

land. an. 1358. about a double matter. wherof the one was concerning confessiō and other exheres which the friers encroched in parish Churches agaynst the Curates, and publicke pastors of Churches. The other was concerning willfull beggery and poverty, which the Friers then took upon them; not upon any necessity being otherwise strong enough to worke for their living, but onely upon a willfull and affected profession. For the which cause the Friers appealed him vp to the court of Rome. The occasion wherof thus did rise.

It befell, that Armachanus upon certayne busines coming vp to London, found there certayne Doctours disputing and contending about the begging of Christ our Saviour. wherupon (he being greatly urged and requested oft times thereto) at request, made tenen or eight sermons vnto the people at London, wherein he uttered 9. conclusions. wherof the first and principal conclusion was, touching the matter of the friers priuiledges, in hearing confessions. His conclusion was this.

First, that if a doubt or question be moued for hearing confessiōs, which of 2. places is rather to be chose. The parish church is to be preferred before the church of the friers.

Secondly, being demanded whether is to be taken (to heare the confession of) the parishioners the Parson, or the Curate, or the frier. It is to be sayde, rather the Parson or the Curate.

Thirdly, that our Lord Iesus Christ in his humane comersaio was alwayes poore, but not that he loued poverty, or did couet to be poore.

Fourthly, that our Lord Iesus Christ did neuer beg, willfully professing to be poore.

Fifthly, that our Lord Iesus Christ did neuer teach willfully to beg, or to profess willfull beggery.

The first conclusion was, that Christ our Lord did contrary, that men ought not willfully or purposely without meece necessity to beg.

Seuenthly, that there is neither wisdom nor holines, for any man to take upon him willfull beggery, perpetualy to be obserued.

The eight, that it is not agreeing to the rule of the Discipulants, or Friers Minorites, to obserue willfull poverty.

The last conclusion was, touching the Bull of Pope Alexander the 4. whiche condemned the libell of the matters of Paris: that the same Bull touched none of these 7. last conclusions.

Upon these 9. conclusions premised, Armachanus being appealed, cited, and brought vp to the presence of the Pope: began to proue the same his foresaid conclusions or assertions vnder protestation made, that his intētion was not to affirme any thing contrary to the christian sayth, or to the Catholike doctrine, or that should be prejudicial or destructive to the orders of the begging friers, such as were approued by holy Church, or confirmed by the high Bishops: But onely his intētion was, to haue the sayd orders redaced to the purity of their first institution. Concerning which matter, he desired his reasons to be heard, which if they should be found weaker then the reasons of the friers, the punishment should be his. If otherwise, that then the friers insty to be rewarded, for their stauorous obtracation and publicke contumelies, & inuirtuous dealings both priuately and publickly wrought and sought agaynst him: And so taking for his Theame: Nolite iudicare secundum faciem, sed iustum iudicium iudicate. &c. That is, Judge not after the outward face, but iudge true iudgement. &c. John. 7. he enureth to the probatio of his conclusions: first beginning with the former conclusion, that the Parish church was a place more fit and conuenient, for the confessiōs or burials of the Parishioners to be vsed, then any other exempt Church or place of the Friers. which he proued by three causes: First for the more surenes or certaintie to the conscience of the Parishioners confessed. Secondly, for the more vtility and profit of him. Thirdly, for the lesse incommoditie ensuing by confessiōs taken in Parish churches, then in friers Churches.

As touching the first, for the more assurduesse and certēntie, thus he argued vpon the place of Deut. 12. vnto that place, which the Lord your God shall assigne of all your tribes, to place his name and dwell therein: whether shall you resort to offer vp your oblations, tithes, &c. And the same place God sayth: See thou offer not thy sacrifice in euery place that liketh thee: but in that place alone which the Lord hath elect in one of the tribes, and thou shalt doe in all things as I commaund thee. Also vpon the wordes of Leuit. 4. and 5. which be these, Whosoever sinneth of ignorance, shall offer to the priest, and he shall pray for him, and he shall be forgiven &c. Upon these places: thus he argued: that forasmuch as the Sacramēts

of the Church are to be frequented and vsed in no other place but onely in that, which by God himselfe peculiarly is assigned and commaunded for the same: And leug that elect place in the law representeth the Parish Churches: neither can it be proued that the Friers Church is the place prescribed of God, but onely permitted by Bishops of Rome: He concluded therefore, that Parish Churches for confessiōs and burials, were more sure and certayne to the conscience of Parishioners, then the exempt places of the Friers.

