antichristos: jactitant periclitari, nutareque religionem christianam, quam ipsi scilicet suis humeris sustinent, atque his tam odiosis admisceant mentionem linguarum, ac politioris literaturæ. Hæc, inquit, horrenda dicta nascuntur ex poetica, nam hoc vocabulo traducunt quicquid est elegantioris doctrinæ, hoc est quicquid ipsi non didicerunt. Hujusmodi naniæ non pudet etiam in sacris concionibus deblaterare, qui se præcones evangelicæ doctrinæ haberi postulant. Abutuntur et Romani Pontificis et Romana sedis nomine, videlicet apud nullos, ut par est, non sacrosancto. His technis, his cuniculis adoriri parant efflorescentes optimas literas, ac puriorem illam theologiam, suos fontes respicientem. Nihil non tentatum est, nullum calumniæ genus non excogitatum in eos, quorum opera vident hæc studia gliscere: inter quos me quoque numerant, etc. How the more learned monks were treated in the convents may be seen from the account given by John Butzbach, Prior of the convent of Laach, A. D. 1509, see *Gieseler* Symbolæ ad hist. monasterii Lacensis ex codd. Bonnensibus deponatæ. Bonnæ, 1826. Svo. p. 37 seq., and p. 38: Si quispiam auctorem aliquem legere cœpit sæcularem, si carmen vel simile aliquid edere tentaverit, quasi jam religionem abnegaverit, continuo exclamant: quid iste fantasticus fantisat? quid delirus hic insanit? Num et ipse vult esse poeta? Crimen est apud tales nunc legere poetam; carmen recitavisse, scelus; sacrilegium, novisse Mantuanum. Compare *Hottingeri* Analecta diss. l. p. 5 seq. *Hottinger's* Helvct. Kirchengesch. Th. 3. S. 125. 285 f.

<sup>25</sup> The history of which see in v. d. *Hardt*. hist. liter. Reformat. P. II. Vita Jo. Reuchlini descr. a J. H. Majo, p. 250 seq. *Meiners* Lebensbeschr.

James Hochstraten, Prior of a Dominican convent in Cologne, came to Mayence, to condemn Reuchlin in his capacity of Inquisitor (1513).<sup>26</sup> The bishop of Speyer, as papal commissary, decided in favor of Reuchlin (1514);<sup>27</sup> but the Dominicans appealed from his decision, and put forth all their influence in Rome to have it reversed.<sup>28</sup> Leo X. would not venture to decide against these formidable servants of the papal power.<sup>29</sup> Nor, on the other hand, was he willing to abandon the followers of the learning he so much cherished,

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berühmter Männer Bd. 1. S. 97 ff. Erhard's Gesch. des Wiederaufblühens wissenschaftl. Bildung Bd. 2. S. 292 ff. Wayerhoff's Reuchlin S. 114 ff. John Pfefferkorn, converted from Judaism to Christianity in 1506, and a protégé of the Dominicans in Cologne, after many ineffectual attempts to convert the Jews by his writings, at length called on the people to petition the government to expel all Jews from the country, burn all their writings excepting the Scriptures, and educate their children as Christians. With the help of the Dominicans, he soon obtained an imperial rescript for the destruction of all the Jewish writings against Christianity. The emperor furthermore commissioned the Elector of Mayence, A. D. 1510, to consult the learned men, amongst others Reuchlin, as to the propriety of causing all their books excepting the Scriptures to be burned (see the emperor's letter in the Augenspiegel in *v. d. Hardt* II. p. 17.). Reuchlin gave it as his opinion (printed in the Augenspiegel l. c. p. 20 ff.), that only their writings against Christianity deserved to be destroyed. Against this opinion Pfefferkorn issued an abusive work entitled *Handspiegel*, A. D. 1511, to which Reuchlin returned a bitter reply, *Augenspiegel* (reprinted l. c. p. 16 seq.). In this work the Dominicans, who then constituted the theological faculty at Cologne, detected heresies. Reuchlin at first tried to appease them (*Epistolæ Reuchlini* lib. II. p. 115. seq. in *Majus*, p. 318 seq.), though instead of suppressing the *Augenspiegel*, and retracting various positions therein, he published a German translation of it. The Dominicans immediately published, *Articuli sive propositiones de judaico favore nimis suspectæ, ex libello theutonico Domini Jo. Reuchlin, Legum Doctoris (cui Speculi ocularis titulus inscriptus est) extractæ, cum annotationibus et improbationibus venerabilis ac zelosi viri, Magistri nostri Arnoldi de Tungeri, Artium et sacræ Theologiæ Professoris profundissimi*. Extracts from it in *Majus*, p. 345 seq.). Reuchlin defended himself with much asperity in the *Defensio contra calumniatores suos Colonienses*, addressed to the Emperor Tubingæ, 1513 (reprinted in *v. d. Hardt* II. p. 53 seq.). At the same time he called on his numerous friends and patrons to support him, and thus a large party was formed of the Humanists and their protectors against the Dominicans, see *Meiner's* a. a. O. S. 143 ff. These last now resorted to the usual remedies of the Inquisition.

<sup>26</sup> Concerning this process at Mayence see Reuchlin's Schreiben an Wimpfeling dd. Stuttgard, d. s. Andrea, 1513, first printed in *Majus*, p. 390 seq. The *Acta* in *v. d. Hardt* II. p. 94 seq.

<sup>27</sup> See *v. d. Hardt* II. 114.

<sup>28</sup> They made most impression by inducing the theological faculties of Paris, Mayence, Erfurt, and Louvain, to sanction the condemnation of the *Augenspiegel* by the faculty in Cologne, *Meiners*, S. 187.

<sup>29</sup> How resolved the Dominicans in Cologne were, see *Buschii* ep. ad Reuchlin (in his *Epist.* lib. II. p. 168 seq.): Præterea audent aperte jactare perversissimi homines, nisi secundum se pronuntiatum fuerit in urbe, ab Ecclesia et summo ejus Pontifice se defecturos, et schisma novum suscituros. Alii ad futurum Concilium provocatos se minantur. Alii dicunt, quicquid contra se statuerit Papa nullius momenti esse, neque pro Papa habendum eum, qui ab se suaque sententia dissentiat. Tam cæca, tam præceps est arrogantia eorum, ut non pudeat etiam postulare obnoxium sibi summum Pontificem esse: se palam omnibus Ecclesiam esse dicentem, sine in rebus fidei Papam nihil decernere nec posse, nec debere conclamant. Nihil hercle secius aut honorificentius de summo Pontifice loquuntur, quam de puero sub ferula adhuc vivente, cui nihil nisi ad pedagogi sui nutum integrum sit aut liberum loqui.

so that the matter was left undecided.<sup>30</sup> This inspired the Humanists with new courage. They poured forth a stream of biting satires, of which the *Epistolæ obscurorum virorum* was one of the most remarkable,<sup>31</sup> upon their opponents, who were wholly unable to stand against them in such a warfare. The chivalrous Ulrich von Hutten,<sup>32</sup> indignant at the treatment the Germans received at the hands of the Pope, ventured to extend his reproaches even to Rome.<sup>33</sup> Soon after, how-

<sup>30</sup> The *Acta* see in *v. d. Hardt* II. p. 117 seq.

<sup>31</sup> The first book appeared under the title *Epistolæ obscurorum virorum ad venerabilem virum Magistrum Ortuium Gratium Daventriensem*, Coloniae Agrippinae bonas literas docentem, variis et locis et temporibus missæ (Wolff. Angst. Hagenau 1516). 4to. The second: *Epist. obsc. vir. ad Mag. Ort. Grat. non illæ quidem veteres et prius visæ, sed et novæ et illis prioribus elegantia, argutiis, lepore ac venustate longe superiores* (Basel, Froben. 1517). 4to. The third work was added much later. Latest editions by D. E. Münch, Leipzig, 1827, and recognita et præfatione a Dno. *H. W. Rotermundo* aucta, Hannoveræ, 1827. Svo. These letters are addressed to Ortuius, because he was supposed to be the real author of *Pfefferkorn's* writings. It was allowed even by the other party (Münch's ed. S. 194): *Pfefferkorn quidem composuit materiam, sed Mag. Ortuius postea latinisavit*. Erasmus and Reuchlin, though suspicion soon fell on them, are acquitted of any share in their authorship. The obscurity which hangs over them will probably never be quite cleared up. The latest investigations of any consequence are those of C. G. Müller, Rector of the Fürstenschule in Meissen, in a lat. Schulprogramme, 1801, Mohrnick in Ersch und Gruber's *Encyclopædie*, Th. 4. S. 105 Art. Wolff. Angst, and E. Münch in the introduction to his edition, S. 28 ff. It is probable that Crotus Rubianus and Ulrich von Hutten had a chief hand in it. But which of them originated the idea, or whether it came from the learned printer Angst, and whether Hutten had any share in the first part, on these points there is great variety of opinion. The second part appears to be the work of a number of Humanists who were together at the Ebernburg, see E. Münch's *Franz v. Sickingens Thaten* Bd. 1. S. 348. How well the manner of the priests must have been imitated is seen from *Erasmii epist. ad Mart.* Lipsium dd. 5 Sept. 1528 (Opp. III. II. p. 1110): *Ubi primum exissent Epistolæ obscurorum Virorum, miro Monachorum applausu exceptæ sunt apud Britannos a Franciscanis ac Dominicanis, qui sibi persuadebant, eas in Reuchlini contumeliam et Monachorum favorem serio proditas: quumque quidam egregie doctus, sed nasutissimus, fingeret se nonnihil offendi stylo, consolati sunt hominem. Ne spectaris, inquit, o bone, orationis eutem, sed sententiarum vim. Nec hodie deprehendissent, ni quidam addita epistola lectorem admonuisset, rem non esse seriam. Post in Brabantia Prior quidam Dominicanus et Magister noster, volens innotescere patribus, coëmit acervum eorum libellorum, ut dono mitteret Ordinis proceribus, nihil dubitans, quin in Ordinis honorem fuissent scriptæ. Quis fungus possit esse stupidior? At isti sunt, ut sibi videntur, Atlantes Ecclesiæ nutantis, ex his designantur cognitores de dogmatibus ecclesiasticis, etc.*

<sup>32</sup> See Meiners *Leben-beschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissensch.* Bd. 3. Ulrich von Hutten, nach s. Leben, s. Character u. s. Schriften geschildert von C. J. Wagenseil, Nürnberg, 1823. Svo. *Ulrici ab Hutten opera quæ exstant omnia* herausgeg. von E. J. H. Münch 5 Theile, Berlin, 1821 - 25. 8vo.

<sup>33</sup> See especially his *Præf.* to his edition of *Laur. Vallæ de falso credita et emendita Constantini donatione 1517* (in the *Fasciculus rerum expetend. et fugiendarum* ed. Brown, p. 128, in Münch's Ausgabe, Th. 2. S. 401 ff.). Undoubtedly many of the anonymous satires that appeared about this time were from his pen: of those directed against the papal power, probably *Julius exclusus*, *dialogus* (reprinted in Münch's *Ausg. der Epistolæ obscur. virorum*, p. 417 seq.) *Oratio ad Christum pro Julio II.* (l. c. p. 458 seq.) *Philaletis dialogus de facultatibus Romanensium nuper publicatis* (l. c. p. 471 seq.). See the collection of these Satires, compiled probably by Cælius Secundus Curio, *Pasquillorum Tomi duo*.

ever, this comparatively unimportant skirmish was forgotten in the great struggle that ensued.<sup>34</sup> The Humanists for the most part joined the cause of Luther. The Dominicans in Cologne were forced by Francis von Sickingen to submit to the decision of the bishop of Speyer.<sup>35</sup>

The Humanists were particularly serviceable to the cause of theology, by leading the way to a more correct understanding of the Scriptures. Laurentius Valla began with his *Annotations*;<sup>36</sup> but Erasmus rendered more essential service by his edition of the original text, his *Annotations* and *Paraphrases*.<sup>37</sup> Important help was rendered too by *Jacobus Faber Stapulensis*,<sup>38</sup> and the *Complutensian Polyglot*.<sup>39</sup>

Eleutheropoli (Basel) 1511. Svo. The second part consists entirely of Satires by Hutten and Crotus Rubianus.

<sup>34</sup> See Luther's letter to Reuchlin of 14th Dec. 1518 (in de Wette's Ausg. Th. I. S. 196 f.); Dominus tecum, vir fortis-ime. Gratulor misericordiae Dei, quae in te est, vir et eruditissime et humanissime, qua tandem praevaluisti obstruere os loquentium iniqua. Fuisti tu sane organum consilii divini, sicut tibi ipsi incognitum, ita omnibus purae theologiae studiosis expectatissimum: adeo longe alia fiebant a Deo, et alia videbantur geri per vos. Eram ego unus eorum, qui tecum esse cupiebant, sed nulla dabatur occasio: eram tamen oratione et voto tibi semper praesentissimus. Sed quod tunc negatum est socio, nunc cumulatissime tributum est successori. Invadunt dentes istius Behemoth me, si quo modo sarcire queant ignominiam, quam retulerunt ex te. Occurro et ego ipsis longe quidem minoribus ingenii et eruditionis viribus, quam tu occurristi et prostravisti, sed non minore animi fiducia.—Fraeta sunt in tua firmitate non parum quidem cornua horum taurorum. Hoc enim in te egit Dominus, ut tyrannus sophistarum aliquando et tardius et mitius disceat veris theologiae studiis resistere, ac respirare inciperet Germania, scripturarum doctrina tot heu annorum centenariis non tam oppressa, quam extincta. Non erant haec initia danda pulcherrimorum studiorum per hominem parvae gratiae: sed si ut Christum (sit venia comparationi) omnium maximum montem Deus contrivit usque in pulverem mortis, verum ex hoc pulvere postea excreverunt tot magni montes: ita et tu parum attulisses fructus, nisi mortificatus in pulverem fuisses redactus, unde nunc tot surgunt proceres literarum sacrarum. Et exaudita est oratio gementis Ecclesiae: salvum me fac, Domine, quoniam defecit sanctus, diminuti sunt fideles de filijs hominum, quoniam exaltati fuerunt ad altitudines Dei vilissimi filiorum hominum.

<sup>35</sup> See Franz v. Sickingen's Thaten, Plane, Freunde u. Ausgang. Durch E. Münch (3 Bde. Stuttgart u. Tübingen, 1827–29. Svo.) Bd. I. S. 122 ff. and 346 ff.

<sup>36</sup> Concerning which see *Rich. Simon* hist. crit. des principaux commentateurs du nouveau Test. chap. 34. Erasmus republished the forgotten ed. Paris 1505. fol. and in the dedication to the papal Pronotarius Christoph Fischer, defended this mode of criticism, which he afterwards extensively adopted himself.

<sup>37</sup> Novum Testamentum juxta Græcorum lectionem cum versione Desiderii Erasmi Roterodami Basil. 1516. fol. (ed. II. 1519. III. 1522. IV. 1527. V. 1535) Annotations in N. T. Basil. 1516 (many new editions as above). Paraphrases in Epistolas published singly from 1517, collected with the Paraphr. in Ev. Matthæi ac Joannis in 1522. To the gospels of Mark and Luke, the Acts, and the Apocalypse, he did not write paraphrases.

<sup>38</sup> Quincuplex Psalterium, Gallicum, Romanum, Hebraicum, Vetus, Conciliatum. Paris. 1509. Commentarius in Epistolas Pauli, 1512. Afterwards he wrote also a Comm. in Evangelia, Meldis, 1522; in Epist. can. Basil. 1527, and from 1523 a French translation of the Bible, which first appeared complete, Antwerp, 1530. fol.

<sup>39</sup> Biblia sacra, vetus testamentum multiplici lingua nunc primo impressum T. I–V. novum testamentum Tom. VI. Compluti 1514–1517. fol. It could not, however, be published till 1523.

Thus by the revival of ancient learning the most important means of reformation in the church were prepared; but learning alone could not accomplish the work. The results thus obtained could neither be brought home to the convictions of the people, nor were they fitted to excite that universal and all-absorbing interest which was necessary to enable men to break through the fetters which had been for ages riveted upon them, and venture all for the truth. But after the Reformation had been begun on the only sure foundation, that of religious feeling, an enlightened criticism proved a most useful guide in saving men from error and fanaticism.

## CHAPTER SIXTH.

### SPREAD OF CHRISTIANITY.

#### § 154.

The disgrace of Christianity was rendered complete by the inhuman means employed to extend it. In A. D. 1492, Ferdinand and Isabella in Spain left the Jews no alternative but baptism or exile.<sup>1</sup> A great part of those who continued obstinate having taken refuge in Portugal, they were driven to the same alternative in that country, and at the same time their children seized, and all who delayed to obey the royal mandate, made slaves.<sup>2</sup> At the surrender of Granada, the last city of the Moors in Spain, in A. D. 1492, the conditions had been made that they should retain their national laws and religion. On pretence of having discovered secret conspiracies amongst them, the same measures were adopted here (1498), and in 1501, all who adhered to the religion of Mohammed were forced to leave the country, or made slaves.<sup>3</sup> The result of these measures was to furnish numerous victims to the Inquisition from such unwilling converts. Not less revolting were the means employed to spread the Christian religion in America, and the regions discovered by the Portuguese on the west coast of Africa. The Dominicans, though little accustomed to plead the cause of mercy, were the only protectors of the poor Indians,

<sup>1</sup> *Mariana* hist. Hispan. lib. XXVI. Jost Gesch. der Israeliten seit der Zeit der Maccabäer, Th. 7. S. 81 ff.

