



UTHRED OF BOLDON

(A study in fourteenth century political theory)

Part I.

(C. H. Thompson)

THESIS FOR THE DEGREE OF PH.D.

in the

VICTORIA UNIVERSITY, MANCHESTER.

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THESE FOR THE DEGREE OF PH.D.

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VIRGINIA UNIVERSITY, CHARLOTTESVILLE.

Introduction.

English publicists are rare enough to demand that their works, which in all too few cases are still extant, should receive careful attention if any attempt is to be made one day to draw with any certainty the main currents of thought during the Middle Ages in England, and more especially during the fourteenth century. If the view is accepted that the Reformation movement was based on something more than the mere political motives which brought it about eventually, then it is to the fourteenth century that attention must be concentrated to see the birth, or rather the emergence, of the beginnings of the movement which political circumstances brought to fruition in the sixteenth century. Much has been said in the past as to the anti-papalism in England at that time, but while it is difficult to substantiate a view that there was a definite movement against Rome, it is not difficult to see that Rome's authority in England which was never as strong as elsewhere in Western Europe, was decidedly at a very low ebb. Nor was the feeling confined to Rome, but among the laity there certainly was much criticism of the Church's members as well as the Head, which frequently revealed itself in the Parliaments of that century.

A great deal of colour is given to idea of a strong anti-papal and anti-clerical movement in England by the stand taken by Wyclif and his followers, which was not such an isolated, or rather spontaneous movement deriving from Wyclif, as might appear at first blush. Indeed, Wyclif only brought to its logical conclusion certain trend of thought which had been developing for many years, which sprang ultimately from the

very existence of the mendicant orders, with their doctrine of apostolic poverty. This became of first class importance when, at the beginning of the fourteenth century, the Franciscans had their great dispute with John XXII on the point, which took place at a time when the pope was engaged in a final contest of 'imperium' versus 'sacerdocium', a conflict which re-opened the whole question of the fundamental nature of all authority; and by the support given to the rebellious Franciscans by Louis of Bavaria, there came a mingling of the two problems which coloured subsequent political thought with important results particularly in England. The discussions on 'dominium', which was the form in which the age-long controversy between the two powers was continued in the fourteenth century, a lead given by Egidius Colonna in his 'De ecclesiastica potestate' where he formulates a doctrine of 'dominium' dependent upon regeneration through the Church, were greatly influenced by the controversy in England between the friars and their opponents over the doctrine of evangelical poverty. Hitherto the only figure of importance around which studies have concentrated in this connection is the archbishop of Armagh, Richard Fitzralph, and between him and Wyclif there is a lacuna in the story of the development of thought, though it is fairly obvious that there was a development in the interval between the two great figures and their ideas, even though their conclusions are so wide apart. It is part of the object of this essay to help to fill the gap between these two personalities and their theories with a study casting some light upon the interim period.

The immediate object of the essay is a study of the works of a Durham religious, Uthred of Boldon, about whom little has

¹ There are various forms in which this name is found - Ughtred, Owtred, Utred, and Uthredus, to mention a few of them. Here the spelling 'Uthred' is adopted, the anglicised form of 'Uthredus' which is invariably found in the account rolls of Durham and her dependent cells.

hitherto been known, and nothing concerning his works. It is aim of this small study to make more accessible the works of his which contribute a little to the solution of the problem as to the lines along which discussions ran during the period between Fitzralph and Wyclif. To do more would require a much longer period of preparation in reading those works which are known coupled with these, but it is hoped that indications will emerge from this study to link more closely the thinking of those two outstanding figures of English political speculation, Fitzralph and Wyclif. The point to be regretted is that during the course of these investigations, it has become apparent that there has been a great loss in the literature produced about the middle of the fourteenth century as a result of controversy between the friars and the seculars and 'possessioners' over apostolic poverty, which involved the question of the endowments of the Church and the nature of 'dominium' in this world. With this literature available the task of tracing a continuous development of thinking would be much easier; under the circumstances, it is hoped that more material will eventually come to light and when studied in connection with the material now being made accessible, the full story may be finally given.

§ 2.

Leland, Bale and Pitseus between them ascribe to Uthred some twenty works, but a careful search of printed catalogues has resulted in the discovery of only ~~nine~~^{ten} of these. A Durham MS., which is described below, has yielded two works not mentioned previously by any writer on Uthred, thus making a total of ~~eleven~~^{twelve} extant works. There was at one time another work by Uthred which the above-mentioned writers did not notice, namely the 'Articuli alii' which were at one time contained in Cotton MS. Vitellius E. XII,¹ but when this manuscript was partially destroyed in the Cottonian fire of 1731, this part of the manuscript was burned. It is possible that these articles are identical with some visitation articles which Mr. W. A. Pantin prints in his 'Documents illustrating the Chapters of the English Black Monks' (vol. II, p.83 seq.), otherwise this work must be relegated to the category of vanished works. Of the extant works, two copies exist of three of these works and three copies of a third, but a single copy is extant of the other ~~six~~^{seven}. ~~Of~~^{Of} these six works are contained in a single manuscript belonging to the Cathedral Library, Durham, and contains the three treatises which have formed the basis of this study of Uthred's political thought. This codex was formerly in the possession of the late Mr. M. Falconer, of Oxford, and was purchased at Christie's sale in 1933 by Sir John Noble who presented it to Durham. By the courtesy of the Cathedral authorities I have had access to this for the purpose of this study. When it came into the possession of Mr. Falconer I do not know, but at one time it was in the

¹ Smith, 'Catalogus Librorum MSS. bibl. Cotton.', p.99.

possession of the ducal family of Sutherland, since the cover of the modern binding (by Lewis) bears their coat of arms, whilst a pencilled note on the modern paper fly-leaf suggests that it came from the Stittenham (Yorks) residence of that family. The provenance of the manuscript is uncertain. Leland mentions having seen a copy of the work '*De officio sacerdotali et regali*' belonging to the library of Glastonbury Abbey,¹ and Bale mentions three of the treatises contained in this codex as having been in the possession of John Pullan of Oxford,² but beyond these references there are no indications of copies of these works. Since the Durham MS. has not been catalogued, a description of it here will not be amiss.

As it is at present constituted, the codex contains ii + 136 + viii folios, vellum, there being two folios numbered '24' consecutively. The second of these when referred to in this essay will be numbered as '24a'. The folios are 17 x 12 cms., in single column, there being on an average 30 lines to the folio. The whole is in Latin, in one hand, a small neat hand, and very much contracted, of the first half of the fifteenth century. There are many marginal and interlinear corrections, apparently in the same hand as the text, whilst a late fifteenth century hand has made a few glosses. Folio 2 commences '*sicut in corporalibus*'. The vellum is rather coarse for the most part, but the last few folios are of very poor quality, and so thin that the writing of the verso shows through to the recto

1 '*Collectanea*', iii, p.156.

