

K. Ri. 2. Kings may take away the temporalities from the clergy, their offences requiring the same.

Thus writeth S. Augustine in his 8. distinction, by whose wordes it is manifest that the king hath power ouer the church goodes, & consequently may take them away from the clergie, transgresting or offending.

Item in his 33 Epistle vnto Boniface, hee sayeth, what sober man will say vnto our kings, care not you in our kingdome, by whome the church of the Lorde is maintained, or by whome it is oppressed, it pertaineth not vnto you, who will bee eyther a religious man, or who will be a church robber? Vnto whome it may be thus answered. Doeth it not pertaine vnto vs in our kingdom, who will either liue a chaste life, or who will be an vnchaste whore-monger? Beholde this holy man sheweth heere howe that it is the duty of kings, to punish suche as are robbers of Churches, and consequently the proud clergy when as they do offend.

Item, hee writeth in the 33. quest. 7. si de rebus. The secular Lordes may lawfully take away the temporal goodes from heretickes, and for so much that it is a case greatly possible that many of the cleargie are vsers of Simonie, and thereby heretickes: Therefore the secular Lordes may very lawfully take away their temporalities from them. For what vnworthy thing is it sayeth Saint Augustine, if the Catholickes doe possesse according vnto the will of the Lorde, those things which the heretickes helde? For so muche as this is the worde of the Lorde vnto all wycked men. Mathew 21. the kingdome of God shall be taken away from you, and geuen vnto an nation, which shall doe the righteoufnesse thereof; is it in vaine which is written in the 11. chapter of the booke of Wisedome? The iust shall eat the labours of the wicked.

And whereas it may be objected as touching the desire of other mennes goodes, Saynte Augustine aunswareth that by that euidence the feuen nations, whyche did abuse the lande of promise, and were driuen out from thence by the power of God, may obiecte the same vnto the people of God, which inhabit the same. And the Iewes them selues from whome according vnto the worde of the Lorde, the kingdome is taken away and geuen vnto a people, which shall doe the woorkes of righteoufnesse, maye obiecte the same vnto the Church of Christ, as touching the desire of other mennes goodes, but Sainte Augustines aunswere is thus.

Wee, sayeth he, doe not desire another mannes goodes, for so muche as they are oures by the commandement of him, by whom all things were made. By like euidence the clergie hauing offended, their temporal goodes are made the goodes of others, for the profite of the church; to this purpose also, according to S. Augustine, serueth the 14. question 4. vnto a misbeleener, it is not a halfe pennie matter, but vnto the faithfull is a whole worlde of riches; shall we not then conuince al such to possesse an other mans goodes, which seemed to haue gathered great riches together, and know not howe to vse them; for that truly is not an others, which is possessed by right, and that is lawfully possessed, which is iustly possessed; and that is iustly possessed, which is well possessed. Ergo, all that is euell possessed is another mannes, and he doth ill possesse it, which doth euell vse it.

It then anye of the cleargie doe abuse the temporal goodes, the temporal Lordes maye at theyr owne pleasure, according vnto the rule of charitie take away the sayde temporal goodes from the cleargie so transgresting. For then according to the allegation aforesayde, the cleargie doeth not iustly possesse those temporal goodes, but the temporal Lordes proceeding according to the rule of charitie: Doe iustly possesse those temporalities, for so muche as all things are the iust mannes. 1. Cor. 13. chapter. All things sayeth the Apostle are yours. Whether it be Paule or Apollo, or Cephas, eyther the worlde, eyther life, or death, or things present, or things to come; for all things be yours, you be Christes, and Christe is Goddes. Also 23. quest. 7. Quicunque. It is written. Iure diuino omnia sunt iustorum. The wordes of Sainte Augustine in that place, ad Vincentium, be these: Who so euer sayeth hee, vpon the occasion of this law or ordinance of the Emperour doeth molest or persecute you, not for loue of any charitable correction, but onely for hatred and malice to doe you displeasure, I holde not wyth hym in so doynge.

And although there is nothing heere in this earthe, that any manne may possesse assuredly, but eyther hee must holde it, by Goddes lawe, by which the cuncta iustorum esse dicuntur: that is, all things be sayde to pertaine to the possession of the iuste: or esse by mannes lawe, which it standeth in the kings power to sette and to ordaine. &c. Hereby the wordes of Augustine alledged. Yee see all things belong to the possession of the iust, by Goddes lawe.

