

from the Cleargie, if they doe offende. For thys poynr lette vs suppose that we speake of power, as the true autentike scripture doth speake. Matt. 13. God is able euen of these stones to raise vp children vnto Abraham.

Whereupon it is thus argued; for if God be, he is omnipotent; and if he so be, he may geue like power vnto the seculer Lordes. And so consequently they may meritoriously and lawfully vse the same power. But least that any man may object that a profe made by a strange thing is not sufficient, it is therefore declared howe that the temporal Lords haue power to take away their almes bestowed vpon the church. The church abusing the same, as it shall be proued hereafter. And first thus, it is lawfull for kings in cases limited by the lawe to take away the mouebles from the clergie; when they do offend, it is thus proued. For the temporall Lordes are most bound vnto the workes of greatest mercy most easie for them, but in case possible, it shuld be greater almes, & easier temporal dominion, to take away their almes fro such as build therewith vnto eternal damnation, through the abuse therof, than to geue, that same almes for any bodily reliefe. Ergo the assumption is true.

Whereupon first this sentence of the law of Christ in the 3. Thes. 3. is noted, wheras the Apollie writeth thus: When we were amongst you, wee declared this vnto you, that he that would worke shuld not eate. Wherefore the law of nature doth licence al such as haue the gouernance of kingdoms, to correct the abuse of the temporalities which wold be the chief cause of the destruction of their kingdoms, whether the temporal Lords or any other had endowed the Church with those temporalities or not: It is lawfull for them in some case to take away the temporalities as it were by way of punishment and sinne, notwithstanding any excommunication or other Ecclesiasticall censure. For so much as they are, not endowed, but only with obligation vnto an ex-

ecution, hereby it appeareth that the condition annexed to the endowing or enriching of any church, is that God shuld be honoured, the which condition if it once fail the contrary taking place, the title of the gift is lost; and consequently the Lord which gaue the almes ought to correct the offence. Excommunication ought not to let the fulfilling of iustice, Secondly according to the Canon law. 26. quest. 7. This sentence is noted wher: it is thus spoken as touching the children newes and the most honest of the kindred of him which hath builded or endowed any church. That it is lawfull for them to be thus circumposed, that if they perseiue the priest doe defraude any part of that which is bestowed, they should either gently admonish or warne him, or els complaine vnto him to the bishop, that he may be corrected. But if the bishop himselfe attempt to do the like, let them complaine of him to his Metropolitan; and if the Metropolitan do the like, let them notwithstanding the time, to report it in the eares of the king. For so saith the canon. Let them not deferre, to report it in the eares of the king: To what ende I pray you; but that he shuld do correction, neither is it to be adouted but that correction doeth more appertaine vnto the king in this poynr for their goods wherof he is chiefe Lord by a subtraction proportional, according to the fault or offence.

Item it is thus proued. It is lawfull for the seculer Lords by their power to do correction vpon the clergie by some kind of fearful discipline appertaining to their seculer power. Ergo, by like reason it is lawfull for them by their power to do such correction, by all kind of fearful discipline pertaining vnto their seculer power. For so much then as the taking of their temporalities is in kinde of fearful discipline pertaining vnto the seculer power: It followeth that it is lawfull for them thereby to doe such correction. And consequently it followeth that the truthe is thus to be proued. The consequent is euident and the antecedent is proued by Isidore 23. quest. 5. Principes. Where it is thus wrtten. There shuld be no seculer powers within the church, but onely for thys purpose, that whatsoeuer thing the priests or ministers cannot bring to passe by preaching or teachings, the seculer powers, may command the same by the terror and feare of discipline: For oftentimes the heauely kingdom is profited and holpen by the earthly kingdom, that they which are in the church and do any thing contrary vnto faith and discipline by the rigour of the princes, may be troden downe. And that the power of the rulers may lay that discipline vpon the neckes of the proude and stifnecked, which the vility and profit of the church can not exercise or vse.

Item all things that by power ought to worke or bring to any perfect ende by the reasonable measuring of the meane thereto, it may lawfully vse by power, the subtraction or taking away of the excessse and the addition of the want of the meanes according as it shall be conuenient or meete for the measure to be made. For so much then as the seculer Lordes ought by their power to provide for the necessary sustentation of the Christian clergie by the reasonable measuring of their temporalities which they are bounden to bestow vpon the Christian clergie, it followeth that they may lawfully by their power vse the taking away or putting vnto of those temporalities according as shall be conuenient for the performance of that reasonable matter.