<sup>2</sup> *Hieron. Osorius* (bishop of Silves in Algarbia, † 1580) de rebus Emanuelis R. Lusit. Colon. 1574. 8vo. lib. I. p. 6. *Mariana*, l. c. For the honor of Christianity it ought to be mentioned, however, that both these authors protest against such a mode of conversion. Jost, l. c. S. 89 seq.

<sup>3</sup> *Petri Martyris Anglerii* (a priest at the court of Ferdinand the Catholic, † about 1525) opus epistolarum Compluti, 1530, better ed. Amstelod. 1670. Lib. V. Ep. 92; XIII. Ep. 215. Histoire du Cardinal Ximenes, par *Esprit Flechier* (seconde édit. à Paris, 1694. 12mo.) T. I. p. 136 seq.



who were forced at once to submit to slavery and Christianity. Millions of lives were sacrificed, however, before the exertions of Bartholomew de las Casas were successful in obtaining from Charles V. the freedom of the native inhabitants of South America, counter-balanced, alas! by the fatal license of the slave trade.<sup>4</sup>

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## APPENDIX.

### ATTEMPTS TO UNITE THE GREEK CHURCH WITH THE LATIN.

#### § 155.

Deep-rooted as was the antipathy of the Greeks to the Latins,<sup>1</sup> the impending ruin from the power of the Turks yet drove the emperor, John VI. Palæologus, from the year 1430, to use every effort by a union of the two churches, to secure their help. The matter was delayed by the disputes between the Pope and the Council of Basil, till at length the emperor threw himself into the arms of the former, coming in person with a great attendance of clergy to Italy. At the Synod which was now held first in Ferrara, but in Feb. 1449, removed to Florence,<sup>2</sup> there seemed for a long time no hope of agreement; but necessity made the Greeks more ready to submit than could otherwise have been expected, and on the 6th July, 1439, they signed the form of union prescribed by the Pope.<sup>3</sup> But they carried

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<sup>4</sup> *Bartholomæus de las Casas brevissima relacion de la destruicion de las Indias*, 1552. 4to. (latein. Oppenheim 1614. Heidelberg, 1664. 4to.) Will. Robertson's *Hist. of America*, vol. I.

<sup>1</sup> A new opponent of the Latins (see § 126, note 7) was Simeon, archbishop of Thessalonica († 1430, see concerning him *Allacius de Simeonibus*, lib. II. c. 18. no. 13. *Fabricii bibl. græca*, vol. X. p. 326 seq.) in his works *κατὰ αἰρέσεων, καὶ περὶ τῆς μόνης ὁρθῆς τῶν Χριστιανῶν ἡμῶν πίστεως, πᾶντε ἱερῶν τελειῶν καὶ μυστηρίων τῆς ἐκκλησίας διάλογος* (printed in Jassy in der Moldau, 1683. fol. Extracts in *Rich. Simon Critique de la Bibliothèque de Mr. Du-Pin*, T. I. p. 403 seq.), the 19th chapter of which takes up the dispute with the Latins.

<sup>2</sup> Concerning which see two sets of Acta; one in Greek and one in Latin, the latter by Horatius Justinianus, in the collections of Acts of Councils, in that of *Labbeus et Cossart*, T. XIII., of *Harduin*, T. VIII. The *Vera historia unionis non veræ inter Græcos et Latinos, sive Concilii Florentini exactissima narratio græce scripta per Sylvestrum Sguropulum* (for Syropulum), magnum Ecclesiarcham, qui Concilio interfuit, transtulit in sermonem latinum Rob. Creyghton. Hagæ Com. 1660. fol. is partial to the Greeks. The work *Leonis Alatii in Rob. Creyghtoni Apparatum, Versionem et Notas ad hist. Conc. Florentini, scriptam a Sylv. Syropulo Exercitationum Pars prior*. Romæ, 1665. 4to. (no pars posterior has ever been published) is full of abuse of the author and publisher, but has some good remarks on particular points, especially on the incorrectness of the Latin translation.

<sup>3</sup> This form written in Latin by Ambrosius Camaldulensis (see § 139, note 10), and put into Greek by Bessarion, so that both have the character of originals, was

division and dissension with them home. Many of the bishops were induced by the general excitement to retract. Almost all that part of the nation, which was already subdued by the Turks, declared

in the form of a papal bull, and subscribed by every member of the Council. It is contained in Greek and Latin, Conc. Labbei et Cossartii XII. p. 510 seq., Latin only in the collection of Horatius Justinianus, *ibid.* p. 1165 seq. — Græci quidem asseruerunt, quod id, quod dicunt Spiritum Sanctum ex Patre procedere, non hæc mente proferunt, ut excludant Filium, sed quia eis videbatur, ut ajunt, Latinos asserere, Spiritum Sanctum ex Patre et Filio procedere tanquam ex duobus principiis et duabus spirationibus, ideo abstinuerunt a dicendo, quod Spiritus Sanctus ex Patre procedat et Filio. Latini vero affirmarunt, non se hæc mente dicere, Spiritum Sanctum ex Patre Filioque procedere, ut excludant Patrem, quin sit fons ac principium totius deitatis, Filii scilicet ac Spiritus Sancti; aut quod id, quod Spiritus Sanctus procedit ex Filio, Filius a Patre non habeat; sive quod duo ponant esse principia, seu duas spirationes: sed unum tantum asserant esse principium, unicuique spirationem Spiritus Sancti, prout hæcenus asseruerunt. Et cum ex his omnibus unus et idem eliciatur veritatis sensus, tandem infra scriptam sanctam et Deo amabilem eodem sensu eademque mente unionem unanimiter concordarunt et consenserunt.

In nomine igitur s. Trinitatis, Patris, et Filii, et Spiritus Sancti, hoc sacro universali approbante Florentino Concilio diffinimus, ut hæc fidei veritas ab omnibus Christianis credatur et suscipiatur, sicut omnes profiteantur, quod Spiritus Sanctus ex Patre et Filio æternaliter est, et essentiam suam, suumque esse subsistens habet ex Patre simul et Filio, et ex utroque æternaliter tanquam ab uno principio et unica spiratione procedit; declarantes, quod id, quod sancti doctores et patres dicunt, ex Patre per Filium procedere Spiritum Sanctum, ad hæc intelligentiam tendit; ut per hoc significetur, Filium quoque esse secundum Græcos quidem causam, secundum Latinos vero principium subsistentiam Spiritus Sancti, sicut et Patrem. Et quoniam omnia, quæ Patris sunt, Pater ipse unigenito Filio suo gignendo dedit, præter esse Patrem, hoc ipsum quod Spiritus Sanctus procedit ex Filio, ipse Filius a Patre æternaliter habet, a quo etiam æternaliter genitus est. Diffinimus insuper, explicationem verborum illorum *Filioque* veritatis declarandæ gratia, et imminente tunc necessitate, licite ac rationabiliter symbolo fuisse appositam. Item, in azymo sive fermentato pane triticeo corpus Christi veraciter contigi; sacerdotesque in altero ipsum Domini corpus conficere debere, unumquemque scilicet juxta suæ Ecclesiæ, sive occidentalis, sive orientalis, consuetudinem. Item, si vere pœnitentes in Dei caritate decesserint, antequam dignis pœnitentiæ fructibus de commissis satisfecerint et omissis, eorum animas pœnis purgatoriis post mortem purgari; et ut a penis hujusmodi releventur, prodesse eis fidelium vivorum suffragia, missarum scilicet sacrificia, orationes, et elemosynas, et alia pietatis officia, quæ a fidelibus pro aliis fidelibus fieri consueverunt secundum Ecclesiæ instituta: illorumque animas, qui post baptismum susceptum nullam omnino peccati maculam incurrerunt, illas etiam, quæ post contractam peccati maculam vel in suis corporibus, vel eisdem exutæ corporibus, prout superius dictum est, sunt purgatæ, in caelum mox recipi, et intueri clare ipsum Deum trinum et unum, sicuti est, pro meritorum tamen diversitate alium alio perfectius; illorum autem animas, qui in actuali mortali peccato, vel solo originali decedunt, mox in infernum descendere, penis tamen disparibus puniendas. Item diffinimus, sanctam Apostolicam sedem, et Romanum Pontificem in universum orbem tenere primatum, et ipsum Pontificem Romanum successorem esse b. Petri principis Apostolorum, et verum Christi vicarium, totiusque Ecclesiæ caput et omnium Christianorum patrem ac doctorem existere; et ip-si in b. Petro pascendi, regendi ac gubernandi universalem Ecclesiam a Domino nostro Jesu Christo plenam potestatem traditam esse, quemadmodum et in gestis œcumenicorum Conciliorum et in sacris Canonibus continetur (*καθ' ὃν πρόπαν καὶ ἐν τοῖς πρακτικαῖς τῶν οἰκουµενικῶν συνόδων, καὶ ἐν τοῖς ἱεροῖς κανόσι διαλαµβάνεται*). In the printed copies of this bull we read *quædam* *etiam* in gestis, etc., as if this were only a reference by way of confirmation; the genuine text, which is given in *Launois* Opp. V. 1. p. 308, from the historianum, lib. III. Decad. X., by Flavius Blonders, secretary of Eugene IV., and from the Greek text, has the common form of the papal orders). Renovantes insuper ordinem traditum in

decisively against any connexion with the Latins.<sup>4</sup> The unhappy emperor strove by every means in his power to uphold the compact, in the hope of thus supporting his tottering throne; though in the end it served only to hasten its fall.

canonibus ceterorum venerabilium Patriarcharum, ut Patriarcha Constantinopolitanus secundus sit post sanctissimum Romanum Pontificem, tertius vero Alexandrinus, quartus autem Antiochenus, et quintus Hierosolymitanus, salvis videlicet privilegiis omnibus et juribus eorum. The light in which this union was regarded by the emperor's party, may be seen from the account given by a Greek Archdeacon to an English ambassador who came to meet them on their journey back. *Syropulus*, p. 307: οὕτε ἡμεῖς προσήλθομεν τῇ δόξῃ τῶν Λατίνων, οὐδ' οἱ Λατῖνοι τῇ τῶν Γραικῶν. ἀλλ' ἐθροισθήσαν καθ' ἑαυτὰς αἱ δίξαι παρ' ἑκατέρου μέρους καὶ εὐρέθησαν συμφωνοί, καὶ ὡς μία καὶ ἡ αὐτὴ ἀνεφάνη δόξα. διὸ καὶ ἐτάχθη ἵνα κατέχη ἑκάτερον μέρος τὴν δόξαν, ἣν κατέχει μέρος τοῦ νῦν, καὶ ὑπάρχωμεν καὶ ἡνωμένοι. Thus every thing was to remain the same in the Greek church, only that a union was acknowledged. — Five original copies of the *Decretum unionis* were made out and signed: there have since been ten exhibited in various places, of which nine are undoubtedly only copies, see *Memoire sur les exemplaires originaux du décret d'union de l'église Grecque avec l'église latine in the Mémoires de l'Académie des inscriptions*, T. 43. p. 287 seq.

<sup>4</sup> The Patriarch of Constantinople, Metrophanes, having attempted to introduce bishops favorable to the union into the churches of Asia Minor, the three Patriarchs of Alexandria, Antioch, and Jerusalem, issued a letter 1443 (see *Allatius de Ecclesia occid. et orient. perpetua consensione*, p. 939 seq.), in which they set themselves very decidedly against the συναθροισθῆσαν ἐν Φλωρεντία μιαιφὰν σύνοδον, as well as the Μητροφόρος (instead of Μητροφάνης) Πατριάρχης, deposing all clergy who favor the union, and excommunicating all who shall oppose the decree. They likewise commission the Metropolitan of Caesarea Cappadocia, ἔξαρχον πάσης ἀνατολῆς, to carry this decree into effect in his diocese. At the same time they sent a letter of admonition to the emperor, l. c. p. 942 seq., in which they say of the synod of Florence, ὅτι ἐν Φλωρεντία σύνοδος οὐκ ἐγένετο κατὰ τὰς συμβηβάσεις, ὡς εἶχον πρὸς Ῥωμαίους (i. e. the Greeks) οἱ Λατῖνοι ἐνόρκως διὰ γραμμάτων, κανονικῶν καὶ ἀβίαστος καὶ ἑλευθέρως — ἀλλὰ βραδουγίας μυρίας ἐπινοήσαντες οἱ Ἰταλοὶ τὰς μὲν συμβηβάσεις ἠθέτησαν, ἐπαρίβησαν δὲ τοὺς ἐγγράφους αὐτῶν δοκοῦς, ἐβίασαν δὲ τὴν ἀλήθειαν, καὶ πῖλος τυραννικῶν τρόπων τὰ ἀδέκματα αὐτῶν πάλιν ἐκύρωσαν δόγματα, καὶ εἴτι ἂν ἄλλο παρὰ κανόνας ἐκράτησαν. τὸ χεῖρον δὲ μᾶλλον καὶ ἀσιβεῖς, ὅτι μετὰ τῶν ἄλλων καὶ τὴν ἐν τῷ κοινῷ τῆς πίστεως συμβόλῳ προσέθηκαν οὐ παραιτήσαντο, ἀλλὰ καὶ ἐγγράφως παρέδωκαν, φεῦ, παρὰ πᾶσιν ὁμολογεῖσθαι. They then proceed, πρὸς τὴν σὴν βασιλείαν γνωρίζομεν τὰδε: ὅτι εἰ μὲν προσέδοραμεν, ὡς τοῦ ἡμετέρου γένους παντελῶς ἐξηθηνικός, καὶ διὰ τοῦτο καταναγκαζόμενος παντοτρόπως, ὅπως λήψῃ βοήθειαν, καὶ τινα ἴσην ἄλλην οἰκονομίαν νενοήκας, εἴτε τῆς καὶ πρὸς τὰ τῶν Λατίνων ἐνέπεισας, καὶ τὴν προσέθηκαν εἰδέω κατὰ ἀνάγκην· εἰδ' οὕτως ἀποτορψάμενος νῦν τὰ ἐκείνων τερατολογήματά γε καὶ ἀσιβεῖματα, καὶ τὴν ὑμναίονσαν ἐν τῷ θεῷ συμβόλῳ παράδοσιν κατὰ τὰς θείας πάσας γραφὰς ὁμολογεῖς ἀδιτάκτως τε σέσθης, καὶ πείθῃ, ὡς οἱ πρὸ σοῦ ἅπαντες εὐσιβεῖς αὐτοκράτορες βασιλεῖς, ἦδη καὶ ἡμεῖς οὐ μόνον τὸ προσφιλὲς μνημόσυνον τῆς βασιλείας ἐπιτελεῖν ἔχομεν, ἀλλὰ καὶ δινηεῖν καὶ ἀεῖον ἰκυσίαν πρὸς θεὸν ἐκπληροῦν μέλλομεν τοῦ σοῦ κράτους εἶκα, καὶ ὅτι ψυχῆς μάλιστα, δι' ἂν ἐξελούμενοι καθ' ἑκάστην τὸ θεῖον συγκοινωνᾶσαι τέ σοι, καὶ τὰ ἀμπλακῆματα ἐν γνώσει καὶ ἀγνοίᾳ πραχθέντα. Οὕτω μὲν οὐν ἴσται σοὶ ἔλεος τῶν πλημμελημάτων, οὕτως δὲ ἄφεσις τῶν ἀγνοημάτων, εἰ μὲν τὰς θείας οὐκ ἀθετεῖς παραδόσεις. Εἰ δὲ περιμένῃς, καὶ ἀνέχη τὰ τῶν ἐτροδόξων, ὥστε ἀλλότρια ὄντα πάσης κανονικῆς παραδόσεως καὶ συνοδικῆς, οὐ μόνον ἐκκόψομεν τὸ τοῦ σοῦ κράτους μνημόσυνον, ἀλλὰ τὰ τοῦ βάρους προσθήσομεν ἐπιτίμια, ἵνα μὴ σὴ τοῦ Χριστοῦ ἐκκλησίᾳ διαφέρῃ ἢ λύπη τοῦ ἀλλοτρίου καὶ βλαβεροῦ δόγματος. — Ἄν δὲ τῷ τυραννικῷ τρόπῳ παρανόμως βιάξῃ καὶ πειθανολογεῖς τὴν ἑλευθέρων καὶ ἀδούλων Χριστοῦ ἐκκλησίαν, γινώσκει οὕτως, ὅτι — οὐκ ἀνέχομεθα σιωπᾶν ἐφεξῆς, ἀλλὰ κατὰ τὴν ἐντολὴν ἀφύβως ἐλέγχει καὶ ἐπιτιμῆσαι μέλλομεν τοῦτον.

The union with the Greek church was followed by the show of a renewed union with the Armenians at Florence, A. D. 1440, the futility of which was easy to be foreseen.<sup>5</sup> After this ambassadors appeared at the Council, which had been transferred to the Lateran, A. D. 1442, from all the other churches of the East, praying to be united by a papal decree with the church of Rome.<sup>6</sup> The object of this was no doubt by the appearance of the union of all Christendom under the Pope, to give him new power, and overawe the obstinate adherents of the Council of Basil.

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<sup>5</sup> Compare § 128. Acta in Labbei et Cossart Conc. XIII. p. 1197 seq.

<sup>6</sup> Decretum pro Jacobinis dd. Florent. 4 Febr. 1441, l. c. p. 1204 seq., sanctioning the union of the Egyptian Jacobites, which, however, *Renaudot* hist. Patriarcharum Alexandrinorum Jacobitarum, p. 611, does not venture to mention. Decretum pro Syris dd. Laterani, 30 Sept. 1444, l. c. p. 1222 seq. Decretum pro Chaldæis et Maronitis, dd. 3 Aug. 1445, l. c. p. 1225 seq.

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**GENERAL INDEX.**

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## INDEX.