2 '*Index Script.*', p.463.

to such an extent as to render the text almost illegible in many places. A modern hand has pencilled figures above the original foliation in those cases where the original ones differ slightly in form from the Arabic figures of modern usage. There are catchwords on folios 11^v, 35^v, 61^v and 113^v, and signatures on folios 26, 36, 62, 72, 80, 81, 82, 83 and 103; but in both cases the rest have been cut away it seems when the folios were trimmed for binding.

The contents are as follows.

f. i. ^{blank}
(~~blank~~)

f.ii. (The following list of contents is given)

"In primis. Tractatus de regalia et sacerdocio

Libellus de naturali et necessaria connexione et ordine
sacerdotalis officii et regalis. fo. 24.

Tractatus magistri Vthredi de dotacione ecclesie fo. 69.

Tractatus contra garulos dotacionem ecclesie

impugnantes fo. 99.

Tractatus paruus de ecclesia militante et cetera. fo. 110.

De perfeccione ecclesie graduali fo. 116.

Tractatus de Eukaristie sacramento fo. 122.

(The following note appears underneath the list of works)

Hec omnia per Vthredum bolton

monachum dunelmensem, egregium

profecto theologum, et quod legentibus

eius opera conspicuum est, acutissimi plane

hominem ingenij, lege, et experieris.

(At the top of the folio, which is rather worn, is this
note, only partially decipherable)

"Contra hostes ecclesiepro eius libertate".

- ff. 1-23 A series of notes supplementing the arguments of the next treatise. Marginals and references in the text of this treatise provide cross references to these notes.
- ff. 24-64^v De naturali et necessaria connexione ac ordine sacerdotalis officii et regalis.
- ff. 65-68^v (blank)
- ff. 69-99^v De dotacione ecclesie sponse Christi.
- ff. 99^v-110 Contra garrulos dotacione ecclesie impugnantes.
- ff. 110-116 De ecclesia militante.
- ff. 116^v-122 De perfectione ecclesie graduali.
- ff. 122^v-135 De eukaristie sacramento

The treatises of importance for the study of Uthred's political thought are the first three in the codex (ff. 1-110). The first of these treats of the relations of the two powers, and has the character of an academic determination. The next two treatises are concerned with defending the endowments of the Church, and appear to have been the outcome of his controversy with the Franciscans on the question of apostolic poverty. Uthred's ideas here are in close relation to current political thought and consequently merit more detailed consideration. Since works of English publicists are not abundant, and in view of the especial light they throw upon a hitherto obscure period, I have edited these as appendices. Another of Uthred's works that merits special attention is his 'Contra querelas fratrum', his reply to the schedule of twenty-eight errors of doctrine of which

the friars accused him during his quarrel with them. The introduction to this work is remarkable for the invective which Uthred employs to denounce the friars. Until the latter raised the cry of heresy in an underhanded manner, Uthred's language in his controversial works is free from any acrimony and above the general level of language in political polemics. His utterances here bear a close resemblance to the language which William^{de} St. Amour uses in his 'De periculis novissimorum temporum', a work frequently drawn upon for invective to employ against the friars. Two late fourteenth century copies of the 'Contra querelas fratrum' exist, one in the British Museum (Royal MS. 6 D x) and the other in the Bodleian (Wood Rolls 1). The former copy is a fine one, but the upper part of the roll is badly damaged.

The remainder of the extant works do not come within the scope of this essay, but they have been fully listed with references in Appendix A. They are, for the most part, concerned with moral theology, but a few works on monastic discipline and history reflect the keen interest which Uthred displayed in his Order and its history.

.....

The material available for an account of Uthred's long career is rather scanty, and much of it lacks precision. This refers in particular to the notices amongst the various extant account rolls of the northern Benedictine houses, which will be noted below; but enough data are given to provide a sufficient background for some account of his varied activities.

There exists on folio 31^v of Additional MS. 6162 an early biographical notice of Uthred, entitled 'Vita compendiosa Uthredi

monachi Dunelm.', which has been printed in the 'Bulletin of the Institute of Historical Research', June, 1927. The manuscript is early fifteenth century, and since it contains miscellaneous material relating to Durham, it was probably compiled there. Several writers who have used this short life have suggested John Wessington as the author. He was educated at Durham College, Oxford, and was later prior of the abbey, 1416-1446, when he retired to Coldingham priory with a pension of forty pounds.² He was an indefatigable collector of historical matter connected with his Order and his abbey, as H.H.E. Craster has shown in an article for the ^{English} 'Historical Review' (1925),⁴ so that he may well have been the author of his work and the compiler of much that is contained in this manuscript. Much of the data given in this 'Vita compendiosa' can be checked from other sources, and this process has shown that the matter can be relied upon as quite accurate. Indeed, since Mr. Craster has shown with regard to Wessington's history of Durham that the latter made liberal use of documents preserved at the abbey, both the trustworthiness of the dates and the form of the 'Vita' would be in keeping with the suggestion that Wessington compiled this work from documents at Durham. It is to be regretted, however, that only a bald list of dates is given, since little anecdotes must have been current at Durham concerning one who played such a prominent part amongst the monks of the fourteenth century. These may have enlightened us a little more concerning Uthred's conflict with the friars and their attempt to charge him with heresy.

Apart from this source of information, we are forced to rely in the main upon entries in the account rolls of Durham Abbey and

1. 'E.H.R.', vol. xl, p. 504 seq.

2. Vide 'Wessington' in 'D.N.B.'

her dependent cells. For the preservation of this source of material, posterity is obliged to the wise constitution of the convent of Durham, 1235, which made it necessary that the priors of all Durham cells should each year draw up a list of the monastic accounts in duplicate, keep one copy and forward the other to Durham.¹ Periodically also an inventory was drawn up of the goods of the priory, usually when one prior was succeeded by another. A large mass of such documents are preserved at Durham, in the Treasury, and much has been edited from time to time ^{for} by the Surtees Society. For the immediate purpose of this essay, the rolls of Durham and her dependent cells at Finchale, Jarrow and Monk-wearmouth have proved the most fruitful source.

