

Summe, before the same to sufficient discretion of peres to differenc & chuse what they will follow. That none should be interred or buried there forth within the Church, which also was decreed by Theodosius & Valentinianus .40. yeares before this Emperour, enacted that murderers & such as were guilty of death by the law, should have no sanctuary by flying into the Church, &c. which also was decreed by Iustinia, 300. yeares before this Carolus. Ex Nouel. Iustinia.

Moreover the foresayd Ludouicus Pius, with his sonne Clothari? (or as some call him, Lotharius) joynd with him, among other Ecclesiasticall Sanctions, ordaured a godly law, for laymen to communicate the Sacrament of the body & blood of the Lord in these wordes: Vt si nō frequentius, vel ter, laici homines communicent: nisi forte grauioribus quibusdam criminibus impediatur. That laymen do communicate at least thre, if not otter, except they be lett percale by some more hapnous greuous offences. Anseg. lib. 2. cap. 43. Item they enacted that no goodes of the Church should be alienated vnder the payne Leonine constitutionis. Vnto this Lotharius French kyng and Emperour, Pope Leo the 4. wryteth that Romana lex, that is, the Romane law (meaning the law of the French Emperours) as it hath heretofore in force: Ita & nunc suum robur propriūmq; vigorem obtineat, that is: so now it may continue still in his vigour and strength. Ino Carnotenfis. lib. 11. Decretorum, about the yeare of the Lord, 848. After this Lotharius succeeded his sonne Ludouicus the second in the kyngdome & Empire of Fraunce, before whō the foresayd Pope Leo was brought into iudgement, & pleaded his cause of treason, and there was before the Emperour quyre and released. which declareth that Popes and Bishops all this while were in subiection vnder their Kinges and Emperours.

Moreover descendyng yet to lower tymes, an. 1228. Ludouicus 9. called holy Ludouike, made a law agaynst the pestiferous simonie in the Church, also for maintenance of the libertie of the Church of Fraunce, established a law or decree, agaynst the new inuētions, rseruations, puenitions, & exactions of a court of Rome, called Pragmatica sanctio, S. Ludouici, the which Saction was also practised lōg after in the kyngdome of Fraunce agaynst the popes collectors & vnder collectors, as appeareth by the Arestum of the counsaile of Paris. an. 1463. ex Molinzo in Cōmētarijs. Furthere more king Philip le Bel. 1303. set forth a law, called Philippina, wherein was forbyd any exaction of new tithes and first frutes, & other vncustomed collections, to be put vpon the Church of Fraunce. Carolus the v. named Sapiens. an. 1369. by a law cōmaūded, that no Bishops nor Prelates, or their Officials within his kyngdome of Fraunce should execute any censure of suspēde, or excommunication, at the Popes cōmaūdemēt, ouer or vpp the Cities, or to womes, corporations, or cōmons of his Realme, ex regist. antiquarū const. chart. 62. Jtē Carolus vi. an. 1388. agaynst Cardinalls & other Officials, & collectors of the Pope, renouking againe the power which he had geue to the before, promised by a law, that the frutes & rentes of benefices, with other pensions, & Bishops goodes that departed, should no more be exorted by the Cardinals & the Popes collectors vnto Rome, but should be brought to the king, and so restored to them to whō they rightly did appertaine.

The like also may be inferred & proved by the stories & examples of our kyngs here in England, as kyng Offa, kyng Egbertus, Edgarus, Aluredus, Athelwoldus, Canutus, Edwardus. William Conquerour, Wilhel. Rufus, Henricus the first, Henricus the second, till the tyme of kyng John and after. whose dealing as well in Ecclesiasticall cases, as in tēporall, is a sufficient demonstration to proue what injury the Popes, in these latter dayes, haue done vnto the Emperours their lawfull gouernours & Magistrates: in vburpyng such fulnes of power & iurisdiction ouer them, to whō properly they owe subiection, contrary to the steps & example of the old Romaine Bishops their aunciters, & therefore haue incurred the danger of a Premunire, worthy to be dequied. Although it is not to be denyed, but that Ecclesiasticall ministers and seruitors haue their power also committed vnto the, after their sozt. of the Lord: yet it becommeth euery man to know his owne place & standyng, & there to keepe him, wherein his owne precinct doth pale him & not rashly to breake out into other mēs walkes. As it is not lawfull for a ciuile Magistrate to intermedie with a Bishopps or a Preachers function: so vncernely & vnorderly it is agayne that Boniface the viij. should haue borne before him the tēporall male, & the naked sword of the Emperour, or that any Pope should beare a triple crowne, or take vpon him like a Lord and Kyng. wherfore let euery man consider the compasse & limitation of his charge, & excede no farther. The office of a Bishop or seruitor Ecclē-

siasticall, was in the old law to offer sacrifice, to burne incense, to pray for the people, to ex pounde the law, to minister in the tabernacle, to which office it was not lawfull for any Prince or mā els to intermedie, as we read how Ozias was punished for offering incense, & an other for touchyng the Arke: so now the office of Christian Ministers is to preach the word, to minister Sacramētis, to pray, to binde and loose, where cause vrgently requireth, to iudge in spiriual cases, to publish & denounce free reconciliation, & remission in the name of Christ, to erect & comfort troubled consciences with the rich grace of the Gospell, to teach the people the true differēce betwixt the law and the Gospell, wherof the one belongeth to such as be not in Christ, and come not to him: the other pertauneth to the true belueers in the sonne of God, to admonish also the Magistrates eryng or transgressing in their office. &c.