- Abbas*, i. 311.  
*Abdias*, i. 46, note 1.  
*Abelard*, ii. 313, 327.  
*Abgarus*, supposed correspondence with Christ, i. 44.  
*Manu*, i. 88, note 2.  
*Abrahas*, i. 84.  
*Absolution*, universal right of, claimed by the popes, ii. 258.  
*Acacius*, Arian, i. 198; patriarch of Constantinople, 318.  
*Academy*, middle and new, i. 21.  
*Acephali*, i. 319.  
*Acta*, martyrum, i. 8, note 2; conciliarum, 9, note 4; Pilati, 44.  
*Adalbert*, archbishop of Mayence, ii. 181.  
*Adamites*, iii. 130, 363.  
*Adamnan*, i. 380.  
*Adelbert*, ii. 78.  
*Adelwald*, i. 376.  
*Adolphus*, of Nassau, emperor of Germany, ii. 237; count of Schaumberg-Holstein, 406.  
*Adoptian controversy*, ii. 42.  
*Adramctum*, monks of, i. 226, note 33.  
*Æneas Sylvius*, iii. 199, note 42; 200, note 46; 203, note 51; 281, note 9; 283, note 14. See Pius II.  
*Aerius*, presbyter of Sebaste, i. 309.  
*African church*, i. 267.  
*Agapæ*, i. 59, note 7; 104, note 11; discontinued, 296, note 13.  
*Agatho*, Pope, i. 369.  
*Agnoetæ*, i. 321.  
*Agobard*, archb. of Lyons, ii. 32; opposes picture-worship, 40.  
*Agonistici*, i. 217.  
*Agricola*, Rudolph, iii. 398.  
*Agrippa II.* i. 26.  
*Aistulph*, king of the Lombards, ii. 15.  
*Akesius*, Novatian bishop, i. 164, note 8.  
*Akoemetæ*, ἀκοίμητοι, i. 275, 319, 323, note 4.  
*Aktistatæ*, ἀκτιστάται, i. 321.  
*Alanus*, of Lille, ii. 381.
- Albanenses*, ii. 398, note 17.  
*Alberich*, Marozia's son, patricius and senator at Rome, ii. 78.  
*Albericus*, de Rosate, iii. 6, note 8; 14, note 9.  
*Albertus Magnus*, ii. 324; bishop of Halberstadt, iii. 107, note 10; Argentinensis, 27, note 1.  
*Albicus*, Barthol. iii. 96, note 16.  
*Albigenses*, in 13th century, ii. 385, note 7; iii. 127.  
*Alboin*, baptized, ii. 28.  
*Albornoz*, cardinal, iii. 40.  
*Albrecht I.*, king of Germany, ii. 241, 242, 247; bishop of Livonia, 310, 407; the Bear, founds the bishoprics of Havelburg and Brandenburg, 406; II. emperor, iii. 199, 368; of Austria, 291, note 12.  
*Alciades*, martyr, i. 106, note 27.  
*Alcuin*, invited to the court of Charlemagne, ii. 30; opposes Adoptianism, 44.  
*Alexander*, Severus, i. 115; bishop of Alexandria, 194; II. Pope, ii. 89; III. 191, 267, 372, 408; IV. 226, 301, note 9; Hales, 324, 358; V. iii. 190, note 3; 162; VI. 237 seq.  
*Alexandria*, a Jewish colony founded there, i. 30; influence of philosophy, 31; Christian philosophy, 137; Catechetical school, 134; council of, 201; Easter Sunday fixed by the patriarch, 292.  
*Alexiani*, iii. 99.  
*Alexiopolis*, ii. 414.  
*Alexius*, Greek prince, ii. 209; Comnenus, 411, 414.  
*Alfred*, the Great, ii. 102.  
*Allenand*, Lewis, archb. of Arles, iii. 201, note 46.  
*Allemanni*, their conversion, i. 354.  
*Alliaco*, Peter de, iii. 67, note 1; 117, note 8; 162, 171, note 4; 301, note 2.  
*Abnainus*, Jac. iii. 257, note 3.  
*Almsgiving*, i. 296, note 2.

- Alogi*, i. 91; opposed by Hippolytus, 146, note 8.
- Alphonso IX.*, king of Leon, ii. 206; the Wise, king of Castile, 227; resists the papal usurpations, iii. 54; duke of Ferrara, 245; king of Aragon, 212, note 16; king of Castile, 54, note 20.
- Alvarus*, Pelagius, iii. 18.
- Amalarich*, son of Simon de Montfort, ii. 387.
- Amalric*, of Bena, ii. 322.
- Ambrose*, bishop of Milan, i. 208; his opinion concerning the taxes of the clergy, 242, note 2; recommends the worship of angels, 288; introduces singing in responses into the Western church, 294; general of the order of Camaldulenses, iii. 289, note 10.
- Ammon*, founded a convent on the Nitrian mountains, i. 270.
- Ammenius*, Saccas, i. 111.
- America*, bestowed by the Pope on the discoverers, iii. 369; converted to Christianity, 410.
- Amilius*, de Buren, iii. 101.
- Anacletus II.* ii. 183.
- Anastasius*, emperor, i. 320, 353; II. 372; bishop of Rome, 214; patriarch of Antioch, 327; Bibliothecarius, 373; patriarch of Constantinople, ii. 2; IV. pope, 182.
- Anathema*, distinguished from Excommunication in the 9th century, ii. 63.
- Anatolius*, his cycle for determining Easter, i. 292, note 10.
- Anaxilaus*, a Pythagorean, i. 25.
- Ancharano*, de, see Peter.
- Anchorites*, i. 271.
- Ancient literature*, iii. 393.
- Ancyra*, synod of, i. 199.
- Andræa*, Jo. iii. 44, note 1.
- Andreas*, Ep. Megarensis, iii. 192, note 19.
- Andrew*, king of Naples, iii. 34; archb. 376.
- Andronicus III.* Palæologus, iii. 152.
- Angeli*, Jo. iii. 268, note 23.
- Angels*, worship of, i. 288.
- Angelus*, de Cingulo, iii. 95, note 14.
- Anglo-Saxons*, converted, i. 355, 361, 379.
- Anicetus*, bishop of Rome, i. 107.
- Annates*, iii. 54, note 25; 62, note 3.
- Anomoioi*, i. 198.
- Anschar*, ii. 29.
- Ansegius*, archb. of Sens, ii. 76.
- Anselm*, bishop of Lucca, ii. 96, 114; archb. of Canterbury, 175, 311; bishop of Havelburg, 410.
- Anthimus*, patriarch of Constantinople, i. 323.
- Anthropomorphites*, i. 214; especially monks, 275; in Vicenza, ii. 99.
- Antidokomarianites*, i. 287.
- Antioch*, first Christians there, i. 5<sup>o</sup>; first council of, 195; second, 197; canons of, 206; conquered by the Saracens, 365.
- Antiochian school*, i. 145; the source of Nestorianism, 228.
- Antipas*, Herod, i. 26.
- Antitactes*, i. 87.
- Antoninus Pius*, i. 78.
- Antony*, first monk, i. 172, 270; founder of a convent in Kiev, ii. 150; order of St., 280.
- Apelles*, Marcionite, i. 89.
- Aphthartodocetæ*, i. 327.
- Apiareus*, i. 207.
- Apocryphal writings*, i. 44, note 3; 46, note 1.
- Apollinaris*, bishop of Hierapolis, i. 95.
- Apollonius*, of Tyana, i. 25; his life by Philostratus, 114; martyr, 80, note 11; Antimontanist, 96.
- Apollo*, i. 60.
- Apologies for Christianity*, i. 94.
- Apostacy*, prohibited by Theodorus, i. 186; lapsi, 116.
- Apostles at Jerusalem*, i. 46; assembled there, 50; considered equal in dignity, 262; traditions concerning them, 52; opinion of them entertained by the New-Platonists, 113; by the Manichæans, 132.
- Apostle-brethren* a sect in the 13th century, ii. 403.
- Apostolic-fathers*, i. 67; churches, 96; not set above the rest, 97; rank in 4th century, 256; title given to every bishopric, 339, note 17; constitutions et canones, 152; number of the canones, 370.
- Appeal from the Pope to a general council*, iii. 260.
- Apuleius* of Medaura, i. 72.
- Aquileia*, bishopric of, revolts from the Pope, i. 341.
- Arabs*, revival of learning amongst them, ii. 101.
- Arausio*, council of, i. 330.
- Archæology*, ecclesiastical, i. 4.
- Archbishops*, see Patriarchs.
- Archdeacons*, i. 246; see Dioceses.
- Archelaus*, bishop of Cascar, writings against Manes, i. 150, 131, note 4.
- Arcimboldus*, Jo. Aug. iii. 326.
- Arelate*, council of, i. 167, 198; bishop of, made the Pope's vicar, 265.
- Aretinus*, Leonard, iii. 162.
- Aristides'* defence of Christianity, i. 94.
- Aristobulus*, a Jewish philosopher, i. 32.
- Ariston* of Pella, i. 95.



- Aristotle*, his philosophy, i. 20; revised by Boethius in the West, 331; by Jo. Philoponus in the East, 321; his logic revived in the West, ii. 102, note 6; his works brought forward in the 12th century, 321.
- Arius*, i. 193, 195; Arian controversy, 192.
- Armagh*, bishopric of, i. 313
- Armenia*, converted, i. 311; history of the Armenian church, iii. 157, 414.
- Arnobius*, i. 148; junior, 328.
- Arnold of Brescia*, ii. 183, 188; abbot of Cîteaux, 384.
- Arnulf*, bishop of Rheims ii. 80.
- Artabasdus* ii. 3.
- Artemon*, i. 128.
- Ascetic life of the New-Platonists*, i. 112; of the Manichæans, 133; voluntary in the primitive church, 60; in second century, 106; in third century, 169; forbidden to the clergy, 172; in high estimation, 173; forbidden, 371, note 5.
- Aschaffenburg*, diet of, iii. 207, note 3.
- Asses' feast*, ii. 347, note 2.
- Asterius*, Arian, i. 194.
- Astesanus*, iii. 111.
- Asylum*, right of, in Christian churches, i. 244.
- Athanasius*, i. 194, 208; de incarnatione verbi, 229; introduces Monachism in the West, 276.
- Athenagoras*, defence of Christianity, i. 94; teacher in the catechetical school at Alexandria, 135, note 2.
- Audius*, Audiani, i. 275.
- Augustine*, De civitate Dei, i. 190, note 9; against the Manichæans, 216; Donatists, 217; Pelagians, 219; introduces monastic life, 280; advocates the adoration of martyrs, 284, note 10; converts the Anglo-Saxons, 355, 361.
- Augustin-eremites*, ii. 291.
- Augustinus*, see Triumphus.
- Aurelian*, i. 117, 130, note 11.
- Avari*, Avars, ii. 29.
- Averrhoes*, ii. 322.
- Avicenna*, ii. 321.
- Avignon*, papal residence, ii. 1 seq.
- B.
- Baanes*, ii. 8.
- Baffometus*, iii. 6, note 8.
- Bagnolenses*, ii. 397, note 15.
- Bajessid*, Sultan, iii. 236.
- Baldwin*, bishop of Paderborn, iii. 116, note 5; archb. of Trier, 9, note 16; 25, note 34; 29, note 6.
- Balthasar*, see Cossa.
- Balue*, Jean, iii. 229, note 45.
- Ban*, papal, disregarded, iii. 125, note 16. See Interdict.
- Bandelus*, Vincent, iii. 315, note 14.
- Baptism*, the rite, i. 105; amongst the Manichæans, 133; first traces of the baptism of infants, 105; becomes common, 159, note 3; of heretics, 165; in the second Period, 294.
- Baptista*, Mantuanus, iii. 279, note 7; 284, note 14.
- Barbatian*, a monk, i. 310.
- Bar-Cochba*, i. 72, 81.
- Bardesanes*, Gnostic, i. 88.
- Bari*, synod of, ii. 411.
- Barlaam*, a Greek abbot, iii. 152, note 2; 155.
- Barletta*, Gabriel, iii. 320.
- Barnabus*, St. Paul's companion, i. 49; epistle of, 67.
- Barrella*, Peter de, iii. 59, note 6.
- Barsumas*, bishop of Nisibis, i. 236.
- Bartholemaus de St. Concordia*, iii. 111. See Pisis.
- Bartholemei*, Jo. iii. 277, note 2.
- Bartholemeu*, Apostle, i. 47, 54.
- Bartolus de Saxoferrato*, iii. 13, note 9;
- Basil*, bishop of Ancyra, i. 198; the Great, 200, note 7; 208; favors Monachism, 272; his monastic rules, 274, note 16; the Macedonian, ii. 140, 148; leader of the Bogomiles, 415.
- Basilides*, Gnostic, i. 84; Spanish bishop, 156, note 11.
- Basiliscus*, emperor, i. 318.
- Battle of Muhldorf*, iii. 11.
- Baurus*, Bavarus, iii. 33, note 22.
- Bavaria* converted, i. 381.
- Bec*, convent school at, ii. 102.
- Becket*, Thomas, archb. of Canterbury, ii. 192.
- Beda*, Venerabilis, i. 380
- Beghards*, ii. 306, 403, note 25; iii. 92, 98 seq; 128, 133, 300, 306; in Bohemia, 360.
- Beguines*, ii. 395; iii. 93, note 3; 98 seq.
- Bellarmino*, iii. 184, note 1.
- Benedict of Nursia*, i. 346; abbot of Aniane, ii. 24; Levita, 67; his Capitularies, 23, note 10; 67, note 6; Popes, I. i. 336; II. 374; III. ii. 13; IV. 78; V. 80; VI. and VII. 80, note 16; VIII. and IX. 83; XI. 250; St. Benedict, 126; XII. iii. 27 seq.; 51; XIII. 58, 60, note 11; 62, 67, 162, note 4; 165, 176; XIV. *ibid.* note 12.
- Benedictines*, in the 12th century, ii. 218; chapter convened, A. D. 1417, iii. 286.
- Benefices*, often bestowed by the kings on their courtiers, ii. 93.
- Beregaricus*, of Friuli, ii. 77; Scholasticus at Tours, 102.
- Bernardinus de Bustis*, iii. 314, note

- 11; 315, note 14; Senensis, 293, note 18.
- Bernhard*, abbot of Clairvaux, ii. 183, 185, 186, 283, 314, 343; of Saisset, bishop of Pamiers, 242; abbot of Fontcaude, 381; a Dominican supposed to have poisoned king Henry VIII. of Germany at the communion-table, iii. 9, note 16.
- Berno*, abbot of Clugny, ii. 121.
- Berthold* of Calabria, founder of the Carmelite order, ii. 281; a Franciscan, distinguished for his success as a preacher in Ratisbonne in the 12th century, 348.
- Bertrand* d' Agoust (Clement V.) ii. 251; Peter, iii. 77, note 7.
- Beryllus* of Bostra, i. 129.
- Besançon*, dioc. of, ii. 189.
- Bessarion*, Cardinal, iii. 218.
- Bianchi*, iii. 134.
- Bible*, see N. T.; Latin translations of, i. 93, note 4; prohibited, ii. 302; translations of, iii. 143, (Wicliffe's) 149, 321.
- Biel*, Gabriel, iii. 308, 320.
- Billius*, Andr. iii. 186, note 4.
- Birgitta*, St., iii. 43, note 16; 97, 115; order of, 97.
- Bishops*, at first the same with presbyters, i. 56; first traces of a distinction between them, 65; increased dignity of, 151, 152 seq.; from the time of Constantine, 242, 246; under Justinian, 334; their position in the German church, 355; in the Gallican, 376; in the Spanish, 377; country bishops, 152, 246; mostly nominated by the kings, ii. 22; relations to their clergy, 97; to the secular power, 91; to the Pope, 94; election confirmed by the Pope, 255; even nominated by him, 259, note 9; considered only his vicars, 253; power of, in third Period, iii. 76 seq.; 276; abuse of the liberty to receive inheritances, i. 245. See Metropolitans, Patriarchs, Rome.
- Bizochi*, or Beguini, iii. 92, note 3.
- Blastus*, i. 126, note 12.
- Blondus*, Flav. iii. 31-4, note 12.
- Bobium*, convent of, i. 362.
- Boethius*, a follower of Aristotle, i. 331.
- Bogomiles*, ii. 415.
- Bogoris*, king of Bulgaria, ii. 138.
- Bohemia* converted, ii. 132; attempts at reform, iii. 135.
- Boleslaus* III., ii. 405; the Good, 132.
- Bonacursus*, ii. 375.
- Bonagrata*, de Bergamo, iii. 24, note 28; 94, note 9.
- Bonaventura*, ii. 294, 324.
- Boniface* I., bishop of Rome, i. 267; IV. 363, note 12; (Winfried) converts Germany, ii. 10; brings the Gallican church into connexion with Rome, 14; VIII. Pope, 237, 305, 357; iii. 5, 88, note 3; IX. 58, 60, 64 seq.
- Bonosus*, bishop of Sardica, i. 287.
- Borgia*, Caesar, iii. 239 seq.; Giuffredi, 238, note 19; John, note 18; Roderic, note 17.
- Borzincoi*, duke of Moravia, ii. 132.
- Boutzbach*, Jo., iii. 290, note 11; 406, note 24.
- Bradwardine*, Thom., iii. 107.
- Brandenburg*, bishopric of, ii. 134; mark of, founded, 406.
- Brandt*, Sebastian, iii. 279, note 7.
- Breitenbach*, Jo. v., iii. 328, note 23.
- Brethren* of the Free Spirit, ii. 403; of the law of Christ, (Brethren, United brethren.) iii. 374.
- Breviscora*, Jo., iii. 259, note 6.
- Britain*, Christianized, i. 123, 313; church of, 361, 379.
- Brixen*, Synod of, ii. 167.
- Bruno*, archbishop of Cologne, ii. 91, 280; bishop of Angus, friendly to Berengar, 105; abbot of Clugny, 121.
- Bryczyna*, iii. 355, note 4.
- Bulla Sabbathina*, iii. 299, note 11.
- Bullarium Romanum*, i. 9, note 5.
- Bulgarians*, partially Christianized, ii. 149. See Albigenses.
- Burchardus*, Jo., iii. 229.
- Burgundy*, i. 312, 354.
- Buridan*, Jo., iii. 106, note 6.
- Bursfeld*, congregation of, iii. 291, note 13; 292.
- Busch*, Jo., iii. 280, note 8; 286, note 4; 291, note 12.