Earlier writers, notably Leland and Bale, have added a little information not otherwise obtainable. The former's life of Uthred in his 'Commentarii de Scriptoribus Britannicis' is chiefly devoted to eulogising the great learning of the Durham religious, but his list of works is very useful. In this respect, too, Bale's notice of Uthred among his notes in MS. Selden *supra* 64 (f. ¹⁸³ ~~83~~), in the Bodleian,² is valuable, but especially so on account of the fact that he alone gives us any details, meagre though they be, of Uthred's controversy with the friars. Later writers, such as Pitseus and Tanner, follow Leland and Bale, though the former does add one or two works not mentioned by either of the sixteenth century writers, on what authority is not clear, since he is unable to give the incipits of them.

Two more recent accounts have been given by Pollard and Workman, the former in his article on Uthred for the 'D.N.B.', and

¹ Durham MS. B. iv, f. 26. It is printed in the Preface to the Rev. J. Raine's edition of the Finchale account rolls (p. xxii.)

² This ^{MS.} has been edited by R.L. Poole and Mary Bateson, as 'Index Scriptorum' (Anecdota Oxoniensa), 1902. Britanniae
A

the latter in his 'John Wyclif'. Pollard's account contains several errors, which Workman has corrected, but he himself perpetrates a couple. Neither of them could muster up more than four works for Uthred; they did not apparently know of the existence of the Durham MS.

.....

Apart from manuscript works of Uthred, some notice has been made of two other treatises connected with endowments. The first of these is contained in Lambeth MS. ¹²²~~120~~ (ff.166-168^v), 'Contra proprietatem monachorum', and is by an anonymous writer of the early part of the thirteenth century, probably a work by an early friar. The second of these treatises is contained in Codex Vatic. Latin. 127 (ff.179^v-180^v), by an unknown monk of Bury St. Edmunds, of the early fourteenth century.¹ Both treatises help to shed light upon the general trend of thought in connection with the endowments of the Church, since they represent the two sides, the mendicants and the 'possessioners'. However, since this essay has been mainly concerned with making the works of Uthred accessible, and is deemed but a small contribution among the many that are necessary before a general survey can be made, no attempt has been made to deal exhaustively with these two treatises.

¹ I am indebted to Mr. W. A. Pantin for the loan of rotographs of this work.

Chapter 1.

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§ 1.

Of Uthred's early years, until he assumed the monastic habit in 1341, we know little or nothing. Our positive evidence for this period is confined to three bald statements by the author of the 'Vita Compendiosa'; apart from this, we can only cautiously conjecture upon the passing of these years. These conjectures begin with the consideration of the date and place of his birth. John Leland speaks of Uthred as 'ex Transabrina gente oriundus',¹ and in this (as also on many other points) he is followed by Pits and later writers.² What grounds Leland had for ascribing a Welsh origin to Uthred are unknown. An examination of the material printed in many volumes of the Surtees Society reveals that the name, in its various forms, figures with such frequency in the history of that district from the days of Northumbrian supremacy as to leave little doubt upon this assumption. Furthermore, the first positive statement concerning Uthred is that in 1333 he was at Boldon, a village a few miles south of the Tyne estuary, about $3\frac{1}{2}$ miles N.W. by W. of Sunderland,³ whence the appellation 'de Boldon' by which he was commonly known among his contemporaries. In the absence of further evidence, it is not unlikely that he was a native of those parts.

1. 'Comm. de Script. Brit.', ii, p. 392.

2. 'in Anglia Transabrina, ut Leland loquitur, natus' ('Relat. Hist. de Rebus Anglicis', ~~2~~, p. 650.⁵³⁸)
cf. 'ex Transabrina gente oriundus' (Tanner, 'Bibliotheca Brit. Hib.', p. 743)

3. Add. MS. 6162 f. 31^v.

The year of Uthred's birth is as much a matter for conjecture as is his birthplace, but an approximate date can be arrived at from a consideration of other dates in his life. According to his unknown biographer Uthred assumed the Benedictine habit in 1341,¹ after which he proceeded rapidly to the other orders, being admitted to the priesthood in 1344.² The Council of Vienne (1311) declared that a man might proceed to the subdiaconate in his 18th, the diaconate in his 20th, and the priesthood in his 25th, year.³ If this law is applied, Uthred could not have been born later than early 1320. Pollard in his life of Uthred for the D.N.B., suggests c. 1315 as the date of his birth, but this is probably a little early. Since the latter seems to have been connected with Durham from 1333 onwards, it is likely that he proceeded to orders at the earliest possibility. Reckoning then his birth in 1320, this would make him enter on his novitiate in 1341 aet. 21/22, which is not the minimum by any reckoning. Furthermore, the possibility of a dispensation for him to take orders at a younger age may be reasonably ignored, since the practice was not a common one at this period, nor does the Durham register record any such dispensation for him. We shall, then, not be very far out in placing the date of Uthred's

1. Ibid.

2. 'Reg. Pal. Dun.', iii, p. 143.

3. 'Clementines, Corp. Iur Can'. , I. vi. 13.

birth as nearer 1320 than 1315, and the former date would make him the ripe age of seventy-seven years at his death in 1397.

There is no evidence forthcoming as to Uthred's family and it would be unprofitable to speculate as to his relationship with any of the persons bearing that name in the north. It is not until 1333 that we enter upon firm ground for the first time. In that year, when he was probably a lad of about thirteen years or so he appears to have been at Boldon. Both Pollard and Workman¹ write of him as being at the small Durham cell there, but I have been unable to trace such a cell. This appears to have been his first contact with Durham Abbey and it may be that he was under the care of the monks at Boldon and later taken to Durham. In the succeeding years he certainly travelled far afield, visiting Newark in 1334, and early in 1338 he was in the south, visiting Oxford and London.² On the morrow of the feast of St. Ebbe (Aug. 25), 1341, he assumed the Benedictine habit in Durham Abbey.³ The question now arises as to what precisely were his relations with the abbey between 1333 and 1341. There are one or two possible explanations which would also account for his movements during this period. In the first place, it may be that Uthred's parents were of some position, and, one or both of his

1. 'John Wyclif', i, p.223

2. Add. MS. 6162; f.31^v:- 'ad Newark ad festum Michaelis'; 'ad festum purificationis ad London', and 'in quadragesima ante festum sancti Cuthberti ad Oxon'.

3. Ibid.

parents having died ⁱⁿ 1333, he was committed to the guardianship of William de Contoun, Prior of Durham (1322-1342). His later travelling would then be accounted for by his having been taken with the Prior or some senior monks when these were travelling in connection with the affairs of the Abbey. A similar case is that of Richard of Wallingford, who became abbot of St. Albans in 1326. He was still very young when orphaned and had as his guardian William of Kirkeby, Prior of Wallingford.¹ On the other hand, Uthred might have been employed by the monks as a youth, until it was discovered that he had an aptitude for learning. Perhaps he was one of the 'garciones hostillarii' of whom we read in the account rolls of Durham, which would also explain his travels, and therefore like that monk of York who died in 1268, 'A conversionis suae tempore lxxx, quia puer erat per quinque annos ad stabellum sedens'.² Of these possibilities, the former explanation seems to be the more probable.