Item, it is lawfull for the clergie, by their power to take away

the sacramentes of the Church from the laitie customably offending forso much as it doeth pertaine to the office of the Christian ministers by their power to minister the same vnto the lay people. Wherefore, for so much as it doeth pertaine vnto the office of the laitie, according vnto their power to minister, and geue temporalities to the clergie of Christ, as the Apollie sayeth. 1. Cor. 9. It followeth that it is also lawfull for them by their power to take away the temporalities from the clergie, when they do customably sinne and offend.

Item, by like power may he which geueth a stipende or exhibition withdraw and take away the same from the vnworthy labourers, as hee hath power to geue the same vnto the worthy labourers; for so much then as temporalities of the clergie, are the stipendes of the laitie: it followeth that the lay people may by as good authority, take away the same again from the clergie, which will not worthely labour, as they might by their power bestowe the same vpon those, which would worthely labour, according to the saying of the Gospel. Mat. 21. The kingdom shall be taken away from you, and geuen vnto a people which shall bring forth the frutes thereof.

Item, it is also lawfull for the seculer Lordes, by their power to chastise and punish the lay people when they do offend, by taking away of their temporalities, according to the exiget of their offence, for so much as the lay people are subiect vnder their dominion. Wherefore the clergie being also subiect vnder the dominion of the seculer Lordes, as appeareth Row. 13. and many other places, it is euident that it is lawfull by their power to punish the clergie, by taking away of their temporalities, if their offence do so deserue.

Item, the true and easie direction of the clergie vnto the life of Christ and the Apollies and most profitable vnto the laity: that the clergie shuld not liue contrary vnto Christes institution, seemeth to be the taking away of their alms, and those things which they had bestowed vpon them. And it is thus proued, that medicine is most apt to be laide vnto the sore, whereby the infirmities might sooner be holpen, and were most agreeable vnto the patient: Such is the taking away of the temporalities. Ergo, this article is true: The minor is thus proued, for so much as by the abundance of temporalities the worne or serpent of pride is spronge vp, where vpon vnfacible desire and luit is inflamed, and thereby proceedeth all kinde of gluttonie and lecherie. It is euident in this poynr, for so much as the Temporalities being once taken away, every one of those finnes is either vtterly taken away, or at the least diminished, by the contrary vertue induced and brought in: It seemeth also most pertinent vnto the laity, forso much as they ought not to lay violet hids vpon their ministers or to abiect the priestly dignity, neither to iudge any of the clergie in their open courts: It seemeth also by the law of conscience, to pertain vnto the lay people, for so much as euery man which worketh any worke of mercy, ought diligently to haue respecte vnto the habilitie of them that he bestoweth his almes vpon, least that by nourishing or helping loyters, hee be made partaker of his offence. Wherevpon if a priest doe not minister of their spiritualties, as Hostiensis teacheth in his 3. booke, of their tithes, first frutes and oblations, that the people ought to take away the almes of their tithes from them.

Item, it is confirmed by the last chapter of the 17. question, out of the decre of rents appropriate vnto the church, quicunq;. Whereas the case is put thus, that a certaine man hauing no children, neither hoping to haue any, gaue all his goodes vnto the church, referuing vnto him selfe the only vse and profites thereof: it happened afterward that he had children, and the bishop restored againe his goodes vnto him, hoping not for it. The bishop had it in his power, whether to reder again or no, those things which were geuen him; but that was by the lawe of man, and not by the lawe of conscience. If then by the decree of the holy doctoure S. Augustine in his sermone of the life of the clergie Aurelius the Byshop of Carthage had no power by Gods lawe to with holde that which is bestowed vpon the church, for the necessitie of children, by the which law the wanton, proud, and vntable clergie being more then sufficiently possessed, and enriched, do detain and keepe backe the temporalities to the detrement and hurt of their owne state, and of the whole Militant church, the seculare patrones being thereby so impouerished that they are compelled by penurie to robbe and steale to oppresse their tenants, to spoile and vndoe others, and oftentimes by very necessitie are driuen to beggerie.

Item, suppose that a priest and minister, howe greuouly so ener he doe offend by what kinde or signe of offence so euer it be, as it was in the bishop Iudas Iscariot of the religious monk Sergius, of Pope Leo the hereticke, and many other priests, of whom the scripture and chronicles make mention, and daily experience doeth teache vs the same: It is euident that as it is supposed, the priestes in the kingdom of Boheme greuouly offending, it is the kings part, forso much as he is supreme head next vnder God, and Lorde of the kingdom of Boheme, to correct and punish those priestes. And for so much as the gentlest correction, & punishment

When and howe the title of any gift is lost.

It is lawfull for the ciuill rulers to correct the clergie.

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