## C.

- Cacilianus*, bishop of Carthage, i. 168.
- Celestius*, a friend of Pelagius, i. 218.
- Cæsarius*, bishop of Arles, i. 344, note 35.
- Caietan*, Thomas de Vio, iii. 257.
- Caius*, i. 125, 128, note 5; a work of Hippolytus against him, 146, note 8.
- Calbe*, Jo., iii. 313, note 8.
- Caleca*, see Manuel.
- Calixtines*, iii. 360, 365 seq.
- Calixtus* II., ii. 180; iii. 191, note 21.
- Camaldolensians*, order of, founded by Romnaldus, ii. 122.
- Cambalu* (Pekin), a Christian society there, 1307, ii. 409.
- Canon* of the N. T., i. 98; views of the Manichæans concerning, 133.
- Canonesses*, ii. 306.
- Canonica vita*, introduced, ii. 24; discontinued, 97; from the 11th century, 274.

- Canonization*, right of, claimed by the popes, ii. 258.
- Cantacuzenus*, emperor, iii. 155, note 1.
- Cauterbury*, archbishopric of, i. 361.
- Canute*, the Great, ii. 128; last king of the Wends, 406.
- Capistrano* Jo. de, iii. 210, note 11; 293, note 18; 369, note 4.
- Caracalla*, i. 115.
- Cardinal*, meaning of the title, ii. 89, note 10.
- Carlman*, ii. 14.
- Carolingian* dynasty, diffusion of Christianity under, ii. 28 seq.; efforts for the instruction of the people, 33.
- Carmelites*, founded 1098, ii. 281, 295; iii. 294, note 19.
- Carolini libri*, ii. 35.
- Carpocrates*, i. 87.
- Carthage*, chief seat of Christianity in Africa, i. 73; power of the bishops, 153, note 3; synod of, held to try Celestius, 219.
- Carthusians*, ii. 280; iii. 286, note 1.
- Carajal*, iii. 267, note 18; John de, 207, note 3.
- Casas*, Barthol. de las, iii. 411.
- Cassianus*, John, a pupil of Chrysostom, i. 226, 231, note 10; 236, note 21; 278.
- Cassiodorus*, i. 331, 347.
- Castor* Agrippa, i. 96.
- Castrich*, Ludolph, iii. 332, note 30.
- Casuistry*, ii. 328; iii. 110.
- Catacombs*, i. 169.
- Catechetical* school at Alexandria, i. 131.
- Catechumens*, i. 159.
- Catenists*, i. 330.
- Cathari*, in 12th century, ii. 368; in 13th century, see Albigenses, divisions amongst them, 398.
- Catharine*, St., of Sweden, iii. 59, note 5; of Siena, 43, note 16; 59, note 5.
- Catholic*, see Church.
- Cecilianus*, see Cæcilianus.
- Cele*, John, iii. 303, note 6.
- Celestinus*, bishop of Rome, i. 231; II. ii. 182; III. 195, 268, note 16; IV. 220, 305; V. 232.
- Celestius*, see Cælestius.
- Celibacy*, held in high esteem in first Period, i. 106; in second Period prescribed by law for the clergy, 279; not in the British church, 361; Greek church, 371; of the clergy in the 11th century, ii. 112, 160 seq.; in 12th and 13th centuries, 275.
- Celsus*, opposer of Christianity, i. 77.
- Cerdo*, i. 89.
- Cerinthus*, i. 70.
- Chalcedon*, council of, i. 240; determines the rank of the bishops of Constantinople, 253; its decrees revived, 336, note 1; Pope's legate presided, 260; Leo protests against its decrees, 269.
- Chalons*, synod of, ii. 123, note 4; meeting there between Henry V.'s ambassadors and Pope Paschal II., 176.
- Chapters*, controversy concerning the three, i. 324; cathedral, ii. 272.
- Charles* Martel, i. 377.
- Charta*, Magna, ii. 208.
- Chartier*, Alain, iii. 283, note 14.
- Chazari*, ii. 149.
- Chelidonius*, bishop of Vesontio, i. 266.
- Chiliasm*, in the ep. of Barnabas, i. 67, note 1; in that of Papias, 68, note 8; in 2d century, 100; opposed by Origen, 141; put down by Dionysius in the East, 142; retained in the West, 149.
- China*, Nestorians there, i. 353; Christian church there, iii. 151.
- Chonoe*, see Connovius.
- Chorasmius*, ii. 225.
- Chozil*, a Moravian prince, ii. 130.
- Christ*, see Jesus and Logos; opinions of the philosophers concerning him, i. 113; of Manes, 131; his return expected, 189, note 6.
- Christianity*, spread of, ii. 28; in the north of Europe, 127; in the East, 149;—continued, 407, 408; iii. 150 seq.; 410.
- Christians*, the name, i. 56, note 2; claimed by the clergy exclusively, 102, note 2; their customs at first, 59; passed at first for a Jewish sect, 55, 62; hated by the people as atheists, 77; forced to withdraw from society, 74; Milites Christi, 105; misunderstanding of this expression, 117, note 15; ridiculed, 181; swayed by external motives, 182.
- Christmas*, i. 291.
- Chrodegang*, bishop of Metz, ii. 24.
- Chrysoloras*, Emanuel, iii. 393.
- Chrysostom*, i. 211; takes part with the followers of Origen, 214; canonized, 230, note 6; on the Lord's Supper, 294, note 9.
- Church*, explanation of the word, i. 1; what in the earliest time, 103, 167; pictures common in the churches, 350; called *basilicæ*, 291; magnificent churches built by Justinian, 351; Catholic church, idea of, 97, 151; unity of, 153, note 6; importance of reception into, 173; alone to be tolerated, 247; influence of, on the people, 301.
- *advocates*, i. 27.
- *assemblies*, see Synods.

- Church discipline*, of the Montanists, i. 90, 106; in the Western church, 108, 152, note 1; in the church of Rome, 125; towards the end of first Period, 159; in third Period, ii. 362.
- *fathers*, collections of, i. 9, note 3.
- *history*, object and duty of, i. 2; importance of, 12.
- *laws*, digests of, 333.
- *officers*, advocates, i. 27, 157.
- , oppressions in, iii. 48, 61.
- *penance*, i. 107, 161; in Africa, 162; degrees therein, 160. See *Penance*.
- *yards*, i. 168.
- Churches*, national, their relation to the state, ii. 266; internal relations, 272.
- Cibossa*, ii. 8, note 3.
- Circumcelliones*, i. 217.
- Cîteaux*, convent and order of (Cistercium, ordo Cisterciensis), ii. 281; mode of government made a model for other orders, 286.
- Clara*, St., order of, ii. 289.
- Clarendon*, council of, ii. 193.
- Clarenes*, congregation of the, iii. 95, note 14.
- Claudius*, his alleged persecution of the Christians, i. 56.
- Clement*, Fabius, a martyr, i. 63, note 3; of Rome, i. 67; Alexandrinus, 135; V. Pope, iii. 2 seq., 44, 48, 88, note 3; 92, note 1; VI. 32 seq., 52 seq.; VIII. 176, note 12.
- Clementines*, iii. 44.
- Clergy*, morals of, in third Period, iii. 81 seq.; 277, seq.; restrictions on, in third Period, 274.
- Clericis laicos*, bull distinguished by that title, ii. 233.
- Clermont*, Synod of, ii. 171.
- Clinici*, what, i. 159.
- Clovis*, i. 354.
- Clugny*, convent of, ii. 121; exemption of, 123; order of (Cluniacensians) 281.
- Cobades*, a Persian king, i. 87.
- Cobham*, Lord, iii. 149, note 19.
- Coclicolæ*, i. 183.
- Collegia*, illicita, i. 20; the Christian societies at, first regarded as coll. licita, 55; not afterwards, 78; forbidden anew by Sept. Severus, 114, note 3.
- Colombino*, John, iii. 97.
- Colonnæ*, iii. 186, note 4.
- Columban*, successful in converting the Picts, i. 361.
- Commentaries*, biblical, in 14th century, iii. 114.
- Commodianus*, i. 148.
- Commodus*, i. 80.
- Communion*, of children no longer permitted, ii. 332.
- Concordat* of Asechaffenburg, iii. 207; Concordats at Constance, 179; with France, 250. See *Worms*.
- Concordata* Principum Francofordensia, iii. 203, note 50.
- Concorezenses*, ii. 398, note 17.
- Concubinarii*, iii. 83, 279.
- Conecte*, Thomas, iii. 376.
- Confession*, private, allowed, i. 306; ii. 62, 349.
- Confessors*, i. 108; not always men of spotless lives, 173.
- Congregatio*, Cluniacensis, ii. 121; Hirsaugiensis, ii. 122.
- Congregations*, of convents, iii. 292, 294, note.
- Connorius* (de Conway), a Franciscan monk in Oxford, iii. 46, note 2.
- Conrad*, duke of Masovia, ii. 407; of Marburg, inquisitor, 359.
- Conradin*, the last of the Hohenstaufen, put to death, 1268, ii. 232.
- Constance*, of Sicily, ii. 196, 202.
- Constans*, emperor, i. 180; ii. 368.
- Constantine*, the Great, i. 118 seq.; mild treatment of the Novatians, 164, note 10; appealed to in the Donatian schism, 167; his measures against paganism, 179; *επιτομοτορ τῶν εἰδωλῶν*, 250, note 16; the II., 180; Pogonatus, 368; Pope, 375; investiture, iii. 261.
- Constantinus*, Copronymus, ii. 3; Monomachus, 144; Porphyrogenitus, 149; Paulician, 8; a monk of Monte Cassino, 100; see Cyril.
- Constantinople*, i. 179; general council of, 205; rank of the bishop of, 252, 336; as fixed by the council, quinesextum, 370; fifth œcumen. council of, 325; sixth, 368; other councils, ii. 3, 140, 141; synod of, 411; taken possession of by the Crusaders, 209; other synods there, iii. 156; fall of, 208.
- Constantinus*, Chlorus, i. 116; emperor, 180.
- Convents*, origin of, i. 270; first union of, 347; earliest instances of exemption from the jurisdiction of the bishop of the diocese, 348; Irish distinguished for discipline and learning, 361; first founded in Germany by Boniface, ii. 11; decline of, in tenth century, 120; independence of, 123; see *Monachism*; corruption of, iii. 286 seq.
- Conversions*, iii. 150, 410.
- Copiatæ*, officers of the church in second Period, i. 245.
- Copts*, Christianity among them, iii. 160, note 4.
- Corbinian*, i. 381.
- Corduba*, synod of, ii. 55.

- Cornelius*, bishop of Rome, ii. 163.  
*Correspondence*, of the churches facilitated by the appointment of metropolitans, i. 153.  
*Corsellis*, Thomas de, iii. 261, note II.  
*Cortesius*, Paul, iii. 397.  
*Cosmas*, Indicopleustes, i. 331.  
*Cossa*, Balthasar, iii. 121, note 8.  
*Councils*, see Synods.  
*Courlanders*, baptized, ii. 407.  
*Courtney*, archbishop of Canterbury, iii. 144.  
*Courts*, ecclesiastical and lay, collision between them, iii. 75 seq.; the ecclesiastical courts restricted, 274 seq.  
*Cramaud*, Simon, patriarch of Alexandria, iii. 69, note 11.  
*Cremona*, diet of, ii. 211.  
*Cresceus*, an opposer of Christianity, i. 77.  
*Cross*, an object of adoration, i. 289; Festum exaltationis, 364; brethren of (Cruciferi) iii. 132, note 3.  
*Cruciferi*, see Flagellants.  
*Crusades*, first, ii. 171; second, 185; third, 198; fourth, 209; fifth, 212; sixth, 225; proposed by the emperor Frederick III., iii. 209.  
*Cubicus*, Manes, i. 131.  
*Cugneris*, Peter de, iii. 77, note 7.  
*Cup*, withheld from the laity, ii. 332.  
*Cusanus*, see Nicholas.  
*Cynics*, without influence, i. 26.  
*Cynus*, papal jurist, iii. 13, note 9.  
*Cyprian*, martyr, i. 117, note 13; church father, 148; de unitate ecclesie, 151, note 1.  
*Cyril*, of Jerusalem, i. 209; of Alexandria, 230; controversy with Orestes, 244, note 6; or Constantine, converts the Bulgarians, ii. 149; the Slavonians, 129.  
*Cyrus*, Monotheletic, bishop, i. 366.
- D.
- Dæmons*, of the New-Platonists, i. 112.  
*Damasus*, bishop of Rome, i. 255.  
*Damian*, patriarch of Alexandria, i. 321.  
*Dancers*, iii. 134.  
*Dandolo*, Henry, Doge of Venice, ii. 209.  
*Daniel*, a Stylite, i. 345.  
*Dante*, Alighieri, iii. 11, note 4.  
*David*, of Dinant, iii. 322.  
*Deacons* and Deaconesses, i. 58.  
*Decius*, i. 115.  
*Decretals*, i. 258; first forgeries of, 339; Isidore's collection of, 333; Pseudo-isidorian, ii. 65; Gregorii, P. IX., 252; collections of, iii. 44.  
*Demetrius*, bishop of Alexandria, i. 135; Cydonius, iii. 155, note 8.  
*Demiurgus*, i. 85.  
*Desiderius*, king of the Lombards, ii. 16; abbot of Cassino, 83, note 27.  
*Deventer*, school at, iii. 101, note 6; 303, note 6.  
*Dialectics*, applied to the study of theology, ii. 102; in the controversy between Berengarius and Lanfranc, 107 seq.  
*Dianius*, Semiarian, i. 200, note 7.  
*Didymus*, head of the catechetical school at Alexandria, i. 208, 211.  
*Diego*, bishop of Osma, ii. 383.  
*Diether*, of Mayence, iii. 220, 222.  
*Dioceses*, division of the, ii. 24; internal relations of, 272.  
*Diocletian*, i. 117; his edict against the Manichæans, 133, note 12.  
*Diodorus*, of Tarsus, i. 210, 228; a monk of Antioch, 293, note 3.  
*Diognetian*, epistle to, i. 95.  
*Dionysius*, of Corinth, i. 93; bishop of Alexandria, 129, 135, 142, 166; Exiguus, 333; the Areopagite, ii. 60; Bar. Salibi, bishop of Amida, 418; Carthusianus, iii. 259, 279, note 7.  
*Dioscurus*, bishop of Alexandria, i. 238.  
*Diospolis*, synod of, i. 220.  
*Diptycha*, i. 169, note 12.  
*Dispensation*, universal right of, claimed by the popes in 12th century, ii. 258.  
*Divorce*, freedom of, amongst the German nations continues after their conversion to Christianity, i. 360.  
*Doceta*, i. 69; their doctrine adopted by the Gnostics, 85; by the Manichæans, 132; in the Alexandrian theology, 141, note 16; 145, note 12.  
*Dominicans*, their influence at the university of Paris, ii. 294; appointed perpetual inquisitors, 388; iii. 91. See Thomists.  
*Dominicus*, ii. 290; a Cistercensian monk, 384.  
*Domitian*, emperor, i. 63; bishop of Ancyra, 324, note 9.  
*Domitilla*, suffered banishment, i. 63, note 3.  
*Domnus*, i. 130.  
*Donatio*, Constantini, ii. 69; spurious donation of Lewis the Good, 17, note 14; of Henry, 83, note 25; of Otho, 79, note 12.  
*Donatus*, Donatists, i. 166; after fate, 217.  
*Dorpat*, bishopric established there in 16th century, ii. 407.  
*Dositheus*, i. 34.  
*Dress*, peculiar, assumed by the clergy in second Period, i. 293.  
*Dschem*, iii. 236, 239.