Whatever may have been Uthred's earlier relations with Durham, his assumption of his Benedictine habit there in 1340 was the beginning of a distinguished career. No doubt he went to school in the west walk of the cloisters with the other novices, who usually numbered six at Durham according to the 'Antient Rites

1. 'Gesta Abbatum', ii, pp. 181-2:- 'Patre itaque adhuc puer etiam vix decem annorum orbatus, a bonae memoriae Willelmo de Kirkeby, Priore Walingfordiae, ob solam docilitatem ingenii, et indolem bonae spei, post non multos annos adoptatur in filium. Cujus eleemosynarum ope suffultus, grammaticam et philosophiam Oxoniis didicit circiter per sex annos, et determinans in Artibus, juxta morem, vicesimo tertio aetatis suae anno saeculo valefecit, et in hoc monasterio Sancti Albani devote suscepit habitum monachalem. Exercitatus igitur per triennium in conversacione claustrali, denuo ad studium litterarum, per bonae memoriae Hugonem Abbatem et Conventum, Oxonias destinatur; ubi per novem annos continuos in philosophia et theologia studuit indefessus, quoadusque communi Magistrorum decreto ad lecturam Libri Sententiarum licentiari, tanquam sufficiens, mereretur.'

I am indebted to Mr. C.R. Cheney for this reference.

2. 'Chron. St. Mary's Abbey', York. p. 129.

of Durham'.¹ The author of this description adds: 'The said novices had no wages, but meat, drink, and cloathing for that space. (i.e. 7 years.) The Master of Tutor's office was to see that they lacked nothing, as cowls, frocks, stamyne, bedding, boots, socks; for they never received wages, nor handled any money in that space, but went daily to their books in the Cloister.'² But whereas the same account reckons seven years as the period of novitiate, Uthred spent only one year which was really the normal period.³ Thus just over one year after he had been admitted 'ad primam tonsuram', Uthred was ordained an acolyte in the cathedral church at Durham, 21st September, 1342.⁴ The other orders followed rapidly - subdeacon on 20th December, 1343,⁵ deacon on 1st March, 1344⁶ (both at Durham), and finally priest, at Darlington, 24th May, 1344.⁷

Shortly after his admission to the priesthood he went south to the Durham cell at Stamford, and it was here that his more mature studies probably began. Entries in the entant account rolls of Durham and her northern cells indicate that the mother house used Stamford as a health resort for her monks and also maintained students here. There were good reasons for the adoption of this latter practice. In the first instance Durham

1. p. 148

2. Ibid. ~~p. 148~~

3. Mr. C.R. Cheney informs me that he has enough material to explode the theory of the seven year novitiate contained in the 'Antient Rites of Durham', and perpetuated by modern writers.

4. Reg. Pal. Dun., iii, p. 118.

5. Ibid, p. 131.

6. Ibid, p. 139.

7. Ibid, p. 143.

College, Oxford, where the northern Benedictine students were usually sent, was maintained only with difficulty on account of the expense;¹ and secondly, in the early 14th century Stamford was rivalling Oxford as an intellectual centre. The Carmelites, who settled there c. 1265, were responsible for its intellectual eminence. At that time the celebrated Henry de Hanna presided over the Order as Provincial in England, and around the Carmelite schools there grew up a centre of learning which bid fair to become a rival university to Oxford.² The danger became more apparent when, after the famous North versus South riots in Oxford February 1334, there was a secession to Stamford of large numbers of teachers and students.³ Despite the efforts of the University authorities to end the schism, in which purpose they were supported by Cambridge, it lasted several years, and was only crushed at length after the assistance of the royal power had been invoked to coerce the recalcitrants. Durham continued to send students there even after this struggle, for them to complete there, it would appear, the prescribed studies in arts, a necessary preliminary to the course in theology at Oxford.⁴ The university regulations permitted those in orders to pursue this statutory arts course in the conventual schools at Oxford

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1. For Durham College, vide ^{infra} pp. 7-9
 2. For an account of Stamford, vide 'Collectanea' I, p. 3 seq.
 3. Details of this dispute are to be found apud Wood 'Univ. of Oxford', (ed. Gutch) I, pp. 425-31., 'Collectanea', I, pp. 3-16; 'Mun. Acad. Oxon', p. 375; 'Univ. Archives' (ed. Salter), I, pp. 123-7.
 4. e.g. In 1345/6, Wearmouth contributed 20s. 8d to 'sociis Oxoniae et Staundfordiae studentibus' ('Jarrow and Wearmouth Rolls', p. 147.)

cf. also entry in Jarrow roll for 1364/5, when 20s. 4d. was paid to 'studentibus Oxoniae et Stanford' (ibid, p. 48).

and elsewhere, a concession probably born of the perennial conflict between the friars and the University authorities, the former always maintaining that the course in arts hindered their brethren from incepting in theology which was their sole concern. It was at Stamford it seems that Uthred completed his studies in the arts.

From Stamford Uthred went to Oxford in the autumn of 1347,¹ and entered Durham College. The establishment of this colony of Benedictine students from the north arose out of the action of Hugh de Darlington, who became prior of Durham in 1285.² His successor, Richard de Hoton, began c. 1291 to build a house for these students on a site which he had purchased in Horsemonger Street, to the north of Canditch.³ A few years earlier, in 1283, the monastery of St. Peter's, Gloucester, established a cell at Oxford, and was for a time the sole place of residence of the Benedictines who came to study at Oxford. Towards the close of the century, this priory, usually known as Gloucester College, was converted into a common establishment for the Benedictine houses of the Canterbury province. It was, however, in 1338, upon the fusion of the two provinces in England, thrown open to the rest of England,⁴ and was under the care of the

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1. Add. MS. 6162, f. 31^v; 'ad festum etiam sancti Michaelis ad Oxon'.
Payments to Uthred at Oxford begin in the Durham Bursar's Roll for 1348/9 (Durham Account Rolls, ii, p.549)
 2. 'Monachos misit ad Oxoniam ad studendum, et eis satis laute expensas ministrabat.' (Hist. Dun. Script. Tres, p.72)
 3. The whole of the title deeds of the Oxford site acquired by Richard de Hoton and his successors are preserved in the Treasury at Durham: vide, Blakiston, 'Collectanea', iii, p.73.
 4. For an account of Gloucester College, vide Galbraith (V.H.) 'Snappe's Formulary', pp. 338-386.