And as these properly belong to the function of the Ecclesiasticall sozt: so hath y ciuile gouernour or Magistrate agayne his proper charge & office to him assigned, whiche is, to see the administration of iustice & iudgement, to defend with power the right of the weake that suffer wōg, to defend from opprelion the poore oppressed, to minister with equalitie, that which is right and equall to euery man: to prouide lawes good & godly, to see the execution of y same as cause moueth: especially to see the law of God maintained, to promote Christs glory & Gospell, in setting vp & sendyng out good Preachers, in mainteynyng the same, in prouidyng Bishops to be elected that be saythfull, in reuouyng or els correctyng the same beyng faulty or negligent, in congregatyng the Xlgergy whic neede is of any couēll or electio, to heare their learning in causes propounded, & accordyng to the truth learned, to direct his iudgemēt, in disposing such rites & ordinaunces for the church, as make to edification nor to the destruction therof, in conseruyng the discipline of the Church, and setting all thynges in a congrue order. Whiche, the office of the ciuile ruler & Magistrate extendeth to minister iustice and iudgement in all Courtes as well tēporall, as Ecclesiasticall: to haue correction ouer all traſgressours, whether they be laymen or persons Ecclesiasticall. And finally all such thynges as belong to the mouyng of y sword, whatsoeuer, that is to say, all outward punishment, is referred to the iurisdiction of the secular Magistrate, vnder whose subiection the ordinaunce of God hath subiected all orders and states of mē.

Here we haue the witnesse also of Hormisda Bishop of Rome, which being well weped, maketh y matter plaine, that Princes haue to deal in spirituall causes also, not onely in tēporall: wher the sayd Hormisda wryteth to E-piphanius, Patriarche of Constant. in this sozt: Clara cœlestis misericordiz demonstratio procedit, quando reges secularis causis de fide, cum gubernatione politiz coniungunt. &c. ex Act. v. vniuers. concil. Constantini secundi. an. 528. And thus much, and to much peraduenture concernyng the matter of iurisdiction, in which poynt this new Church of Rome hath swarued from the auncient Church of Rome, which was, as is sufficiently proued.

The third point wherem the church of Rome hath broken and is departed from the Church of Rome, is the forme of stile & title annexed to the Bishop of that Sea. As wher he is called Pope, most holy father, vicare generall, & vicare of Christ, successour of Peter, vniuersall Bishop, Prince of Bishops, head of the Church vniuersall Summus orbis pontifex, Stupor mundi, head Bishop of the world, the admiration of the world, neither God nor mā, but a thyng betwene both, &c. for all these termes be geuen him in Bishop books. Albeit y name Pope, beyng a Greeke name, deriued of πῶπῶς, which soundeth as much as ffather, in the Syracusane speech, may peraduenture seeme more tolerable, as which hath bene used in the old time among Bishops, for so Austen was called of the Council of Aphrike, Hierome, of Boniface & other. Also Cyprian Bishop of Carthage, was called Papa. 24. q. 1. cap. loquitur & dist. 50. cap. De eo tamen. Item Clodouicus or (as Rheanus calleth him) Ludouicus, first Christian kyng of Fraunce, calleth a certain sumpler Bishop, Papam. Hierome also in his Epistle to Chromatius calleth Valerianus, by the name of Pope: & likewise wrytyng to Euitachium, and Fabiola, he calleth Epiphanius beatum Papam. In the Apologies of Athanasius, we read oft tymes that he was called Papa, and Archiepiscopus. Rufinus also Lib. 2. cap. 26. calleth him, Pontificem maximum: Also Aurelius President in the vi. Council of Carthage was called of the sayd Council, Papa, ex cap. 4. vi. Concil. Carthag. And before this Eleutherius Bishop of Rome, wrytyng to kyng Lucius the first Christian kyng in this land, calleth him in his Epistle, the vicare of Christ, &c. But that any of these termes were so peculiarly applied to the Bishop of Rome,

The office of the Ecclesiasticall minister.

The office of ciuile rulers & magistrates.

The 3. point wherem the Church of Rome is altered from the Church of Rome. The titles & stile of the Bishop of Rome.

24. q. 1. cap. Loquitur. Dist. 50. ca. De eo tamē. Papa, a common name in the old tyme to all Bishops of higher knowledge & vertue. Hierony. ad Chromatium. Epist. Idem ad Eustachium & Fabiolam.

Lib. 2. C. de sacris eccle. iustis. in Nouel.

Ludouicus and Clotarius.

Anseg. lib. 2. cap. 43.

Clodouicus. 11.

Ex Inon Carnotenfis. lib. 11. decretorum. The Pope pleaded his cause at the barre before the Emperour. 2. quat. 7. cap. Hos si continent. Ludouicus 9.

Fragmatica sanctio. S. Ludouici. Arestum Senatūs Parisien. ex Molinzo. Philippus Palcher. Carolus Sapiens.

Carolus 6.