- Dungal*, ii. 38.  
*Duns Scotus*, ii. 325.  
*Dunstan*, archbishop of Canterbury, ii. 112.  
*Durand*, de Osca, ii. 398; of St. Pourcau, iii. 104.
- E.
- Easter*, how reckoned, i. 292; in the British church, 362 seq.  
*Eberhard*, Betumensis, ii. 381.  
*Ebionites*, i. 62; unite with the Elkesaites, 81.  
*Ebrardus*, Flandrensis, ii. 373.  
*Ecthesis*, i. 367.  
*Edelinus*, William, iii. 338, note 16.  
*Edessa*, theological school at, i. 236.  
*Edmund*, English prince, ii. 224, 229.  
*Edward I.*, of England, ii. 237, 242; iii. 3, note; III. 29, 52, 141.  
*Egbert*, i. 380.  
*Egypt*, Christians in, iii. 160.  
*Elagabalus*, i. 115.  
*Elders*, i. 56; not teachers, 58, note 5; 152.  
*Electors*, (Churfursten,) their complaint against Pius II., iii. 218; convention of, see Frankfort.  
*Elijah*, the model of the monks, i. 292.  
*Eligius*, bi-shop of Noyon, i. 358, note 1.  
*Elkesaites*, i. 62.  
*Emanuel*, kings of Portugal, iii. 410; note 2.  
*Emmeram*, i. 381.  
*Emperors*, worshipped as gods, i. 23; share in the prevailing superstition, 111; subject to the supervision of the church, 244; despotic, 247; highest ecclesiastical authority, 249; influence with the clergy, 301; give law to the church, 335; universal monarchy of, iii. 13, note 4.  
*Encyclica*, of Photius, ii. 139, 142.  
*Encyclion*, i. 318.  
*England*, i. 123, 379.  
*Ennodius*, bi-shop of Ticinum, i. 339.  
*Enzius*, ii. 215.  
*Ephesus*, robber synod at, i. 239.  
*Ephraim*, the Syrian, i. 210.  
*Epicurus*, i. 17, note 5; his philosophy, 21, 25.  
*Epiphanes*, son of Carpocrates, i. 87.  
*Epiphany*, celebrated by the followers of Basilides, i. 85; by the church, 168, 291.  
*Epistolæ*, obscur. viror. iii. 408.  
*Eras*, various, i. 7, note 7.  
*Erasmus*, Desid., iii. 309 seq.  
*Eremites*, i. 172; of St. Francis, iii. 306; by the church, 168, 291; of St. Jerome, 97.  
*Erfurth*, synod of, ii. 161.  
*Erich IX.*, king of Sweden, ii. 407.  
*Ermengarde*, against the Cathari, ii. 373.  
*Essenes*, see Jews.  
*Este*, house of, in Ferrara, iii. 233.  
*Esthoniens*, converted, ii. 407.  
*Ethiopia*, Christianized, i. 312; Monophysite, i. 327; Ethiopian church, iii. 160.  
*Eucharistus*, bishop of Triers, ii. 126, note 9.  
*Euchites*, i. 182, 275.  
*Eudo*, de Stella, ii. 365.  
*Eugenius II.* Pope, ii. 18, note 8; III. 182, 185; iii. 184 seq., 295, note; 305.  
*Eulogius*, ii. 55, note 5.  
*Eunomius*, of Cappadocia, i. 198; opposes the worship of martyrs, 308, note 1.  
*Eusebius*, of Casarea, his ecclesiastical history, i. 13; his defence of Origen, 144, 207; of Nicomedia, 195; his party, 196; of Emesa, 209; of Vercellæ, 289.  
*Euphemites*, see Euchites.  
*Eustathius*, bi-shop of Antioch, i. 195; bishop of Sebaste, 203, note 19; 271; forbids wedlock, 275.  
*Euthymius*, Zigabenus, ii. 418.  
*Eutyches*, and Eutychian controversy, i. 237.  
*Eutychius*, bi-shop of Constantinople, i. 327; patriarch of Alexandria, ii. 149.  
*Evangelica*, infantia Jesu, i. 39, note 1; Nicodemi, 44; evangelists, 59.  
*Evangelium*, æternum, ii. 301.  
*Eragrius*, scholasticus, i. 330.  
*Everria*, provost of Steinfeld, ii. 368.  
*Ewald*, i. 381.  
*Evarchs*, i. 253.  
*Exaltationis*, festum, i. 364.  
*Excommunication*, i. 160, 161; in the German church, 357; iii. 125; see Anathema.  
*Exemption*, of the clergy, i. 121, 242; ii. 27; iii. 80; of the convents, i. 348; ii. 123.  
*Exorcism*, i. 105, 159.  
*Exoucontioi*, i. 198.  
*Extravagantes*, iii. 44.
- F.
- Faber*, Jac., iii. 409.  
*Fabius*, bi-shop of Antioch, i. 164, note 6.  
*Facundus*, bi-shop of Hermiane, i. 326; on the Lord's Supper, 352, note.  
*Falckenberg*, Jo. de, iii. 113, 191.  
*Fasts*, left to choice, i. 161, 170; amongst the Montanists, 90; on established days, 106, 170; prescribed, 291; supposed efficacy, 296.

- Fathers*, see Apostolic.
- Faustus*, bishop of Reii, i. 328.
- Fees* of consecration demanded of the clergy by the Popes, iii. 54.
- Felicissimus*, i. 163.
- Felix*, bishop of Aptunga, i. 167; 11. Pope, 319; V. iii. 200 seq.; 208.
- Ferdinand*, of Naples, iii. 229 seq.; of Spain, 410.
- Ferrandus*, Ferrand, i. 326.
- Festivals*, in first Period, i. 168; of second Period, 291; multiplied, 354; of the triumph of the worship of pictures, ii. 6; still farther multiplied, 58, 127, 346. See Mary, new festivals, iii. 115, 118.
- Festum corporis Christi*, ii. 338.
- Ficinus*, Mar., iii. 394, note 4.
- Filioque*, controversy concerning, ii. 41, 139, note; 344, note.
- Fins*, ii. 407.
- Firmilian*, a friend of Origen, i. 136, 165.
- Flagellants*, iii. 131 seq., 340; ii. 360.
- Flagellation*, ii. 117.
- Flavian*, bi-shop of Constantinople, i. 238; a monk, said to have introduced singing in responses, 293, note.
- Florentius*, iii. 101, note.
- Florinus*, i. 126, note 12.
- Fontevraud*, order of, ii. 280.
- Fools-feast*, ii. 346.
- Formosus*, Pope, ii. 77.
- Fortunatus*, i. 163.
- Francis*, St., ii. 288; of Paula, iii. 306; I. king of France, 250.
- Franciscans*, at the university of Paris, ii. 294 seq.; internal history of, 297 seq.; iii. 91, 293.
- Frankfurt*, synod of, ii. 36; died at, in third Period, iii. 29; convention of the electors at, 202, 211, note 14.
- Franks*, converted, i. 354; state of their church, 376.
- Fratres*, (observantes) iii. 92 seq.; Vitæ Communis, 100; assailed by Grabo, 300 seq.; their schools, 303; collations, 303.
- Fratricelli*, iii. 92.
- Frederic I.* (Barbarossa) ii. 187, 188, 190, 191, 198; 11. 205; king of Sicily, 247; III. iii. 202, 209, 211; Von Landskron, 282, note 14; of Austria, 10.
- Friesland*, converted, i. 381.
- Fronto*, opposes Christianity, i. 77.
- Fruventius*, introduced Christianity into Ethiopia in second Period, i. 312.
- Fulco*, a distinguished preacher in 13th century, ii. 348.
- Fulgentius*, bishop of Raspe, i. 329; concerning the sacrament, 352, note.
- G.
- Galerius*, i. 117.
- Gallienus*, i. 117.
- Gallio's* treatment of Paul, i. 51.
- Gallus*, emperor, i. 117.
- Gambacorti*, Petr., iii. 98, note 3.
- Gaston*, ii. 281.
- Gaul*, i. 123.
- Gegnadius*, a Paulician, ii. 8.
- Geiler*, see Kaisersberg.
- Geisa*, ii. 135.
- Gelasius*, Pope, maintains the supremacy of the papal see, i. 338, note; acknowledges the authority of the synods, 340, note; Cyzicenus, 194, note; II. Pope, ii. 180.
- Gennadius*, presbyter at Massilia, i. 328, 653.
- Gentiliacum*, synod of, ii. 35.
- George*, Von Podiebrad, iii. 220, note 29; 308 seq.
- Gerbert*, archbishop of Rheims, ii. 81 seq.
- Gerom*, martyr, i. 116, note.
- Germano*, St., treaty of, ii. 211.
- Germany*, first traces of Christianity there, i. 123; conversion of, 354, 381; hierarchy, 355; conversion by Boniface, ii. 9; first council, 11; first convents, 11; reformation of, 122.
- Germanus*, patriarch of Constantinople, ii. 2, 4, 12.
- Gerlach*, of Nassau, iii. 36.
- Gerson*, John, iii. 108 seq.; 162 seq.; 282, 321, note.
- Ghibelines*, see Hohenstaufen.
- Ghost*, Holy, created by the Son, i. 140; controversies concerning, 203.
- Glaucias*, i. 85, note 4.
- Glossa*, ordinaria, ii. 32, note 10; inter-linearis, 329.
- Gnosis*, of the church, i. 137 seq.; confounded with *πιστις*, 191.
- Gnostics*, i. 82 seq.
- Goch*, De, iii. 386.
- Gorello*, John de, iii. 89, note.
- Gospel*, harmonies, German, in ninth century, i. 34.
- Goths*, Christianity introduced amongst them, i. 123, 312.
- Gottschalk*, controversies of, ii. 50, 134.
- Government* of the churches, i. 56, 156 seq.
- Grabo*, Matthew, iii. 300.
- Grace*, controversy concerning, see Pelagius and Semipelagianism.
- Grammont*, order of, ii. 280.
- Grassis*, Paris de, iii. 244.
- Gratian*, emperor, i. 186; favors the bishop of Rome, 257; iii. 254.
- Greek*, language universally spoken, i.

- 16; almost exclusively the language of the church, 93; church, ii. 6, 136; internal relations, 118; in twelfth century, 110; in thirteenth, iii. 152.
- Greenland*, converted, ii. 128.
- Gregory*, see Nicephorus.
- Gregory*, Thaumaturgus, i. 143; illuminator, 311; of Nazianzum, 204; on infant baptism, 294; of Nyssa, 204 seq.; the Great, despises the liberalists, 232; his submission to the emperor, 335, note 2; his letter to Eulogius, 339, note 18; protects the convents, 349; his influence on public worship, 350; his library, 351; Popes, II. ii. 10; III. 11; IV. 13, note 1; 18; V. 83; VI. 84; VII. 91, 157 seq.; VIII. 197; IX. 241, 252, 388; X. 233; XI. iii. 39 seq.; XII. 162; Abulpharagius, ii. 418; of Heimburg, iii. 203, note; 219 seq.; Palamas, 154.
- Grimoald*, king of the Ostrogoths, i. 376.
- Groot*, Gerhard, iii. 100 seq.
- Guelfs*, ii. 182.
- Guibert*, ii. 167.
- Guy*, duke of Spoleto, ii. 77; archbishop of Milan, 97, note 10; Berne, iii. 2, note.
- Gulielmus*, archbishop of Vienne, 180; Peraldus, ii. 325; de Sancto Amore, 294.
- Gunthar*, archbishop of Cologne, ii. 71; of Schwarzburg, iii. 38.
- H.
- Hadrian*, his persecution of the Jews, i. 72; of the Christians, 78; abbot, 380; Popes I. ii. 16; II. 73; IV. 138; V. 232.
- Hager*, Francis, iii. 136, note 2.
- Hall*, sect there in thirteenth century, ii. 402.
- Hanno*, ii. 90.
- Hangenor*, Ulrich, iii. 15, note.
- Harold*, Klak, a Jutland prince, ii. 29.
- Hatto*, archbishop of Mayence, ii. 95, note.
- Havelberg*, bishopric of, ii. 134.
- Hegius*, Alexander, iii. 303, note 6.
- Helvidius*, i. 287.
- Hemmerlin*, Felix, iii. 271, note.
- Henry*, I. king of Germany, ii. 127 seq.; III. emperor, 84; IV. 163 seq.; V. 176; II. of England, difficulties with Becket, 192; abbot of Clairvaux and legate, 373; Dandolo, 209; Raspe, 222; founder of the Henricians, 366; VII. emperor of Germany, iii. 5, note 5, 8; archbishop of Canterbury, 183, note 28; Suso, 109; of Virneburg, 29; Ostiensis, 14, note; Wintoniensis, 183, note.
- Henotikon*, i. 319.
- Heractus*, i. 131.
- Heraclius*, i. 331, 361.
- Heresy*, definition of, i. 2, note 3; Origen's abhorrence of, 173; treatment of, 303.
- Heretics*, baptism of, i. 165; iii. 127, 340.
- Herman*, ii. 169.
- Jannensis, iii. 14, note.
- Hermas*, shepherd of, spurious work, i. 99.
- Hermias*, i. 95.
- Herod*, Agrippa, i. 50.
- Hesycheus*, i. 146.
- Hexenhammer*, iii. 338.
- Hierarchy*, i. 152, 242; dependent on the state, 247, 255; under Justinian, 334; in the German church, 354.
- Hierax*, a follower of Origen, i. 144.
- Hierocles*, against Christianity, i. 114.
- Hilarion*, i. 271.
- Hilarius*, bishop of Pietarium, i. 198, 208; Antepelagian, 227; bishop of Arelate, 266.
- Hildebrand*, see Gregory VII.
- Hildebert*, of Sevardino, ii. 312.
- Hiltten*, John, iii. 392, note.
- Hincmar*, archbishop of Rheims, ii. 51.
- Hippolytus*, i. 146; Monophysites, 353.
- Hocsemius*, John, iii. 99, note 3.
- Holstenius*, Lucas, iii. 185, note.
- Hoogstraten*, James, iii. 407.
- Hohenstaufen*, ii. 182.
- Homerites*, i. 30.
- Homoniastoi*, i. 198.
- Honorius*, i. 221; Pope, 367; II. anti-pope, ii. 90, 182; III. 210; IV. 232.
- Hospitallers*, knights of St. John, ii. 308; iii. 6, note 7.
- Hugh* Capet, ii. 80; de Payens, 307; of St. Victor, 319.
- Humanists*, iii. 406 seq.
- Humbert*, ii. 107, note.
- Huneric*, king of the Vandals, Arian, i. 313.
- Hungary*, converted, ii. 135.
- Hunyades*, John, iii. 212, note.
- Huss*, John, iii. 313, note; 341 seq.
- Hussites*, iii. 355 seq.
- Hutten*, see Ulrich.
- Hymenæus*, i. 61.
- Hypatia*, i. 189.
- Hyssitarii*, i. 183.
- Hyrcanus*, i. 26.
- Hystaspes*, books of, i. 99.
- I.
- Ibas*, bishop of Edessa, i. 237, 238, note 4; 321.
- Iceland*, converted, ii. 128.
- Idacius*, i. 216.
- Ignatius*, martyr, i. 64; his letters, 68.



- Illyria*, East, added to the Patriarchate of Rome, i. 264.
- Incense*, used in churches, i. 293.
- Indulgences*, origin of, in 11th century, ii. 116 seq., 356 seq.; iii. 117 seq., 322 seq.
- Infessura*, Steph., iii. 229.
- Innocent*, bishop of Rome, allows pagan sacrifices, i. 190, note 8; condemns the Pelagians, 220; II. ii. 182; III. 220 seq.; IV. 220 seq.
- Inquisition*, ii. 388 seq.
- Institutoris*, Henry, iii. 377 note.
- Instrumentum acceptationis*, by which the reforms of the council of Basil were accepted at Mayence, 26th March, 1489, iii. 199.
- Intercession* of the bishops in criminal cases, i. 244, 249, note 10.
- Interdict*, when first used, ii. 117; how regarded from the time of Gregory VII. 362.
- Interpretation*, biblical in 9th century, ii. 32, 327; iii. 114.
- Institution* of the bishops by the kings, ii. 92; resigned by the emperors, 177.
- Ireland*, church in, i. 361.
- Irenæus*, bishop of Lyons, opposes Gnosticism, i. 96; opposed to all philosophy, 101; bishop of Tyre, 228; deposed, 238, note 4.
- Irene*, empress, ii. 114.
- Isaac Angelus*, Greek emperor, ii. 209.
- Isabella* of Spain, iii. 411.
- Isidore*, abbot of Pelusium, i. 234; Hispanensis, 330; his collection of decretals, 333.
- Ithacius*, i. 216.
- Izates*, i. 30.
- J.
- Jacobites*, i. 327; ii. 418, 419; iii. 160, 414, note 6.
- Jacobus*, see James.
- Jacobellus*, see James von Misa.
- Jaldello*, iii. 150.
- Jaldabaoth*, i. 86.
- Jamblicus*, i. 112.
- James*, the brother of Jesus, i. 47; the elder put to death at Jerusalem, 50; the younger, 53; head of the church in Jerusalem, 58, note 2; 263; Baradaï, or Zangalus, 327; James of Sicily, ii. 236; de Voragine, ii. 78; von Misa, iii. 351; of Erfurth, 381.
- Jerome*, his translations of Origen, i. 136, 213; his translation of the Bible, 214; against Pelagius, 219; of Prague, iii. 342 seq.
- Jeromites*, iii. 97, 300.
- Jerusalem*, church there the model for others, i. 56; flight of, to Pella, 61; temple rebuilt, 185; Patriarch of, 254; his claims to superior dignity, 263; taken by the Arabs, 364; by the crusaders, ii. 174; by Saladin, 198.
- Jesuates*, iii. 97.
- Jesus*, life of, i. 36; ministry, 41; supposed contempt; notices of, 43; in the Koran, 29, note; likenesses of, 45, note 4.
- Jews*, in Palestine, i. 26; sects amongst them, 27; fables concerning them, 29; out of Palestine, 30 seq.; taxed, 63; insurrections under Hadrian, 72; Constantine forbids their making converts, 122, note 31; Constantius, 181, note 15; favored by Julian, 185; their reception of Christianity, 55, seq.; Jewish Christians, 81; how regarded by the Heathen, 28, seq.; later history, 303; iii. 151, 336, 410.
- Joachim* abbot of Flore, ii. 300.
- Joanna*, of Naples, iii. 34.
- John*, the Baptist, i. 39; Johannites, 40, note; the apostle, 65; bishop of Antioch, 233; bishop of Jerusalem, 213; Scholasticus, 333; Jejunator, 333; John VIII. Pope, ii. 75, 141; IX. 77, note 1; X. XI. 78, note 6; XII. 79; XIII. 80, note 15; XIV. 80, note 6; XV. 81; XVII. XVIII. XIX. 82, note 24; XXI. 232; of England, 206; Damascenus, 7; Gualbert, 122; bishop of Izani, 143; Izimiscees, 150; Scotus, 53, 325; Prince of Bulgaria, 206; Zonaras, 411; bishop of Orleans, 39; Emperor John, V. Paleol. iii. 154; XXII. Pope, 10 seq.; XXIII. 161 seq.; see also Cossa of Bohemia, 9; Goch, iii. 386; of Hungary, 195, note 30; of Jandun, 15; major, 258, note 3; of Minden, 287, note 5; Monachus, 2, note 2; Ostiensis, 178, note 17; of Ravenna, 393; of Rupescissa, 96; Segoria, 184; de Valibus, 95, note 14; Wesel, 382, note 9; 383; Wessel, 388.
- Jonas*, bishop of Orleans; see John.
- Josephus*, his testimony concerning Jesus, i. 43; concerning John the Baptist, 40, note 3.
- Jovian*, emperor, i. 185.
- Jovinian*, a monk at Rome, i. 309.
- Jubilee*, year, instituted, ii. 357; iii. 121 seq., 323.
- Julia*, Mamm, i. 115, note 5.
- Julian*, emperor, i. 184; bishop of Eclanum, 221; bishop of Halicarnassus, 320; Cesarini; cardinal, 184, note 34; 364.
- Julin*, bishopric of, ii. 406.
- Julius*, Africanus, i. 145; bishop of Rome, 259; II. iii. 244.
- Junterburg*, Jac. iii. 272, note 31.