English Benedictines as a whole. The fortunes of the northern establishments, however, varied exceedingly for practically the next hundred years, the expenses being met with difficulty by Durham, aided by more or less regular contributions from her cells and other northern houses.¹ A colony of students it remained until late in the fourteenth century, despite the efforts of Richard of Bury to convert it into a corporate body and the growing zeal of the Order as a whole, revealed by the decisions of their Provincial Chapters, to promote a higher standard of learning in their ranks.² Richard of Bury planned to establish a corporate body, to consist of a Prior and twelve brethren, but he died in 1345, the scheme still not brought to fruition like so many of the grandiose projects which he conceived but failed to complete. It was his intention that the great library which he had collected should go to Durham College on his death, but it is now certain that they never reached their intended destination. It seems certain that they were sold to discharge the heavy debts outstanding at his death.³ Later Bishop Hatfield took up the schemes, resolving that the establishment should be half monastic and half secular, there to be eight monks for divinity together with eight secular students,

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1. For an account of the history of Durham College, vide Blakiston's prefatory essay to the documents he printed, apud 'Collectanea', iii, pp. 3-76. There is much material, ^{a large part} ~~much~~ of which is in the Treasury at Durham, for a history of the College until its dissolution.
 2. Vide, Pantin, 'Chapters of the Black Monks', vols. i and ii, passim.
 3. Blakiston, 'Collectanea', iii, pp. 9-10 advanced this theory, and finally disposed of it, after having found a catalogue of books belonging to Durham College, clearly after 1380 (ibid. p 73). Only one of his books has been traced with any certainty, and this was bought by St. Albans.

natives of the diocese of Durham, for the study of arts. The negotiations began during the last years of his life, and in 1380 a quinquepartite covenant between him and the convent was concluded, but it was not until a few years after his death that the design was finally put into execution.¹ Uthred took part in these negotiations and was appointed one of the trustees.²

For the next twenty years, with only brief interruptions, Durham College was Uthred's home, and he was one of the most prominent members of the University at a time when there was no dearth of talent, and when that university was enjoying a reputation equal to that of Paris. For the next five years his time would be divided between studying the Bible and the Sentences, before being licenced for opponency. It was in his fifth year at Oxford that Uthred received his licence for opponency, 'on the morrow of the feast of St. Matthias' (Feb. 25), 1352.³ Two more years were necessary before the candidate could graduate B.D., which Uthred duly completed, and in the summer of 1354 he was 'licentiatus ad lecturam Sententiarum.'⁴ He began his lectures on the Sentences in the Michaelmas Term, 1355,⁵ and then after Easter 1357, began his lectures on the Bible.⁶ Finally, on

1. 'Collectanea', iii, p. 12.

2. Vide infra, pp. 47-48

3. Add. MS. 6162, f. 31v: 'in crastino Mathie licenciatus ad opponendum'

4. Ibid: 'Licenciatus ad lecturam Sententiarum ⁱⁿ estate'.

5. Ibid: 'intravit ad lecturam Sententiarum circa festum Symonis et Jude (Oct. 28) Et continuavit etc., anno 1356'.

6. Ibid: 'circa pascha intravit ad lecturam Bible, et statim post ad librum ^{aliud} ~~unum~~ Bible breviorum'.

October 13, 1357, he incepted and joined the ranks of the 'Magistri sacrae theologia'.¹ Unfortunately there is no record of the subject that Uthred chose for his 'determinatio' at his inception, but from the style of his treatise 'De Naturali et necessaria connexione et ordine sacerdotalis officii et regalis' it is possible that this was the subject debated at his inception.² At any rate it was a favourite subject upon which to determine in the Schools, and of his works which are now extant the most likely.

If there is no record of his 'determinatio', at least the sums which he received for his inception are recorded, and these indicate that the attendant festivities must have been planned on a liberal scale. Durham, either proud of the fame which Uthred shed upon their house or grateful for the profit which his advent within their community may have brought them, took steps to see that his should be no mean inception feast. About the time of his inception John Tonis (?) and William Lascels were sent with letters to the Benedictine houses of York, Selby and Whitby upon matters touching upon Uthred's inception.³ There can be little doubt as to the tenor of these letters, or that similar letters were sent to dependent cells. Apparently

1. Ibid: 'inceptit post festum **Dionisii** 13 die Octobris'.

2. Extant in MS. Durham (~~Uthredus~~), ff. 24-64b: ibid, ff. 1-23 contains 'notae' which are arguments to supplement those of the treatise. For a discussion of this work, vide infra. ¶

3. Bursar's Roll, c. 1357: 'Et Johanni Tonis (?) et Willelmo Lascels deferentibus literas Abbatibus de Ebor., Selby et Whytby, pro negociis tangentibus incepcionem domini Uthredi in Theologia, pro expensis suis diversis vicibus. vjs. iiijd.' (Durham Account Rolls, ii. p.559)

the other Benedictine houses of the north were expected to share the financial burden of his success as well as the lustre that he shed upon the northern province of their order. Although the records of the various northern houses of the order are incomplete, no doubt the larger houses followed the lead of Jarrow, which house contributed twenty shillings towards Uthred's inception expenses.¹ Durham contributed sums totalling thirty two pounds six shillings and eightpence.² The financial outlay at the inception naturally varied according to the resources of the 'inceptor', but in any case they were heavy. "To crown all there were the feasts to all the regents on the night after the inception, costing according to the rank of the candidate from ten marks to seventy pounds, not to mention suits of clothes for the stationers, paid to them 'from time immemorial', buckskin gloves and twenty shillings for each of the two bedels."³ Protests were frequently made during the Middle Ages against the high costs attendant upon inception, especially upon the part of the friars.⁴ In 1311 at Vienne the sum of 3,000 Toursgrossi⁵ was fixed as the maximum, whilst Benedict XII tried to reduce these expenses.⁶ Wyclif protested against the high expenses which made it increasingly difficult for poor students to complete

1. 'Jarrow and Wearmouth Rolls', p. 42. Entry is in roll for 1358/9.

2. 'Durham Account Rolls', i. p.125; ii, p.559, p.561.

3. Workman, 'John Wyclif', i. p.90.

4. e.g. Friars protested in 1331 and 1344; vide, 'Chartul. Univ. Paris', ii. p.344, p.538.

