

God, do ser. 12. God in that they are kynges, if they in their kyngdome commaunde those thynges that be good, & are dyd thynges that be euill, such as appertaine not onely to humane societie, but also to Gods Religion, &c. And yet to come more neare to the Popes owne Doctours, Thomas Aquine not much discrepant from the iniunction of the Apostle about alledged, thus describeth y<sup>e</sup> office of a kyng: Hoc inquit, officium rex fe suscepisse cognoscit, vt sit in regno, sicut in corpore anima, & sicut Deus in mundo, &c. Let a kyng (sayth he) vnderstand, that he hath taken this office vpon him, to be as the soule within the body, and as God in the world. In like agrement with the holy Apostle S. Paul, ioyntly also S. Peter: be you subiect (sayth he) to euery humane creature, whether it be to the kyng, as most preminent, or to other set ouer you, &c. where the common Glose addeth thereto, to obey the same, whether they be good or euill. These places rightly pondered, let any man now iudge whether the Pope hath done open wrong to the Emperour, in surpasing above the iurisdiction of his lawfull Prince and Magistrate, notwithstanding whatsoeuer his owne Canon law sayth to the contrary.

And as it is sufficiently hether to proued by Gods law, that all Ecclesiasticall persons owe their due subiection to their lawfull Princes, in matters as well temporal, as spiritual: so no lesse euidences may also be inferred out of mans law, and examples of the oldest fathers, to proue the same. And first to begyn with the example of Gregory the great, who in his Epistle to Mauritius wryteth thus: Dominus meus fuisi, quando adhuc Dominus omnium non eras: Ecce per me seruum vltimum sum, & vestrum respondebit Christus, &c. that is: You were the my Lord, when you were not the Lord of the whole Empire, behold Christ him selfe shall make you a seruant by me, which am his most simplest seruant and yours, &c. And before him Eleutherius his predecessor Bishop of Rome, wryting to Lucius, kyng of this Realme, calleth him by the name of Christes Vicar: But what needeth much confirmation of this matter, when the Popes decrees & Canons be full of records hereof, testifying how the ancient Church of Rome not onely receaued, but also required of the Emperours, lawes & constitutions to be made, touching not onely such causes, but also such persons as were Ecclesiasticall. And here to omit by the way the chap. Principes seculi, also cap. Administratores, 23. q. 5. with diuers other beside, I will recite out of the Epistle of Boniface the 1. to the Emperour Honorius, so much as serueth for our purpose, wrytten in 92. cap. Ecclesie, cap. Victor. where it is mentioned that the sayd Bonifacius Bishop of Rome sent an humble supplication to the forenamed Emperour, desiring him by his authoritie to prouide some remedy against the ambitious contentions of the clergy, concerning the bishopricke of Rome, which Emperour Honorius incontinent at his request, directed & stablished a law, that none should be made Bishop of Rome through ambition, charging all Ecclesiasticall Ministers to surcease from ambition, appointing moreover, that if two were elected together, neither of them both should be take, but the election to proceed further to another to be chosen by a full consent of voyces, as is expressed. Dist. 79. cap. Si duo.

To this I adioyne also the law & constitution of Iustinian the Emperour, ratified and renewed afterward in the counsell of Paris, in tyme of king Ludouicus Pius. where all Bishops & Priests be expressly forbidde not to excommunicate any man, before his cause was knowne & proued to be such, as for the whiche the ancient Canons of the Church would him to be excommunicate. And if any should otherwise proceed contrary to the same, the excommunicate person to be absolved by y<sup>e</sup> authoritie of an higher degree, & the excommunicate to be sequestred from the communio, so long as should seeme convenient to him that had the exercitie thereof, as is expressed. 24. q. 3. De illicita. The same Iustinian moreover in his lawes & constitutions, how many thynges did he dispose & ordeine in Church matters, as to haue a determinate number of Churches or Clerkes in Churches, &c. 3. Also concerning Monasteries & Priores, &c. 5. how Bishops & Priests should be ordeined, &c. 6. concerning renouing of Ecclesiasticall persons from one Church to another. Also concerning y<sup>e</sup> constitution of the Churches in Africa. And that the holy misteries should not be done in private houses, so y<sup>e</sup> who soeuer should attempt the contrary, should be deprived, &c. 57. Moreover concerning Clerkes leauing their Churches, &c. 58. Also concerning the order & maner of funerals, &c. 59. And that Bishops should not keepe from their flocke, &c. 67. The same Iustinian graunted to the Clergy of Constantinople the privilege of the secular court, in cases onely ciuile, and such as touched not the disturbance of the Bishop, otherwise in all criminall causes he left them to the iudgement of

the secular court, &c. 83. He geueth also lawes & decrees for breach of matrimonie, &c. 117. & in diuers other places. And in his const. 123. after the doctrine of S. Paul, he commaundeth all Bishops & Priests to sounde out their seruice, & to celebrate the misteries, not after a secret manner, but with a loude voyce, so as they might not onely be heard, but also be vnderstand of the sayrful people, what was sayd & done. whereby it is to be gathered, that diuine prayers and seruice then, was in the vulgar tongue.