- Justificatio*, Augustine's doctrine, i. 224, note 25.
- Jus regaliæ*, spolii, ii. 267.
- Justinger*, Conrad, iii. 165, note.
- Justin* Martyr, i. 79; his *apologies*, 91, 96; I. emperor, 320.
- Justinian* I. emperor, abolishes Paganism, i. 314; attempts to reconcile the controversies in the church, 322 seq.; his treatment of the various patriarchs, 341.
- Justinianus* Laurentius, iii. 279, note 7.
- K.
- Kaisersberg* v. (Jo. Geiler.) iii. 279, note 7; 320.
- Kaiserswerth*, convent of, i. 382.
- Kaltenmarkter*, Jo., iii. 265, note 24; 277, note 4.
- Kempis*, Thomas à, iii. 100, note 6; 320.
- Kerling*, Walter, iii. 130, note 10.
- Kesra*, (Chosroes), II. i. 364.
- Kiew*, convent of, founded by Antony, ii. 150.
- Kilian*, an Irish monk, i. 381.
- Knyghton*, Henry de, iii. 141.
- Koran*, i. 365.
- Krafft*, Ulrich, iii. 332, note 30.
- Kramer*, Henry, inquisitor, iii. 333.
- Kranz*, Albrecht, iii. 161.
- Kuehner*, Herman, iii. 136, note 2.
- L.
- Lactantius*, i. 148.
- Ladislaus*, king of Bohemia, iii. 369; king of Naples, 166.
- Laelius*, Theod., iii. 19.
- Laillier*, John, iii. 381.
- Laity*, see clergy; instruct publicly in the church, i. 159; their interference in the affairs of the church forbidden, 336; lay abbots, ii. 22; no more known after the 10th century, 121.
- Lambert*, emperor, ii. 77.
- Lanfranc*, ii. 102.
- Lang*, Matthew, bishop of Gurk, iii. 248, note 9.
- Langenstein*, Henry de, iii. 67, note i.
- Laplanders*, conversion of, iii. 151.
- Lapsi*, i. 116.
- Lateran*, first synod of, i. 368; first œcum. council, ii. 131; second, 184; third, 195; fourth, 388.
- Latin* empire, founded 1204, under Baldwin, ii. 209; ended A. D. 1261, 232.
- League* of Cambrai, iii. 244.
- Learning*, decline of, in 10th century, ii. 98; revival of, in 11th century, 101.
- Legends*, ii. 125, 311; see Saints.
- Legio*, Melitina (fulminatrix,) i. 80; Thebæa, 117, note 15.
- Legnano*, battle of, ii. 191.
- Legislation*, influence of the church on, i. 307; in favor of the church, 334.
- Leutulus*, description of Christ, i. 46.
- Leo*, bishop of Rome, his epistle to Flavian, i. 239; the great, 268; Greek empire, 317; III. Isauricus, ii. 2; IV. Chazarus, 4; V. Armenus, 5; philosopher, 118; III. Pope, 17; IV., 20; VIII., 79; IX., 144; X., iii. 244.
- Leonardus* de Utino, iii. 320.
- Leonistæ*, (pauperes de Lugduna,) ii. 377.
- Leontius*, bishop of Tripoli, his arrogance, i. 247, note 19; of Byzantium, 330.
- Leopold* v. Bebenburg, iii. 30.
- Leporius*, i. 229.
- Leri*, Matthew, i. 47; compare 53, note 4.
- Libanius'* appeal in behalf of the temples, i. 187.
- Liberatus* Diaconus at Carthage, i. 326.
- Liberius*, bishop of Rome, i. 198, 199, note 4.
- Libraries*, how neglected in the 14th century, iii. 86, note 2.
- Libri penitentiales*; see Penance.
- Licinius*, emperor, i. 119.
- Lignano*, Joh. de., iii. 59.
- Lithuania*, conversion of, iii. 150.
- Liturgics*, i. 8; Damascus, 33, note 3; of Basil and Chrysostom, 295, note 12; of Gregory, 350.
- Livonia* converted, ii. 407.
- Lollhards*, iii. 99, seq. 128.
- Logos*, i. 101; doctrine of the Monarchians, 127; of the Alexandrians, 139; of Arnobius, 148, note 8; of Lactantius, 149; of Tertullian, 150, note 13.
- Lombards*, Arians, i. 355; threaten Rome, ii. 15; struggle of the Lombard states for independence, 183; league of Lombards, 191; Gregory's treaty with them, 215.
- Lombers*, council of, ii. 372.
- Lord's Supper*, institution, i. 43; mode of celebration, 103; children admitted, 159; views of, in 4th century, 294; in 6th century, 352; Gregory's *Sacramentarium*, 351; doctrines concerning it, ii. 46; Berengarius' controversy, 103, 330.
- Lorenzi* de Medici, iii. 230, note 3.
- Loretto*, shrine of, iii. 314.
- Lothaire* I. emperor, ii. 18; II. king, 70; II. emperor, 182.
- Louis*, the Debonnaire, ii. 18, 29; II. emperor, 73; king of Provence, 77; VII. king, 185; IX. St. 225, seq.;

- pragmatic sanction, 265; VIII. 387; XI. of France, iii. 221, 232, 245; XII. 240; of Anjou, 60; of Bavaria, 10; Margrave of Brandenburg, 32; of Helms-tadt, 281. note; of Brandenburg, 38, note 40; of Hungary, 34.
- Lucian*, of Samosata, i. 77; martyr, 118, note 19; 145.
- Lucidus*, a follower of Augustine, i. 328.
- Lucifer*, bishop of Calaris, i. 198; in the Arian controversy, 202.
- Luciferiani*, iii. 131.
- Lucius* II. Pope, ii. 182; iii. 195, 378.
- Ludovicus*, Card. Arelatensis, iii. 276.
- Luitprand*, ii. 14.
- Luke*, bishop of Tuy, ii. 395.
- Luna*, Petrus de, iii. 67, note 3.
- Lupus*, Olivetus, iii. 98, note 3.
- Luticians*, or Wiltzians, ii. 406.
- Luxueil*, i. 362.
- Lyons*, council at, ii. 233, 114.
- Lyra*, de. See Nicholas.
- M.
- Macedonius*, bishop of Constantinople, i. 202 seq.; Nestorian, 320, note 11.
- Magdeburg*, archbishopric of, founded, ii. 134.
- Magic*, iii. 337.
- Magister Parisiensis*. See Matth. v. Janow.
- Magorensis* Episc. See Andreas.
- Magnusæans*, a Persian sect, i. 131.
- Maillard*, Olivier, iii. 321.
- Maire*, le, iii. 385, note.
- Majorinus*, a Donatian bi-shop, i. 167.
- Malleus maleficarum*. See Hexenhammer.
- Mamelukes*, persecute the Christians, iii. 160.
- Mamertus*, bishop of Vienne, i. 351.
- Manasseh*, gives the law to the Samaritans, i. 32.
- Manes*, i. 131.
- Manfred*, ii. 224 seq.
- Manichæans*, i. 131; in the West, 215; ii. 151; iii. 340. See Cathari.
- Mantua*, assembly of princes at, iii. 217.
- Manuel*, Caleca, iii. 155, note 8.
- Marcellus*, bishop of Ancyra, i. 194; Sabellian, 197; Christophe, iii. 267, note.
- Marcia*, the concubine of Commodus, i. 80, note.
- Marcianus*, a follower of Novatian, i. 156, note.
- Marcion*, i. 88, 172, note 10.
- Marius*, Mercator, i. 225; Jo. See Le Maire.
- Mark*, the Evangelist, i. 54; Aurelius, emp., 79; a follower of Valentinian, 86.
- Marriage*. Paul's opinion of, i. 60; Clement of Alexandria, 170; in the early church, 106; second marriages forbidden by the Montanists, 50; reckoned as a crime, 297; imperial laws concerning, 308.
- Marsilius*, of Padua, iii. 15.
- Maro*, Maronites, i. 173.
- Maronites*, ii. 419.
- Martial*, i. 156; St., supposed Apostle, ii. 126.
- Martin*, bishop of Tours, i. 278; IV. Pope, ii. 235, 414; V. iii. 167.
- Martyrs*, histories of, i. 8, note 2; 14; constancy of, 76; held in high esteem, 108 seq.; 173, 109 seq.; 282; influence of their intercessions with the church, 109, 162; with God, 163, note 13; 283; in Spain, ii. 54; in Prussia, 135.
- Mary*. traditions concerning, i. 39, note 1; portrait of, by St. Luke, 45, note; *θεοτοκος*, 229, note 5; *χαριστοκος*, 232, note 1; monkish legends concerning her, 273, note; an object of worship, 207; festivals in her honor, 351; controversy concerning her delivery, ii. 40; immaculate conception, 343; iii. 115 seq.; 315; worshipped, 126; festivals in her honor, of her birth, 58; her ascension, 59; presentation, visitation, 115.
- Mass*, i. 294. See Lord's Supper. Private masses, ii. 58; multiplied, iii. 118.
- Massaliens*, i. 182, 275.
- Massiliensis*, a sect in second Period, i. 182.
- Maternus*, supposed apostolic father, ii. 126, note 9.
- Matthew* de Cracovia, iii. 66, note 8.
- Matthias* von Janow, iii. 137 seq.; king of Hungary, 371.
- Matilda*, countess of Tuscany, ii. 169.
- Mauburnus*, Jo., iii. 287, note 4.
- Maultasch*, Margaret, iii. 32.
- Mauritius*, martyr, i. 117, note 15.
- Mazentius*, emperor, i. 118.
- Maximilla*, a Montanist prophetess, i. 90, 91, note.
- Maximilian*, emperor, iii. 249, note 13.
- Maximinian*, emperor, supposed persecution under, i. 117, 118.
- Maximinus*, the Thracian, i. 115; Cæsar, 118.
- Maximus*, of Tyre, i. 72; rejected bishop of Constantinople, 259; opponent of the Monothelitics, 367; Planudes, iii. 155, note.
- Mayence*, synod of, ii. 161, 167.
- Mazdak*, i. 87, note 15.
- Mecklenburg*, bishopric of, ii. 406.

- Medici*, conspiracy against, iii. 230.
- Mediolanum* (Milan) synod of, i. 198; bishop of, 264; Cathari there in third Period, ii. 379; church of. 96; married clergy there in 10th century, 113.
- Meffreth*, iii. 320.
- Meinhard*, ii. 407.
- Melchisedecians*, i. 128, note 4.
- Melchites*, i. 373.
- Melchius*, bishop of Lycopolis, i. 166; of Antioch, 201, 205, note.
- Melito*,ologist, i. 94; defends the Asiatic celebration of Easter, 107.
- Memnon*, i. 235.
- Menander*, founder of a sect, i. 34.
- Mendicant orders*, their origin, ii. 287; influence, 291; iii. 46, 87, 268, note 23; reformation of, 293.
- Mennas*, patriarch of Constantinople, i. 324.
- Menot*, Michael, iii. 320.
- Merseburg*, bishopric of, ii. 134.
- Messiah*, expectations of the Jews concerning him, i. 27 seq.; prove an obstacle to the progress of Christianity, 55; notions of, among the early Christians, 47 seq.
- Methodius*, an opponent of Origen, i. 144; missionary to the Moravians, ii. 129.
- Metropolitans*, i. 153; see Patriarchs, ii. 94; oath of obedience to the Pope in 9th century, 73; after Gregory VII. 255.
- Meyer*, Martin, iii. 213, note 17.
- Michael* Rhangabe, emperor, ii. 5; H. Balbus, 6; III. 136; Cerularius, bishop of Constantinople, 142; Palaeologus, 232, 413; Psellus, the Younger, 410; Anchialus, 411; De Caussis, iii. 352, note 26; Michael de Cesena, 24, note 28.
- Micislaus*, duke of Poland, ii. 135.
- Miesrob*, i. 311.
- Miliez*, John, iii. 136.
- Milo*, papal legate, ii. 385.
- Minimorum*, iii. 306.
- Minucius*, Felix, i. 95, note 8.
- Mistevoi*, prince of the Wends, ii. 134.
- Miracles*. See Relics.
- Moguls*, ii. 219, 409; iii. 151.
- Molay*, James de, grand master of the Templars, iii. 3, note 4.
- Molitoris*, Ulrich, iii. 339, note.
- Monachism*, in 9th and 10th centuries, ii. 120 seq.; from the 11th, 280; iii. 87 seq.; 286 seq.
- Monarchians*, i. 127.
- Monks*, origin of, i. 172; zeal in the destruction of the heathen temples, 87; side with Athanasius, 201; opposed to learning, 212; Monachism in the East, 270; in the West, 276; relations of the monks to the clergy, 278; influence on morals, 304; continuation, 315; monastic orders, 347.
- Moneta*, ii. 395.
- Monophysites*, i. 315 seq.
- Montanus*, i. 90 seq.; Montanists in the West, 124, 148.
- Monte Cassino*, convent of, i. 316.
- Monte Granelli*, Charles de, iii. 98, note 3.
- Monte Lauduno*, William de, iii. 44, note 4.
- Montesa*, order of, iii. 6, note 7.
- Montesono*, John de, condemned by the university of Paris for rejecting the doctrine of the immaculate conception, iii. 116.
- Montesecco*, John Bapt., iii. 230, note 3.
- Montpellier*, council of, ii. 386.
- Moors*, driven from Spain, iii. 336.
- Morals*, pernicious influence of paganism upon, i. 16; Christian morals in first Period, 173; superintendence of, intrusted to the clergy, 244; in second Period, 296 seq.; amongst the Scholastics, ii. 327; science of, neglected in 14th century, iii. 111.
- Moravia* converted, ii. 130 seq.
- More*, Sir Thomas, his Utopia, iii. 403.
- Morung*, Dietrich, iii. 327, note 19.
- Moses* ben Mamon, ii. 328.
- Moulins*, Gujars de, translated the S. S., iii. 321.
- Mozarabes*, ii. 123.
- Muhammed*, i. 365.
- Munsinger*, John, iii. 136, note 1.
- Murner*, Thom., iii. 339, note.
- Mussatus*, Albert, iii. 1.
- Mysteries*, i. 18; in the church, 71; carried to perfection, 294.
- Mystics*, ii. 315; iii. 109 seq.; 135.

## N.

- Naples*, whether belonging to the Patrimonium St. Petri, i. 342, note 27.
- Naso*, William, ii. 14, note 9.
- Nazaræans*, i. 62.
- Nypos*, an Egyptian bishop, i. 142.
- Nyro*, his persecution of the Christians, i. 56.
- Nestor*, i. 230 seq.; his liturgy, 286, note 16; spread of his followers, 353; Russian annalist, ii. 150; Nestorians in the East, ii. 408, 419.
- Netterus*, Thomas, ii. 259, note 6.
- New Platonism*, i. 111.
- Nice*, council of, i. 127, note 15; 194, 250, 279 seq.; 292.
- Nicephorus*, Greek emperor, ii. 5; Gregoras, iii. 156, note 4.