5. Ibid, ii. p.169.

6. Ibid, ii. p.450, p.464, p.471, p.538, p.679.

their university studies.¹ The only path open to such students was the patronage of wealthier students who when incepting would 'take under them' a certain number of poor candidates and pay their expenses.² Uthred's expenditure at his inception must have compared very favourably with that of any of his time.

Soon after the completion of his theological studies, in 1358, probably after reading for the statutory year, Uthred returned for a short period to Durham.³ Usually the Durham monks were found a stall there, or in one of the dependent houses, on their return from Oxford. But Uthred was too outstanding a scholar to be allowed to go into obscurity, and it was not long before he returned to Oxford. What exactly his status was when he returned to Durham College is not clearly stated anywhere, but there is every reason to suppose that he acted as Prior or Warden of the college. It is even probable that he was the head of Durham College earlier, from 1349-1358. The usual custom observed among the Benedictine student bodies at Oxford was the appointment of one student of each house to be head, and from 1348/9 the monies sent from Durham to its students was remitted to Uthred. This practice of remitting the money continued until he finally left Oxford in 1367.⁴

1. Vide, *Select English Works*, iii. p. 376; *Opera Minora*, p.333, p.347 *De Blasphemia*, p.246.
2. *Rashdall, Universities of Medieval Europe*, ii. p.444; *Chart. Univ. Paris.*, ii, p.674; *Munim. Acad.* p.243.
3. *Durham Account Rolls*, ii, p.561.
4. Vide, '*Durham Account Rolls*', *passim*

Also it is practically certain that he did not return to Oxford merely to preside over Durham College, but in the role of teacher.¹ About that time the Chapter of the Order was concerned to provide sufficient lecturers from within their own ranks for their students; the statutes of the Chapter held in 1343 provided for a chair of theology at Gloucester College to ensure this.² In 1363, the Chapter decided that a similar chair should be established at Durham College to be supported out of the common funds of the Order³. It is not unlikely that the eminent position that Uthred held at the University, coupled with the fact that Durham probably found it a strain on the house's resources to provide him with a sufficient income, was responsible for this latter decree, and that he was the first occupant of this newly established chair. At any rate, it is very probable that Uthred, who attended the 1363 Chapter, pressed the claims of his college before his fellow delegates to the support of the Order in providing sufficient teaching there for their students.

Whilst at Oxford Uthred was not wholly absorbed in lecturing in the Schools, but there is evidence that to his scholarly qualifications he added those of a capable

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1. An entry in the Wearmouth Roll, 1360/61, refers to Uthred as 'in Theologia legente Oxonie hoc anno'. (Wearmouth and Jarrow', p.155.
 2. Pantin, 'Chapters of the Black Monks', II, p.55.
 3. Ibid, II, p.81.

administrator. We find him constantly undertaking duties on behalf of Durham away from Oxford. The General Chapters of the Benedictines were held at the Cluniac Priory of St. Andrews, Northampton, 'quasi in regni medio', after the union of the Northern and Southern Chapters in 1336, and they continued to meet there until 1498 when the Chapter moved to Coventry.¹ The close proximity to Northampton of Oxford as compared with Durham, no doubt accounts for the regular practice of Durham in appointing as its proctor the Warden or one of the fellows of Durham College, Oxford.² Uthred represented Durham at the Chapters held in 1360, 1362/3 and 1366.³ At these Chapters he played a prominent part, and in 1363 was one of the diffinitors.⁴ It is clear that he was deeply interested in the history and welfare of that institution of which he was a member. In Bale's list of his writings, there are two treatises mentioned which would seem to deal with monastic discipline.⁵ Cotton MS. Vitellius E.XII, of Durham provenance, formerly contained some.

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1. Pantin, W.A., General Chapters of Black Monks, ^{Trans} (R. Hist. Soc. Trans. 1927), p.214.
 2. Mr. Pantin in vol. III. of his "Chapters of the Black Monks" (now in the press) is printing proxies, mainly of the 15th and 16th centuries, to illustrate this. These are drawn from the Durham registers.
 3. Uthred's expenses for the 1360 and 1363 Chapters are entered on Durham Rolls; vide 'Durham Account Rolls', II, p.563, p.567; Finchale Rolls have an entry of expenses for him at the Chapter held in 1366 ('Finchale', p./xxii.) The reason for this is not clear, unless he was present at the Chapter in a capacity other than that of proctor for Durham Abbey and the mother house charged the cell of Finchale with his expenses. Whether the Wardens of Durham College had a right to attend in that capacity or not is uncertain; probably when not representing the mother house, prominent wardens were co-opted as it were: it seems that prominent members of the Order were often invited to attend when not occupying an office charged with attendance at the Chapter-meetings.
 4. Pantin, W.A. ^{Trans.} (R. Hist. Soc. 1927), p.259.
 5. They are:- 'de substantialibus regulae monachalis', and 'pro monachis veris'. (Index Script. Brit., ed. Poole and Bateson, p.464). Note also his 'de institutis monachorum', cited by Rudborne, 'Historia Maior Wintoniensis' (vide, Wharton, Anglia Sacra, I. p.220 et seq.)

'Articuli alii' attributed to Uthred, perhaps, as Mr. W. Pantin has conjectured, the same as the 'Articuli pro visitantibus ordinem nostrum secundum regulam et statuta' contained in another MS. of Durham provenance, Durham MS. 29. Pont. 15, and which he opines, were composed not long after 1363, that is, during Uthred's active participation at the Chapter meetings.¹ Nor were Chapter meetings Uthred's only activities outside Oxford at this time. He transacted business for Durham even in the north, probably on those occasions when he returned there during the long university vacation. At the burial of Lady Percy at Alnewyk he and others represented Durham,² whilst on another recorded occasion he and the abbey's bursar went to Alverton to transact business with their bishop.³

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1. Pantin, W.A., 'General Chapters of Black Monks' (Camden Soc.), 11, p.82 et seq.
 2. 'Durham Account Rolls, 11, p.566.
 3. Ibid, p.568.

§ 2.

These years that Uthred spent at Oxford certainly appear to be the most important years of his life as far as his contribution to the literature of medieval political theory is concerned, since the three treatises discussed at length in this essay appear to have been written before he left Oxford in 1367 to become prior at Finchale. There seems to be little doubt that his two works in defence of the endowments of the Church were the outcome of his participation in the controversy concerning the doctrine of apostolic poverty which was the outstanding theme of discussion both in and outside the Oxford Schools in the middle of the fourteenth century. From other considerations discussed below, it would also appear that the third treatise, which treats of the relations between the 'officium sacerdotale' and the 'officium regale', also belongs to this period of Uthred's career.