By an other reason also he confirmed the same, for that the parish Church commonly standeth free fro the Popes interdict, so do not the Churches of the Friers. As which stand not so cleare, but that they are vnder suspition, and doubt of the Popes interdict: by the Decretall. De sepulchris in sexto. cap. Animarum periculis. In which Decretall, all such conuentuall Churches and Churchyards of Friers be interdicted, which do induce any person or persons, either by oth or promise made, to chule their burying places in their churches, as commonly the friers are reported to do. For els what parishner would forsake his owne church & parish where his aunccestors do lye, to be buried among the Friers, if the Friers did not induce thes to do.

Wherouer for the second part, concerning the vtility of the place, that he confirmed doublewise. First, for that confessiō made within the parish church, hath a double merit of obedience, both for obeying the commaundment of God in opening his confessiō (thus he speaketh according to the blindness of that time, for that auricular confessiō hath any commaundment of God, cannot be proued: & also in obeying the commaundment of God in obseruing the place by him appointed, which second merit of obedience lacketh in the Friers part. Secondly, he proued to be greater vtility for a parishner to confesse him in his parish Church, then with the Friers. Because commonly the number of Christian people praying, is ten times more in parish churches. wherby is to be thought, that ech singuler persō may better be helped through more prayers, then in the Quatories of the Friers, &c.

Farther as touching the third part of the first conclusion or Article he proued, that it had fewer incommodities to resort euery man to his parish Church, then to the friers: for that both greater vtility, and more certaintie (as hath ben proued) did ensue therof: which two being take away, (as must need, in resorting to the friers Church) the two speciall comodities should be hindered, & so great incommodities therof should follow. And thus much for the place of the friers.

Now to the second conclusion or Article touching the person of the frier, and of the ordinary Curate. If the questiō be, which of these two is to be preferred in the office of Ecclesiasticall administratiō: the opinion of Armachanus was, that the ordinary Curate was better then the extraordinary frier, and that for the three foresayd respectes, to wit, for certaintie or assurance, for vtility, and for incommodity to be auoyded.

First that it is more safe and sure for the parishioners to resort to the ordinary or parish priest, hee argued by 3. reasons: first because the person of the lawfull ordinary or priest is expressely of God commaunded, where the persō of the frier is not, and therefore is forbid. Secondly, because the parishner may more trust to his ordinary Curate, as who is more bound & obliged to prouide and to be carefull for him, then any other extraordinary person, Thirdly, because in the person of the ordinary curate, commonly there is no doubt of any interdict to bind him: whereas contrary in the friers be halfe: there is good matter to doubt, whether he stand bound vnder the popes censure of excommunication or not, and that for diuers causes, as by the cap. Religiosi, in Clementinis de decimis. where is decreed, that all such religious mē, which hauing no benefices or cure of soule, presume to impropagate vnto them glebe land or other tithes due vnto Churches, and not appertayning to them (by any manner of colour or fraudulent circumuention) do incur the sentence of excommunication, ipso facto. Also by another cap Religiosi, De priuilegijs. in Clement. where it is sayd, that all such religious men are excommunicated De facto, whosoever doe absolue any, agaynst whom the sentence of excommunication hath bene denounced by statute prouincial, or sinodal: as it is commonly said, that the friers hearing mēs cōfessiōs are accustomed to do, in knowing them whom the censure of prelates, or their Officials haue bound. wherof the sayd Armachanus bringeth forth example of his own Dioces: For I (sayd he) in mine own Dioces of Armachan, haue as good as two thousand vnder me, who by the censure of excommunication chery pere, denounced agaynst willfull murderers, common theues, bur-

The first part of the first conclusion, confirmed by another reason

The second part of the first conclusion confirmed.

Another confirmatiō of the second part of the first article.

The third part of the first conclusion proued.

The 2. conclusion or Article.

3. respectes or causes to be proued.

Ca. Religiosi. in Clement. de decimis.

In Clement. de priuilegijs cap. Religiosi. The Friers proued to be excommunicate by the Popes lawe.

Armachanus cited vp to the Pope by the Friers.

The protestatiō of Armachanus.

His theame.

Iohn. 7. The first conclusion proposed, Probation.

Certaintie.

Vtilitie. Incommoditie.

The first part of the first conclusion confirmed. Deut. 12.

Leuit. 4. 5.