- Nicetas*, Pectoratus, ii. 144; *Acominatus*, 410.
- Nicholas I.*, Pope, ii. 70, 136; II. 88; III. 235 seq.; IV. 232; V. iii. 23, 207 seq.
- Ep. Botrontinensis, iii. 2, note 15.
- de Clamenge, iii. 108.
- Cusanus, iii. 189, 219, 287, 313.
- of Hussinecz, iii. 359.
- de Lyra, iii. 114.
- See Panormitanus.
- Nicolaites*, i. 69.
- Niderus*, Jo., iii. 176, note 11.
- Niem*, Theod. de, iii. 1.
- Nilus*, Cabasilas, iii. 155, note 7; *Damyła*, 155.
- Nimbus*, borrowed from the heathen, i. 290, note 41.
- Niobes*, Stephen, i. 321.
- Noctus*, i. 128.
- Nogaret*, iii. 3, note 3.
- Nominalists*, ii. 312.
- Nomocanon*, of John Scholasticus, i. 333.
- Norbert*, founder of the Premonstratensians, ii. 281.
- Norway*, converted, ii. 128.
- Notker*, Labeo, abbot of St. Gallen, ii. 101.
- Novatian* de Trinitate, i. 148; his followers, 163; reject the worship of martyrs, 308, note 1.
- Nubians*, Monophysites, i. 354.
- Nunneries* for noble ladies, ii. 306.
- Nuns*, i. 276.
- Nuremberg*, diet of, 1456, iii. 211, note 14; 218, note 27.
- O.
- Oaths*, the clergy excused from them, i. 296; oath of allegiance required of them, 218 seq.; ii. 92, 266.
- Obotrites*, converted, ii. 406.
- Occam*, Wm., iii. 24, note 28; 30, note 12; 104.
- Occamists*, iii. 105.
- Odilo*, abbot of Clugny, ii. 121.
- Oecumenius*, bi-hop of Tricca, ii. 149.
- Officiales*, ii. 273.
- Officium S. Mariæ*, ii. 126.
- Oldcastle*, Lord Cobham, iii. 149, note 19.
- Oldenburg*, bishopric of, ii. 406.
- Olivetans*, iii. 97.
- Olivetans*, see Lupus.
- Onias*, his temple at Leontopolis, i. 30.
- Ononochytes*, i. 75, note 10.
- Ophites*, i. 86.
- Ordeal*, i. 360; ii. 118.
- Ordination*, i. 156.
- Orders*, reformation of, ii. 121, 280; military, 307.
- Oresmius*, Nicholas, iii. 81, note 5.
- Oriental churches*, ii. 418.
- Original sin*, i. 218 seq.
- Origen*, i. 134 seq., 207 seq.; controversy concerning him, 323.
- Orosius*, iii. 190.
- Ortuin*, iii. 408, note 31.
- Otho I.* crowned emperor at Rome, ii. 79; converts the Wends, 134; II. iii. 80; duke of Saxony, 202; of Wittelsback, 204; IV. emperor, 204; bishop of Bamberg, 405; the one-eyed duke of Brunswick-Lunenbourg, 291, note 12; duke of Austria, 25, note 34.
- Osma*, Petrus de, iii. 368, note 24.
- Oswin*, king of Northumberland, i. 379.
- Ostrogoths*, see *Goths*; destruction of their kingdom, i. 355.
- Offried*, his harmony of the gospels, ii. 34.
- Otranto*, taken by the Turks, iii. 233.
- Otto* de Colonna, iii. 178.
- Oxford*, scholastic theology there in 13th century, ii. 313.
- P.
- Pachomius*, i. 270; founds the first nunneries, 276, note 33.
- Paganism* in first century, i. 24; in second century, 71; in third century, 111; pagan virtue, what; laws against it in second Period, what; final extinction of, in Roman empire, 314; amongst the Franks, 359.
- Pagans*, i. 180, 189 seq.
- Palaologus* John, emperor, iii. 411.
- Palamas*, see Gregory.
- Palestine*, pilgrimages thither, i. 289; papal vicar there in 7th century, 374.
- Pallium*, bestowed by the popes, i. 344; conditions annexed to the investiture with, ii. 73; importance attached to it, 94.
- Palmachius*, a monk; praises of, by Jerome, i. 277, note 1.
- Palmaris*, synod of, i. 338.
- Paltz*, John de, iii. 326, note.
- Paludanus*, Petrus, iii. 46, note 2.
- Pamphilus*, martyr, i. 118, note 19; friend of Origen, 144.
- Panodorus*, his date of the birth of Christ, i. 37, note 3.
- Panormitanus*, iii. 198, note 37; 259, note 6.
- Pantanus* i. 135.
- Paolucci* of Foliani, iii. 96, note 14.
- Papacy*, history of, ii. 13, 64 seq.; progress of the political power of, 156 seq.; Ecclesiastical, 253.

- Papal court*, licentiousness of, iii. 47, 64 seq.; 270, 47 seq.
- Paphnutius*, oppo ed to the celibacy of the clergy, i. 279.
- Papias*, bishop of Hierapolis, i. 68.
- Papiscus*, i. 95.
- Parabolani*, i. 245.
- Paraclete*, abbey of, ii. 315.
- Paradiso*, Jacobus de, iii. 208, note 6; 262, note 11; 272, note 31.
- Paris*, synods of, i. 357; ii. 36, 161, 322; university of, 313 seq.; iii. 66; resistance to the encroachments of the mendicant orders, 295.
- Parishes*, i. 103.
- Parliament of France*, iii. 78 seq.
- Parrus* (Petit) John, iii. 111.
- Pasagini*, ii. 375.
- Passover*, i. 107, 126, 292.
- Pascal II.* Pope, ii. 174 seq.; 411; iii. 191, note.
- Paschasius*, Radbertus, ii. 45.
- Pater seraphicus*, ii. 297.
- Paterini*, ii. 368.
- Patriarchs*, i. 250; origin of the title, 253; their other titles, 269, 335.
- Patriciate*, meaning of, ii. 84, note 29.
- Patricius*, introduces Christianity into Ireland, i. 313; Augustine, iii. 184.
- Patrimony of St. Peter*, i. 342, note 26; fortresses in, 374, note 4.
- Patropassiani*, i. 130, note 12.
- Paul*, the Apostle, i. 49 seq.; how regarded in the church, 262, note 27; of Samosata, 129; of Thebes, 270; Warnefridi, ii. 31; 11., iii. 206, seq.
- Paulicians*, ii. 7, 150, 414.
- Paulinus*, presbyter at Antioch, i. 201; bishop of Nola, 290.
- patriarch of Aquileia, ii. 31; a friend of Berengarius, 105, note 8.
- Paulucius*, see Paolucci.
- Pauperes*, de Lugduno, ii. 377, 398.
- Pavia*, council at, ii. 163.
- Pazzi*, conspiracy of, iii. 230.
- Pacha*, Pet. Ferd., iii. 97, note 3.
- Pelagius*, i. 218 seq.; 1. Pope, 326, 357, note 16; see Alvarus.
- Pella*, i. 61.
- Penance*, church, i. 305; John Jejunators liber penitentiales, 333; Theodore's, archbishop of Canterbury, 381, ii. 62, 115; private penance, i. 306. See Presbyter and Church.
- Perpetua*, i. 125, note 9.
- Persecutions*, of the Christians under Herod Agrippa, i. 50; by the emperors; partial, 63, 78, 116, note 9; general, 116 seq.; general view of, 122, note 35.
- Persona*, i. 202, note 13; Gobelinus, iii. 1, 182, note.
- Peter*, the apostle, i. 53; *περίοδοι Πέτρον*, 82, note 5; not set above the other apostles in first Period, 154; Primatus Honoris claimed for him in second Period, 262; still more exaggerated claims, 268; confirmed, 337; bishop of Alexandria, 118, note 19; 145; Mongus, 316, seq.; Fullo, 318; Peter the cruel, king of Castile, iii. 39; Peter de Ancharano, 162, note 3; of Arragon, 39, note 2; of Dresden, 355. See Alliaco and Pisis.
- Petrarch*, Francesco, iii. 47, note 5.
- Pfiffercorn*, John, iii. 406, seq.
- Pfennig*, John iii. 332, note 30.
- Pharenis*, Synodus, i. 379.
- Pharisees*, i. 28; many of them converts to Christianity, 48.
- Philasterius*, Gullicm., iii. 171, note.
- Philip*, Ethnarch, i. 27; Apostle, 47; married, 52, note 3; 54, 65; Mountanists appealed to him, 90, note 1; the Arabian, 115; the Fair, king of France, iii. 3 seq.; VI., 25, seq.; of Majorca, 91, note 9.
- Philippicus*, i. 372.
- Philippolis*, synod of, i. 197.
- Philo*, i. 32.
- Philoponus*, John, i. 321.
- Philosophy*, heathen, i. 20; introduction of, into Christianity, 60, 137; not absolutely proscribed by Paul, 60; in high esteem in the Alexandrian school, 137; quite the contrary in the Western church, 147, 82, note 1; opposition to Christianity, 112; Christian philosophers, 100.
- Philosopher's mantle*, i. 101, note 1.
- Philostratus*, i. 114.
- Philoxenus*, bishop of Mabag, i. 320.
- Phocas*, ii. 343.
- Photinus*, bishop of Sirmium, i. 197.
- Photius*, controversy with the popes, ii. 736.
- Picards*, iii. 360.
- Piccolominicus*, Jac., iii. 227, note 40.
- Picts*, converted, i. 361.
- Pictures*, of Jesus, i. 45, 289, note 37; common in the churches, 350; pictures of the lamb, 371; in use amongst the early Christians, i. 168, note 4.
- Picus*, iii. 394, note 4 and 5.
- Pilati*, Acta, i. 44.
- Pilgrimages*, i. 289; ii. 116.
- Pisa*. See Councils.
- Pisis*, Barthol. de, iii. 96, note 16; Petr. de, 98, note 3.
- Pipin*, ii. 15.
- Pius II.* iii. 206 seq. See Æneas Sylvius, iii. 214.
- Placeti*, regii jus, iii. 275, note 5.
- Platina*, Barthol., iii. 161.

- Plato*, i. 20; Eclecticism, 71; how esteemed by the church-fathers, 82, note 1; his influence on the Gnostics, 82 seq.; 100 seq.
- Plenary indulgences* bestowed by the popes, iii. 116, note 4.
- Plessis*, du, iii. 2, note 3.
- Pliny*, the elder, i. 23, note 1.  
— the younger, 63.
- Plotinus*, i. 111.
- Plutarch*, i. 72.
- Pneumatomachi*, i. 203.
- Podiebrad*, see George.
- Poitiers*, synod of, ii. 174.
- Poland*, converted, ii. 135; iii. 181 seq.
- Polemar*, John de, iii. 198, note 37.
- Poliaco*, John de, iii. 88, note 3.
- Polyearp*, ii. 68; martyr, 79; in controversy concerning Easter, 107; of his grave, 109, note 37.
- Polyglot*, Complutensian, iii. 409.
- Polytheism*, i. 16.
- Pomerania*, converted, ii. 405.
- Pomponatius*, Petr., iii. 395, note 7.
- Ponte*, Oldradus de, iii. 14, note 9.
- Pontius*, abbot of Clugny, ii. 283.
- Poor*, contribution for them and the clergy, i. 104.
- Pope*, (Papa,) i. 157; origin of the title, 339, note 17; Episc. universal, ii. 66, note 4; 253 seq.
- Porphyry*, i. 112 seq.
- Porree*, Martin, iii. 112, note 7.
- Portiuncula*, ii. 288; indulgence, 295.
- Præmonstratensians*, ii. 281.
- Præles*, Raoul de, iii. 39, note 1.
- Pragmatic sanction* of Louis IX., ii. 265; of Bourges, iii. 199, 223 seq.; abolished, 250.
- Prat*, du, iii. 250.
- Prayer*, see Worship; to the saints, i. 286.
- Præceas*, i. 125 seq.
- Predestination*, Augustine's view of, i. 224.
- Predestinatiani*, i. 329; iii. 107.
- Prelates*, dependent on the king, ii. 91.
- Presbyter*, John, ii. 408.
- Presbyters*, see Elders; must be consulted by the bishop, i. 158; ἐπί τῆς μετρούας, 160; abolished, 305.
- Priests*, all Christians priests, i. 58; a separate class, 102 seq.; see Clergy.
- Primasius*, bishop of Adrumetum, i. 331.
- Priscilla*, Montanist, i. 90 seq.
- Priscillian*, put to death for heresy, A. D. 385, i. 216; effect upon the people, 303.
- Privileges*, granted by the popes, iii. 124 seq.
- Proclus*, a philosopher, i. 189.
- Procopius*, of Gaza, i. 330; iii. 364.
- Prodicians*, i. 87.
- Progress of Christianity*, i. 73, 123, 311, 353.
- Proles*, Andreas, iii. 392, note 20.
- Proselytes*, to Judaism, i. 31; supposed to be necessary before becoming Christians, 50.
- Prosper*, of Aquitania, i. 227; his epitaph on Nestor and Pelagius, 232, note 10; historian, 330.
- Pseudo Isidore*, decretals, ii. 65.
- Ptolemais*, (Acre,) ii. 233, 236; fall of, 308.
- Ptolemaus*, i. 86.
- Publicani*, ii. 368.
- Punishment*, capital, regarded with horror by the early Christians, i. 244, 297, 303; eccles. punishment, ii. 362; hell punishment, i. 212 seq.; according to Augustine, 224 seq.
- Purgatory*, see Soul; general belief in, i. 352; especially in England, 379, note 3.
- Pythagoraism*, i. 25.

## Q.

- Quadratus*, his apology for Christianity, i. 94, note 2.
- Quadrigarius*, Nic. iii. 368, note 23.
- Quinisextum*, council, i. 370.
- Quartodecimani*, i. 292. See Passover.

## R.

- Rabanus*, Maurus, ii. 32; against transubstantiation, 46; against Gottschalk, 50.
- Rabulus*, bishop of Edessa, i. 235.
- Rainerius*, (Rainert,) Lachoni, ii. 395.
- Raoul*, (Radulphus,) ii. 384.
- Ratherius*, bishop of Verona, ii. 99.
- Ratramnus*, a monk of Corbey, ii. 32; against transubstantiation, 46; opposes the doctrine of the miraculous delivery of Mary, 49; defends Gottschalk, 51; opposes the Greeks, 140, note 12.
- Ratzeburg*, bishopric of, founded, ii. 406.
- Ravenna*, exarchate of, i. 342; bishops of, independent, 376.
- Raymund*, Dapennafort, ii. 252, 328; Du Puy, ii. 308; VI. count of Toulouse, 384 seq.; VII. 387; Roger, 385; Lullus, iii. 114.
- Realists*, ii. 312; Realists and Nominalists, iii. 105 seq.
- Reform*, in the second Period, i. 308; of the convents, iii. 286 seq.; of the popes, 271; attempts at, 135, 341; in Germany, 382.
- Regalia*, see Jus Regaliæ.
- Regulæ*, cancellariæ, iii. 50, note 9.
- Relationship*, spiritual, i. 351.
- Regula fidei*, i. 98.

- Relics*, i. 285; their miraculous power, 350; ii. 57, 124, 341; iii. 118. See Saints.
- Religion*, religious notions of the ancients, i. 16 seq.; *Tria genera theologiae*, 21, note 5; decline of, under the emperors, 23; secret rites, 25; religious education of the people, iii. 318 seq.
- Rembert*, prior of Wittenberg, iii. 287, note 5.
- Remigius*, archbishop of Lyons, ii. 52.
- Renatus*, duke of Lorraine, iii. 236.
- Rense*, diet of, iii. 30.
- Reservations*, papal, iii. 48.
- Restriction* of the rights of public instruction, i. 66.
- Reuchlin*, John, iii. 398, 406, note 25.
- Rheims*, synods at, ii. 80, 82, 181, 318.
- Rhemoboth*, (monks,) i. 275.
- Rhodes*, hospitalers there, ii. 309.
- Riario*, Tirolamo, iii. 230.
- Richard*, of Cornwall, ii. 227; Cœur de lion, 198; a St. Victor, 319, 328; archbishop of Armagh, iii. 89, note.
- Robert*, Guiscard, ii. 88, 168 seq.; of Abriscelles, 280; abbot of Citeaux, 281; Pulleyn, 319; of Naples, iii. 9; of Sicily, ii. 11, note 4.
- Rode*, John, iii. 287, note 5.
- Roger*, of Sicily, ii. 174; Bacon, 325; Petr., iii. 95, note 11.
- Rokyezana*, John, iii. 367 seq.
- Romain*, Jean de S., iii. 229, note 45.
- Rome*, church of, *Potior principalitas*, i. 97, note 2; its consequence increased, 103; metropolitan, 153; no peculiar rights conceded to it, 155, 166, note 15; its riches, 255, note 2; list of the Roman bishops, 66, 255, note 1; 336, note 2; 374, note 3; Episc. episcoporum, 124, note 4; 153, note 6; universalis, 235, note 17; on the other hand, Gregory the Great, 340, note 20; especially, 343; a usual title, 375; *zoovvq̄īatos τῶν θνυτιζῶν*, 260, note 18; subject to no earthly tribunal, 339; influence of the Ostrogoth kings in choice of, 340; claims denied in the British church, 362; their consequence in the West, 370; synods at, ii. 137, 139, 110, 160.
- Romualdus*, see Camalducenses.
- Ronkul*, fields of, diet at, ii. 190.
- Rosary*, ii. 295; brethren of the, iii. 297, note 10.
- Roscellinus*, ii. 312.
- Rudolph*, duke of Suabia, ii. 166 seq.; of Hapsburg, 234; of Worms, iii. 221, note 30.
- Rufinus*, translator of Origen, i. 136, note 4; history, 209 seq.; controversy with Jerome, 214.
- Rügen*, island of, Christianized, ii. 406.
- Rules* of the monastic orders, i. 9.
- Rupert*, abbot of Duytz, ii. 329.
- Ruprecht*, emperor, iii. 162.
- Rus*, Nich., iii. 382, note 9.
- Russians*, converted, ii. 149.
- Rusticus*, Diaconus at Rome, i. 326.
- Ruysbrack*, John, iii. 109.
- Rygl de Reen*, Herman, iii. 279, note 7.
- S.
- Sabatati*, ii. 377.
- Sabbath*, i. 107.
- Sabellius*, M. A., iii. 233, note 10.
- Sabellius*, i. 129.
- Saccus*, Ammonius, i. 111.
- Sachsenspiegel*, ii. 214.
- Sacra*, Peregrina, forbidden, i. 19; tendency to, 55.
- Sacraments*, history of, ii. 330.
- Sacrifices*, human, i. 17; offerings of the Christians at the Lord's Supper, 104; at the graves of the martyrs, 109; heathen forbidden, 180, 186 seq.
- Sadducees*, i. 28; averse to Christianity, 48.
- Saints*, worship of, i. 283; see Martyrs, 350; ii. 57, 124, 340; legends of, 341; iii. 118.
- Samaritans*, i. 32 seq.; Christians free from the prejudice against them, 48; confounded with them, 55.
- Samogitæ*, iii. 151, note 2.
- Samosatenes*, see Paul.
- Sampsæus*, i. 62.
- Sancho*, first king of Portugal, ii. 206.
- Sancius*, Roderick, iii. 263.
- Sanction*, see Pragmatic Sanction.
- Sarabaites*, i. 275.
- Saracens*, iii. 8, note 8.
- Sardica*, council of, i. 96; sanctions appeals to the bishop of Rome, 256.
- Sarmatio*, a monk, i. 310.
- Sarrazin*, John, iii. 268, note 23.
- Saturninus*, i. 88.
- Savonarola*, Jerome, iii. 377.
- Saxons*, converted, ii. 28.
- Sbynko*, archbishop of Prague, iii. 345.
- Sciara*, Colonna, ii. 241, 249.
- Schism*, definition of, i. 2; papal iii. 58.
- Scholastic* theology, ii. 311; iii. 104, 397.
- Scholastics*, their ethics, ii. 327.
- Schools*, theological, want of, in second Period, i. 331; founded by Charlemagne, ii. 30; trivium quadrivium, 31; for the people, 34; of the Arabs, 101.
- Slavonians*, converted, ii. 128.
- Slavonian*, translation of the Bible, 130; opposition to their ritual, 132; permitted, 133, note 17.