Item, for so muche as the cleargie by meanes of their possessions are in danger of the Emperour and King: It followeth that if they doe offend, the Emperour or King, may lawfully take away their possessions from them. The consequent dependeth on this poynthe, for so much as otherwise they were not in subiection vnder the Emperour or king, and the antecedent is manifest by the

1. question and 1. Parag. His ita responderetur. Where as it is specified in Latine thus. [His ita responderetur, clerici ex officio Episcopo sunt suppositi, ex possessionibus praediorum imperatori sunt obnoxii, ab Episcopo vnctionem, decimas, & primitias accipiunt: ab imperatore vero praediorum possessiones nanciscuntur:] that is to say. The cleargie by meanes of their office are vnder the Bishoppe, but by reason of theyr possessions they be subiect vnto the Emperour: Of the Bishoppe they receiue vnction, tithes and first frutes of the Emperour, they receiue possessions. This then it is decreed by the Emperiall lawe, that liuelyhoodes should be possessed; whereby it appeareth that the cleargie by the possession of their liuelyhoodes are in danger of the Emperour, for hym to take away from them, or to correcte them according to their delerungs, and to haue the controllment of them, as it shall seeme good vnto hym.

Item, the temporal Lordes may take away the temporalities from such as vse Simonie, because they are heretickes. Ergo, this Article is true.

The antecedent is manifest, for so much as the secular Lordes maye refuse suche as vse Simonie, and punishe them except they doe repent. For by the decree of Pope Paschafius in the first and laste question it appeareth, that all suche as vsed Simonie, were to be refused of all faithfull people, as chiefe and principall heretickes; and if they doe not repent after they be warned, they are also to be punished by the externe power. For all other faultes and crimes, in comparayson of Simonie, be counted but light, and seeme small offences.

Where vpon the glose expounding the same text, sayth that by this worde externe, is vnderstande the laeticie, which haue power ouer the cleargie, besides the Church, as in the 17. distinct. [Non licuit, & 23. quest. 5. principes.] Whereby it is euident that the temporal Lordes may take away the temporal goodes from the cleargie when as they doe offend.

Item, Saint Gregorie in the Register vpon hys 7. booke 9. Chapter, writeth thus vnto the Frenche Queene. For so much as it is written that ryghteoufnesse healpeth the people, and sinne maketh them mylerable: then is that kingdome counted stable, when as the offence which is knowen, is soone amended.

Therefore, for so muche as wicked priestes are the cause of the ruine of the people, (for who shall take vpon hym, to bee intercessour for the finnes of the people, if the priest which ought to intreate for the same, haue committed greater offences) and vnder youre dominions the priestes doe liue wickedly and vnchastly; therefore that the offence of a few myght not tourne to the destruction of manye, wee ought earnestly to seeke the punishment of the same. And it followeth, if wee doe commaunde any personne, wee doe sende hym forth, wyth the consent of your authoritie, who together wyth other Priestes, shall diligently seeke out, and according vnto Goddes worde correct and amende the same. Neyther are these things to be dissimuled, the which wee haue spoken off; for hee that may correcte any thing, and doeth neglect the same, wythout all doubte, he maketh hym selfe partaker of the sinne or offence.

Therefore foresee vnto your owne soule, prouide for youre newwes, and for suche as you do desire to raigne after you, prouide for your countrey, and wyth diligence prouide for the correction and punishment of that sinne, before our creatoure doe stretch out hys hand to strike.

And in hys next Chapter, hee writeth vnto the French king, what to euer you doe vnderstande, to pertaine eyther vnto the honour and glorye of oure God, to the reuerence of the church, or to the honour of the priestes, that doe you dilligently cause to be decreed and in all poynthes to be obserued. Wherefore once againe wee doe moue you, that you commaunde a Synode to be congregated, and as wee wrote lately vnto you, to cause all the carnal vices which reigneth amongst your Priestes, and all the wickednesse and Simonie of your Bishoppes, which is moste harde to be condemned and reprooued: vterly to be banished oute of your kyngdome, and that you wil not suffer them to possesse anye more iurisdiction vnder your dominion, then Goddes commaundement doeth allowe.

Beholde howe carefully blessed Gregorie doeth exhort the Queene and the King to punish the vices of the cleargie, leaste through theyr negligence they shoulde be partakers of the same: and howe they ought to correct their subiectes. For as it is conuenient to be circumspect and carefull against the outward enemies, euen so lykewyle ought they to be agaynste the inward ennemys of the soule. And lyke as in iuste warre agaynste the outwarde ennemys, it is lawfull to take away theyr goodes, so long as they continue in theyr malice; so also is it lawfull to take away the goods of the cleargie, being the inward enemy. The consequent is prouoed thus, for so much as the domestical enemies are most hurtfull.

Item, it is thus argued, if God bee, the temporal Lordes may meritoriously and lawfully take away the temporal goodes

11. Magistrats, keepers of both lawes.

The dutie of kyngs to punish the clergy.

Math. 21.

Sapient. 11.

An obiection of the desire of other mens goods

S. Augustine. 4. question 4.

1. Cor. 3.

By Gods lawe cuncta iustorum esse dicuntur.

13. The clergy subiect vnto the Emperour and king by meanes of their possessions.

14. Vfers of Simonie are punished by the ciuill magistrate.

Paschafius in i. q. ult. cap. pater.

The laitic correcters of the clergy.

Gregory writeth to the French Queene.

Wicked priestes the destruction of the people.

S. Gregory to the french kyng.