The conflict between the Franciscans and the seculars and 'possessionati' at Oxford at that time over the doctrine of apostolic poverty was but a fresh phase of a long and bitter controversy which had arisen almost from the ^{very} time of the ~~very~~ adoption of this doctrine by St. Francis as the fundamental principle underlying his Rule and Testament, a Rule which Innocent III had hesitated to confirm on account of its severity.¹ It is not surprising, therefore, to find that within a very short time after the death of St. Francis that such differences of opinion had arisen within the Order itself over the exact interpretation that was to be put upon the Rule as to require papal definition.² A long series of disputes, during the course

¹ Sermon of Clement VI on St. Francis, 'Panegyrique inédit', (d'Alençon), p.13.

² Only the outlines of the course of events is sketched here for convenience. For fuller accounts of the long controversy on this question within the Order and between the Franciscans and others, vide, Ferrars-Howell (A.G.), 'San Bernardino of Siena' (1913), and Douie (Decima L.), 'The Nature and the Effect of the Heresy of the Fraticelli' (1932). This latter work is of particular importance for the accounts given of the literature which was produced during the controversy, until the close of the Franciscan struggle with John XXII.

of which there were frequent appeals to the papacy, followed, until in 1279, Nicholas III issued the bull 'Exiit qui seminant' summing up the modifications of the original Rule contained in previous bulls. The most significant points of this pronouncement were first the declaration that in following the counsel of perfection contained in the gospels the friars, although actually possessing nothing, might make use of the gifts made to them for their sustenance and the due fulfilment of their tasks; and secondly, that the pope, on behalf of the Church, assumed possession of all the gifts made to the Order. Finally, Nicholas III forbade anyone to gloss, explain or criticise this settlement.¹

Following upon this there was a fair period of tranquillity, except for the trouble caused by a few extremists who broke away from the Order, and occasional minor disputes in which others outside the Order took the opportunity of pointing out the gulf which existed between the theory of the Franciscans and their mode of living. There were, however, no major disputes until 1321, when an appeal was addressed to John XXII to confirm the doctrine of the complete possessionless state of Christ and His apostles. The latter, far from ^{so} doing so, lifted the ban which had been imposed by 'Exiit qui seminant', and in the controversy which followed showed himself more and more hostile to the Franciscans, making very pertinent remarks concerning the obvious and wide gap that had grown up between their theory and their practice as reflected in their mode of living, and, finally, renounced the nominal ownership of the papacy of all gifts to the Franciscans, on the ground that this was a legal fiction which he

¹ 'Bullarium Franciscanum', iii, pp. 404-16.

disliked. On this step he succeeded in arousing the whole Order in opposition to himself and was obliged to compromise in order to restore peace with the Franciscans; but this was not finally achieved before a section of them, led by Michael da Cesena, who was Minister-General of the Order when the struggle began, had broken away, refusing to make peace with the pope, and sought the court of Louis of Bavaria, there to continue a literary battle with John XXII. Throughout the dispute John XXII had shown a reckless disregard for the opposition which his action had promoted, and this at a time when he was engaged in bitter conflict with Louis of Bavaria, a struggle which was a renewal of the age-long conflict of 'sacerdocium' and 'imperium', and which re-opened once more controversy upon the fundamental nature of all authority. It was only natural, when the course of these previous conflicts between the two powers is considered, that the recalcitrant Franciscans should seek the shelter of the court of Louis; but this move had the effect of linking up inextricably the question of evangelical poverty ^{with the} ~~upon~~ controversy as to the relation of the two powers, with far-reaching effects in the realm of political thought for the next century.

There is little ^{le} evidence to show the attitude of the English province of the Franciscans during this dispute between their Order and John XXII, but it seems from what indications there are that, for the most part, whilst the English Franciscans

clung tenaciously to the doctrine of evangelical poverty, ~~on the~~
~~whole~~ the English province was submissive to the Pope.¹ But
 where the Papacy might meddle and partially succeed, no others ~~as~~
 could, as it soon became apparent when a general attack on the
 Franciscans developed at Oxford about the middle of the four-
 teenth century, and controversy touched upon this very doctrine.

From the early days of the appearance of the friars at the
 universities, especially at Paris and Oxford, they appear to have
 been unpopular. This unpopularity was in a large measure due
 to the rapid progress made by the friars at the seats of learn-
 ing, not only in numbers but in prestige from a very high standard
 of scholarship which soon evinced itself ^{within} ~~among~~ their ranks, and
 this made them the subject of envy on the part of the seculars
 who were the dominant factor ^{at} ~~in~~ at the universities. Another
 source of complaint against the friars, apart from the charge
 that their increase in numbers was due to unfair means of induc-
 ing youths newly arrived at the universities to enter their
 ranks, was the complaint that they were constantly seeking to
 get around the university statutes, and more particularly, that
 they evaded, with the aid of outside influence of superiors,
 the necessity of first graduating in arts before proceeding to
 theology. The necessity of following a course in arts as a
 preliminary to theology was constantly disputed by the friars at
 Oxford, since they maintained that their sole concern was with

¹ Cf. Douie (op. cit.), pp.202-208. The only literary evidence
 which Dr. Douie found bearing on this problem were the three
 treatises found in Bishop Cosin's Library, Durham, written
 respectively by the Franciscans Walter de Chatton, Richard
 Conyngton, and an anonymous writer whom she deems was probably
 a Franciscan also. The character of these treatises support
 this contention; but that a few also showed opposition is not
 surprising - Dr. Douie cites the case of four friars sent to
 Avignon for trial, (ib., pp.207-8) - but they appear to have
 been exceptions.

the Bible, and in fact they usually lectured two years on the Bible instead of the customary one year by the seculars. There were repeated conflicts between the friars and the seculars over these and other matters, but during the second quarter of the fourteenth century a period of comparative calm reigned at Oxford, only however preceding the storm.² This finally broke in 1358 at Oxford, but the origins were in the London dispute between Fitzralph and the Franciscans, which began in 1356.¹

The leader of this general attack upon the friars was Fitzralph, Archbishop of Armagh. During his stay at Avignon, 1349-51, he had been a keen critic of the actual mode of living of the Franciscans as contrasted with their theory of perfection in living, although on the whole at that time he was on friendly terms with the friars.² During the succeeding years he was engaged in writing his great work, the 'De pauperie Salvatoris', and in the course of the development of this work, his criticism of the Franciscans and their theory of perfection grew more trenchant. This work was finished in the summer or autumn of 1356,³ and it was about this time that an open

2 For my information of Fitzralph's activities in this connection I am indebted to the published thesis of Dr. Helen C. Hughes, "An Introductory Essay to the last four books of the 'De pauperie Salvatoris'", (for the University of Manchester). My summary of the London dispute between Fitzralph and the friars is based on Dr. Hughes' researches.