And as the said Iustinian, & other Emperours in those dayes had the iurisdiction and gouernement ouer spirituall matters & persons, the like examples also may be brought of other kyngs, in other lades, who had no lesse authoritie in their Realmes, then Emperours had in their Empire. As in Fraunce, Clodoueus the first Christianized kyng at Orleans caused a Council of 33. Bishops, where 33. Canons were instituted concerning the gouernement of the Church, within 200. yeares after Christ. Ex primo Tomo Concil. Carolus Magnus, beside his other lawes and edictes political, called in Synodes, one at Mentz, the second at Rome, the third at Armes, the fourth at Cabilone, the fifth at Arelate, where sundry rites & ordinaunces were geuen to the Clergy, about 810. yeares after Christ. The same Carolus also decreed that onely the Canonick booke of Scripture should be read in the Church, & none other, which before also was decreed, an. 417. in the third generall Council of Carthage. Item he exhorteth and chargeth Bishops and Priests to preach the word, with a godly instruction: Episcopi vero vt sine per se, sine per vicarios, pabulum verbi diuini ferdulo populis annunciant. Quia vt ait beatus Gregorius: Iram contra se occulti iudicis excitat Sacerdos si sine predicacione sonitu incedit. Et vt ipsi clerum sibi commissum in sobrietate & castitate nutriant. Superfitiones quas quibusdam in locis in equis mortuorum nonnulli faciunt, eradicent. that is: That Bishops either by them selves, or their deputies shall shew forth y<sup>e</sup> foode of Gods word to the people with all diligence. For as Gregory sayth, the Priest procureth against him the wrath of y<sup>e</sup> secret iudge, which goeth without the sound of preaching. And also that they bring vp their Clergy to the committed in sobernes & chastitie. The superstition which in certain places is vied of some, about the funerals of the dead, let them exterminate & plucke by the rootes, &c.

Moreover, instructing & informing the sayd Bishops & Priests in the office of preaching, willeth the, not to suffer any to sayne or preach to the people any new doctrine of their owne inuention, & not agreeing to the word of God, but that they them selves both will preach such thyngs as lead to eternall life, and also that they set vp other to do the same, & ioyntly with all a godly exhortation. Ideo, dilectissimi, toto corde preparamus nos in scientia veritatis, & mox: vt diuina donante gratia verbum Dei currat & crescat, & multiplicetur, in profectum Ecclesie Dei sancte, & salutem animarum nostrarum, & laudem, & gloriam nominis Domini nostri Iesu Christi Pax predicantibus, gratia obedientibus, gloria Domino nostro Iesu Christo, Amen. Furthermore, the said Carolus in his constitutions diuideth the goodes geue to the Church so, that in y<sup>e</sup> more welthy places, two partes should go to the vse of the poore, y<sup>e</sup> third to the stiped of the Clergy. Wherein in poore places an equall diuision to be made betwene the poortie & the Clergy, vnles the gift had some speciall exception. Ex Anfegif. lib. 1. cap. 80. And in the same booke a little after, cap. 83. the author declareth by the sayd Carolus to be decreed, that no Ecclesiasticall person or persons should thenceforth should presume to take of any person, any such gift or donation, whereby y<sup>e</sup> childre or kindredlikes of the sayd Donor should be defeted of their inheritance duly to them belonging. Ludouicus Pius king of France, & after Emperour, was sonne to the foresaid Charles who being ioined together with the said Charles his father in y<sup>e</sup> Empire, ordeined also with his father sundry actes & obseruaunces touching the gouernement of the Church, as in y<sup>e</sup> author be fore alledged may appeare. As first, that no entry should be made into the Church by Symony: Agayne, that Bishops should be ordeined by the free electio of the Clergie & of the people, without all respect of person or reward, onely for the merite of life, and gift of heauenly wisdom.

Also the sayd Bynges & Emperours forbad that any free man or Citizen should enter the professio of Monkery, without licence asked of the kyng before, & added a double cause wherof. First, for that many not for meere deuotio, but for idleness and auoyding the kynges warres, do geue themselves to Religion: agayne, for that many be craftily circumuened & deluded by lubric courtrous persons, seeking to get from them that which they haue. Lib. 1. cap. 114. ibidem. It is that no young childre or boyes should be haue or enter any profession, without the will of their Parents. And no young maydens should take the veale or profession of a

Diuine seruice vied in the vulgar tongue.

Clodoueus.

Concilium Aurelianense. Carolus Magnus.

Canonick Scripture onely to be read in Churches. Conc. Cartha. 3. cap. 47.

Bishops and Priests charged to preach with diligence.

Superfition in Funerals forbidden.

Ex Anfegif. Abbate. lib. 1. cap. 76.

Ludouicus Pius.

Ex Anf. lib. 1. cap. 20.

Thomas de regim. prim. cap. 16. cap. 32.

1. Pet. 2.

Gregor. ad Mauris. Aug. lib. 3. epist. 61.

The Pope calleth king Lucius Christes Vicar.

23. q. 5. principes, cap. Administratores. Dist. 97. ca. ecclesie, cap. Victor.

Dist. 79. ca. Si duo.

24. q. 3. cap. De illicita.

Ex Nouel. 5. Iustinian.