- Scotists*, ii. 326.
- Scythianus*, i. 133, note 11.
- Sebastian*, canon in Erfurt, iii. 332, note 30.
- Secunda Sœcunda*, of Thomas Aquinas, ii. 328.
- Secundus*, an Arian bishop, i. 194.
- Seldschucks*, ii. 171.
- Semgallen*, ii. 407.
- Semiarrians*, i. 198.
- Semipelagianism*, i. 227; controversy renewed, 328.
- Sena*, Jac. de, iii. 59, note 5.
- Sens*, synod of, ii. 315.
- Sarapis*, worship of, i. 186, note 3 seq.
- Sergius*, patriarch of Constantinople, i. 366; pope, 371; Paulician, ii. 8; pope II. 19; III. 78.
- Sermons*, ii. 348; iii. 318.
- Severus*, bishop of Antioch, i. 320; Septimius, 114; Alexander, 115.
- Sextus*, Empiricus, i. 72.
- Shetland-Islands*, Christianity introduced there, ii. 128.
- Shrines*, iii. 324.
- Sibylline Siberti*, Jac., iii. 279.
- Sicilian code of laws*, iii. 211; vespers, 235.
- Sickingen*, Franz von, iii. 409.
- Siegfried*, archbishop of Mayence, ii. 161.
- Siegmund*, grand duke of Austria, iii. 218.
- Sigismund*, emperor, iii. 178 seq.
- Simeon*, the Stylite, i. 276, 290, note 41; bishop of Jerusalem, 61; Metaphrastes, ii. 149; archbishop of Thessalonica, iii. 411, note 1.
- Simon Magus*, i. 34; bishop of Seleucia, 311; of Tournay, ii. 322; De Montfort, 386; Constantinople, iii. 155, note 8.
- Simony*, in Rome, in third Period, ii. 261, note 15.
- Sins*, see Penance; forgiveness of, ii. 355.
- Siricius*, bishop of Rome, i. 279.
- Sirmium*, first council of, i. 197; second, 198; third, 199.
- Sisters of the Free Spirit*, ii. 403.
- Sixtus IV.*, iii. 229 seq.
- Slaves*, amongst the heathen, i. 17; amongst the Christians, 307.
- Sodalitia*, i. 20, note 4.
- Soissons*, synod of, ii. 312, 311.
- Sophronius*, a monk of Palestine, i. 367.
- Soreth*, John, iii. 294, note.
- Sorores*, (subintroductæ.) i. 172.
- Soul*, notions concerning its condition after death, in the second century, i. 100; Origen's views of, 141; Tertullian's, 149, note 10; purgatory, 352.
- Spain*, persecution of the Christians there, ii. 55.
- Speculum*, Aureum, by whom written, iii. 66, note 8.
- Spirituales*, iii. 91.
- Spoliarium*, see Jus.
- Spread of Christianity*, see Progress.
- Sprenger*, Jac., iii. 297, note 10.
- Spurious writings*, i. 99. †
- Stationes*, i. 107, note 28.
- Stelinger*, ii. 390.
- Stephen*, first martyr, i. 48; bishop of Rome, 165; king of England, ii. 192; Langton, archbishop of Canterbury, 206; V. pope, 77; VI. 78; king of Hungary, 135; of Thiers, founder of the order of Grammont, 280; De Borbone, 395.
- Stiekna*, iii. 136.
- Stoics*, i. 21.
- Strenashalh*, synod of, (synodus parenthesis.) i. 379.
- Studios*, i. 275.
- Stylites*, i. 345.
- Suburbicarian*, provinces, i. 256.
- Sudarium*, Christi, i. 45, note 1.
- Suevi*, i. 312, 355.
- Suffragans*, ii. 274.
- Suidbert*, i. 382.
- Suidger*, afterwards Clement, ii. 84.
- Summa*, Astesana, iii. 111; Bartholina, *ibid.*
- Sunday*, i. 59, 107, 121; how observed amongst the Manichæans, 133.
- Suso*, iii. 109.
- Sutri*, synod of, ii. 84.
- Svedes*, converted, ii. 29, 128.
- Swiss*, resist the papal encroachments, iii. 76.
- Sword*, knights of the, ii. 310, 407.
- Sybilline oracles*, i. 99.
- Sylvester*, pope, ii. 82; iii. 84.
- Sylvius*, see Æneas.
- Symbolum*, (apostle's creed,) i. 52, 98; Athanasian, ii. 42. See Filioque.
- Symmachus*, Q. A., i. 186.
- Synagogues*, i. 27; allowed in Rome, 30; taken by the Christians as the models of their churches, 47.
- Synesius*, i. 212; excommunicates a prefect, 244, note 6.
- Synods*, i. 102, 152; Œcumenical, 192, 241; first at Nice, 194 seq.; second at Constantinople, 205 seq.; third at Ephesus, 234; fourth at Chalcedon, 240; fifth at Constantinople, 325 seq.; sixth at Constantinople, 368; provincial synods, 250; popes subject to their authority, 340; in the German church,

356; in Constantinople, ii. 4; at Frankfort, 36, 44; Aix, 42, 70; at Mayence, 50; Chiersy, 51; Valence, 51; at Metz, 71; at Soissons, 72; at Duziacum, 74; general council at Lyons, 220; episcopal inquisitorial, iii. 126.  
*Syrian* theological school, i. 145, note 1; 209, 228.

## T.

- Tabenna*, seat of the first convent, i. 270.  
*Taborites*, iii. 359 seq.  
*Tacke*, Henry, iii. 313.  
*Tachelm*, ii. 364.  
*Tarasius*, patriarch of Constantinople, ii. 4.  
*Tatian*, a Syrian Gnostic, i. 88; his apology for Christianity, 95.  
*Tauler*, John, iii. 109.  
*Taxes*, paid by the church in fourth century, i. 242; to the pope in fourteenth century, iii. 54.  
*Templars*, ii. 307 seq.; persecuted by Philip the Fair, iii. 3.  
*Temples*, heathen, destroyed, i. 187; used for churches in Britain, 360, note 6.  
*Tertiaries*, of the Franciscans, ii. 290.  
*Tertullian*, i. 121 seq.; on the mode of the being of God, 149, note 10; 150, note 13.  
*Tetzel*, Jo., iii. 330, note.  
*Theodemir*, ii. 38.  
*Theoderich*, king of the Ostrogoths, i. 336.  
*Theodora*, empress, i. 321.  
*Theodora*, Greek empress, ii. 7.  
*Theodoretus*, bishop of Cyrus, i. 234, 324.  
*Theodorus*, bishop of Heraclea, i. 209; bishop of Mopsuestia, 210; his confession of faith, 228, note 2; his writings condemned, 324; Ascidas, 320; Lector, 330; archbishop of Canterbury, 379; his liber pœnitentialis, 381; studita, ii. 6; Balsamon, 411.  
*Theodosius I.*, i. 186 seq.; 204 seq.; compelled to do penance, 244, note 6.  
*Theodotus*, a Monarchian, i. 128.  
*Theognis*, bishop of Nice, an Arian, i. 194.  
*Theognostus*, a follower of Origen, i. 143.  
*Theological sciences*, i. 191, 207, 330; in the British church, 380; ii. 311; iii. 105, 307.  
*Theonas*, a follower of Arian, i. 194.  
*Theopaschites*, a sect in the East, i. 322.  
*Theophilus*, bishop of Antioch, his apology for Christianity, i. 95.  
*Theophylactus*, archbishop of Bulgaria, ii. 410.  
*Therapeutæ*, i. 32; brought forward as Christians, 273, note 13.  
*Theaurus*, supererogationis perfectorum, ii. 358.  
*Thietgaud*, archbishop of Triers, ii. 71.  
*Thomas*, the Apostle, amongst the Parthians, i. 55; in India, 353, note 3; Thomas Christians, 237; of Aquino, ii. 294, 324; his opusc. cont. Græc. 413; see a Kempis; De Rennes, iii. 283, note; De Torquenada, 335; Waldensis, 149.  
*Thomists*, ii. 326.  
*Tiberianus*, his Relatio ad Traj. i. 61, note 2.  
*Timothy*, Paul's companion, i. 50; Ælurus, 317; *αὐτομαζιανός*; 318.  
*Tiridates*, king of Armenia, i. 311.  
*Tithes*, iii. 55; see Clergy.  
*Tolerance*, religious, of the Romans, i. 19 seq.; towards the Jews, 30 seq.; not extended to the Christians, 35; Gallienus' toleration laws, 117, note 14; universal under Constant. and Licinius, 119.  
*Tolomei*, Jo., founder of the Olivetans, iii. 97.  
*Torquemada*, see Thomas and Turrecremata.  
*Tostatus*, Alphonso, iii. 258.  
*Toulouse*, council of, ii. 388.  
*Tours*, council of, iii. 245.  
*Tradition*, rejected by Tertullian, i. 147, note 3; traditional theologians, 212.  
*Traditores*, i. 118.  
*Tradux peccati*, i. 218.  
*Treuga Dei*, (truce of God,) i. 118.  
*Triers*, disputed choice of bishop of, ii. 196 seq.  
*Trinity*, i. 323, note 2; 329. See Arius.  
*Trishagion*, i. 318.  
*Trithemius*, iii. 161.  
*Triumphus*, Augustinus, iii. 18.  
*Trojes*, synod of, ii. 307.  
*Trullus*, council of the, i. 370.  
*Tschinggischan*, (Gengis Khan,) ii. 408.  
*Turrecremata*, iii. 262, note 13.  
*Turrianus*, Philip, iii. 332, note 30.  
*Turlapines*, iii. 131.  
*Tuscany*, league of, ii. 202.  
*Twinger*, Jac., iii. 1.  
*Typus*, of Constans, II., i. 369.

## U.

*Ubertinus*, de Casali, ii. 305; iii. 15, note 13.  
*Ulfilas*, bishop of the Visigoths, i. 312.  
*Ulrich*, von Hutten, iii. 408; of Wurtemberg, 294, note 19; Episc. Verden-  
 sis, 162, note 3.

- Unam sanctam*, bull, ii. 246.  
*Uction*, previous to baptism, i. 294.  
*Universal history*, i. 6; of the Christian church, 4.  
*Universities*, first, ii. 313; their importance, iii. 74; resistance to the mendicant orders, 88.  
*Urban*, popes, II., ii. 170 seq.; 411; III. 195; IV. 226.  
*Utraquists*, iii. 360.
- V.
- Vacant places filled by the popes*, iii. 180.  
*Valens*, emperor, i. 105; opposed to Monachism, 272.  
*Valentinian I.* i. 184; II. 186; III. declares the bishop of Rome the head of the Western church, 269.  
*Valerian*, i. 116.  
*Valla*, Laurentius, iii. 261.  
*Vallombrosa*, order of, ii. 122.  
*Vandals*, Arians, i. 312.  
*Vargas*, Martin de, iii. 202, note 16.  
*Vercilla*, synod of, ii. 103.  
*Verdun*, treaty of, ii. 19.  
*Vergilius*, Polydorus, iii. 335, note 14.  
*Verona*, league of, ii. 191.  
*Veronica*, i. 45, note 4.  
*Vespers*, iii. 315.  
*Vicelin*, ii. 406.  
*Victor*, bishop of Rome, in controversy concerning the celebration of Easter, i. 126; bishop of Tununna, 326; II. 88; III. 170; IV. 195; St. Hugo, Richard, and Walter, ii. 319 seq.  
*Vienna*, diet of, iii. 218, note 27.  
*Vigilantius*, presbyter of Barcelona, i. 310.  
*Vigilius*, bishop of Rome, i. 323.  
*Vilani*, Giovanni, Matteo, and Filippo, iii. 1.  
*Vincentius*, Lirinensis, Semi-Pelagian, i. 227.  
*Vindelicia*, Christianized in first Period, i. 123.  
*Virtue*, a different kind required of the clergy and of the laity, i. 298, 305.  
*Visconte*, iii. 40 seq.  
*Visigoths*, Christianized, i. 312.  
*Vitoduranus*, iii. 1.  
*Vivarium*, convent of, i. 347.  
*Vrie*, Theodoric, iii. 167.
- W.
- Wadstena*, convent of, iii. 98.  
*Waldenses*, ii. 376 seq.; in thirteenth century, 398 seq.; iii. 127.
- Wazon*, bishop of Liege, ii. 154.  
*Wenceslaus*, St., ii. 132.  
*Wends*, converted, ii. 134, 405.  
*Wessel*, John de, iii. 383.  
*Wessel*, John, iii. 388.  
*Western church*, ii. 9, 64; controversy with the Greek church, 136; final separation, 147.  
*White brethren*, iii. 134.  
*Wiching*, bishop of Neitra, ii. 131.  
*Wicliffe*, John, iii. 141 seq.  
*Wigelius*, (Weigel,) iii. 324, note 15.  
*Wigornia*, (Worcester,) great synod at, i. 362.  
*Willebrord*, bishop of Utrecht, i. 381.  
*William*, abbot of Hirschau, ii. 122; de Nogaret, 249; de Champeaux, 313.  
*Wilsnack*, miracle of the holy blood there, iii. 313.  
*Winchester*, synod of, ii. 169.  
*Winfried*, see Boniface.  
*Winterthur*, John de, iii. 1.  
*Wirth*, Wigard, iii. 318, note 20.  
*Witiza*, king of the Visigoths, i. 378.  
*Wittekind*, baptized, ii. 28.  
*Wladimir*, converted, ii. 149.  
*Wladislavus*, iii. 371.  
*Worship*, of the early Christians, i. 59, 167; nightly, 103; in the second Period, 281; vigils, 293; history of, continued, 349; ii. 57, 124, 330; iii. 115, 311; of saints, i. 282 seq.; see Martyrs, 350; ii. 57, 124, 340; singing in the churches, i. 58; sermons, ii. 348; iii. 318.  
*Worms*, synods at, ii. 163; Concord, Wormet, 181; iii. 218.  
*Wunschelberg*, John, iii. 313, note 8.
- X.
- Xenajas*, or Philoxenus, bishop of Mabag, i. 320.
- Y.
- Yronetus*, against the Waldenses, ii. 395.
- Z.
- Zacharius*, Rhetor., i. 330.  
*Zeilsheim*, treaty of, iii. 222, note 31.  
*Zeit*, bishopric of, ii. 134.  
*Zeno*, Isauricus, emperor, i. 318.  
*Ziska*, John, iii. 359 seq.  
*Zizim*, iii. 236.  
*Zosimus*, bishop of Rome, i. 176, note 2; in the Pelagian controversy, 220.  
*Zwestriones*, iii. 100, note 5.



## E R R A T A .

### VOL. I.

Page	234,	line 6,	<i>for</i>	Isidora	<i>read</i>	Isidore.
	“ 312,	“ 26,	“	Sueci	“	Suevi.
	“ 333,	“ 20,	“	Hierapolis	“	Hispolis.
	“ 379,	“ 10,	“	Oswys	“	Oswyn.
	“ 381,	“ 11,	“	Emmaereau	“	Emmeram.

### VOL. II.

Page	29,	line 6,	<i>for</i>	Abari	<i>read</i>	Avari.
	“ 97,	note, 2d line	“	unhappy	“	Archbishop.
	“ 101,	line 2,	“	Rotker	“	Notker.
	“ 121,	“ 3,	“	Bruno	“	Berno.
	“ 176,	“ 5,	“	Troyes	“	Chalons.
	“ 182,	“ 12,	“	Ghibelien	“	Ghibelines.
	“ 189,	“ 3,	“	Council, &c.	“	Diet, &c.
	“ 281,	line 4, <i>for</i>	Premonsiratensians	“	Præmonstratensians.	
	“ 410,	note 3, lines 1 & 10, <i>for</i>	§ 92	“	§ 93.	

### VOL. III.

Page	1,	line 13,	<i>for</i>	Zwinger	<i>read</i>	Twinger.
	“ 15,	“ 5,	“	Martilius	“	Marsilius.
	“ “	“ “	“	Jardun	“	Jandun.
	“ 29,	note 6,	“	Tiers	“	Triers.
	“ 40,	line 6,	“	Alborno	“	Albornoz.
	“ 126,		“	§ 82	“	§ 83. (reference prefixed.)
	“ 199,	“ 1,	“	Charles VI.	“	Charles VII.
	“ 218,	“ 4,	“	Sigismund	“	Siegmund.
	“ 294,	n 19, l. 37,	“	Sorett	“	Soreth.