1 For the history of the early disputes between the friars and the University authorities, vide, Rashdall, (H), 'The Universities of Europe' (1895), ii, pp.377 seq. Vide also the early chapters of Little, (A.G.), 'The Grey Friars at Oxford', (1892), for the rapid growth of this Order at the University, and for their disputes with others.

3 Hughes (op. cit.), pp.151 and 153(n.3). This dating is based on an utterance of Fitzralph in a sermon preached on 18 December, 1356, in which he says clearly that he has just finished a work in seven books dealing with the subject of mendicancy, (Bodley MS. 144, f.94^v)

rupture between him and the friars developed. In the summer of 1356 he happened to be in London on business connected with his archbishopric, and found there certain doctors engaged in discussions upon this very theme, probably as a result, if a conjecture may be ventured, of the appearance of his own work.¹ Repeated invitations were extended to him to preach upon the doctrine of evangelical poverty and mendicancy, no doubt since the friars wished to challenge the conclusions which he had arrived at in his 'De pauperie Salvatoris'. Finally he agreed to do so, and delivered some seven or eight sermons in the vulgar tongue on this theme.² These were begun in the summer of 1356 and the last was preached in March, 1357.³ The criticism which he levelled at the friars caused a stir amongst them, and at a meeting convened in the Chapter House of the

- ¹ One of these doctors was in all probability Roger of Conway. According to William Rede, bishop of Chichester, (*Vitae Pontificum*), cited by Tanner, *'Bibliotheca Britannica'*, p.197), he preached in London on this subject in 1359, and was opposed by Richard Kilmestone (Dean of St. Paul's and friendly with Fitzralph) and Fitzralph. If this notice be correct, however, this must have taken place not in 1359 but in 1356/7. Conway wrote *'De confessionibus per regulares audiendis, contra informationes Armaghani'*, to which Fitzralph wrote as a rejoinder, *'Defensio Curatorum'*. For Conway and his dispute with Fitzralph, vide, Poole's article in the *'D.N.B.'*
- ² Fitzralph describes the circumstances attendant upon the preaching of these sermons in the opening of his *'Defensio Curatorum'*, p.466:
"Ecce, pater sanctissime, accedens Londoniis pro meae Ecclesiae Armaghani quibusdam negotiis, doctores aliquos satis doctos super 'mendicitate' et 'mendicatione Christi' domini Salvatoris nostri ex adverso reperi disceptantes: et saepius invitatus ut populo praedicarem, septem aut octo sermones ibi protuli in vulgari."
- ³ Hughes (*op. cit.*), p.152 (n.1), gives a lengthy note upon these sermons, and attempts an identification of them.

Franciscan convent in London ^{they} ~~and~~ drew up a list of complaints against Fitzralph.¹ This was on March 7th, and ~~three~~ days later it was handed to Fitzralph by John of Ardenne, prior of the Augustinians in London. On the following Sunday, 10 March, Fitzralph answered these complaints in a sermon preached at St. Paul's and again shortly afterwards he returned to the subject in a sermon preached at St. Mary Woolchurchhaw, which appears to have been his last sermon, ^{of this series} ~~in this connection~~.² The immediate developments in this dispute are not clear, but both parties eventually appealed to Avignon, and it was during the hearing of this case at Avignon that Fitzralph died.³

The developments out of this dispute are very important for two reasons in particular. In the first place, Fitzralph's criticism of the friars was not confined ^{fin} to the academic question of evangelical poverty, but during the dispute he made several general charges against the friars which echoed the complaints of the seculars in the university of Oxford who took them up. The reaction at Oxford to Fitzralph's charges was wholly sympathetic to him on the part of the seculars, and was the signal for another attempt on the part of the university authorities to check the activities of the friars. It took the form

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- ^{this MS. also}
¹ Sidney Sussex MS. Δ 2. 3. f.4; contains the list of complaints and many other documents connected with the law-suit at Avignon between Fitzralph and the friars.
² These two sermons are respectively: Bodley MS. 144, f.112^v; St. John's College MS. 65, f.88; and Bodley MS. 144, f.55^v; St. John's College MS. 65, f.46.
³ Poole in his article on Fitzralph for the 'D.N.B.', after discussing the question of the latter's death, favours the acceptance of 10 November as the more probable date.

of the University statute of 1358, designed to prevent the abuse of 'wax-doctors' and the entrance of youths under eighteen into the ranks of the friars.¹ A second result, and more important for the immediate subject of this essay, was the raising of the question of evangelical poverty to the forefront in the Schools at Oxford, with the result that bitter debates were soon in full swing which produced a large literature, now unfortunately for the most part lost. The significant point to note in connection with this dispute is the prominence of the 'religiosi possessionati' in the debates for the first time. Hitherto their influence at the University was rather small, but this ^{participation} was a welcome sign of the increased activity on the part of the 'possessioners' to raise the standard of learning within their ranks. Particularly must the Benedictines be noticed in this connection, the result of the increased interest taken by their Chapters in England in the education of members of their Order at the universities.²

The participation of the 'possessionati' in the controversy over apostolic poverty and mendicancy was no doubt prompted by the keen criticism levelled at monastic endowments by the friars; indeed, the story of the part played by Uthred during these disputes amply illustrates this. It is also significant that the Franciscan Tryvytlan singles out the monks for

¹ For this statute, vide, Little, 'The Grey Friars at Oxford', pp. 79-81.

² Vide, Pantin, 'Documents illustrating the Chapters of the English Black Monks', vols. i and ii, passim.

abuse. The title of his poem, 'De laude universitatis Oxoniæ', is rather misleading, since beyond a few back-handed compliments in praise of the University, his main preoccupation is to pour torrents of abuse upon three monks who had been prominent in criticising the friars.¹ It is ~~most~~ aptly described by Workman as a '~~political~~ ^{satirical} squib'.² Of the three monks, however, only Uthred can be identified, since he is mentioned by name.³ This poem and another incident noticed below, namely an attempt to raise the cry of heresy against Uthred, is clear evidence of the obvious dislike which the friars held him, and furthermore that he appears to have been the foremost of the controversialists against whom the friars had to contend.⁴

Uthred's entrance into the dispute ~~appears~~ ^{seems} to have been occasioned by his opposition to the Franciscan John Hilton, when the latter determined upon the question of apostolic poverty in defence of his Order. Bale⁵ cites a treatise by Uthred,

¹ Furniveaux (H.), has edited this poem, 'Collectanea', iii, pp.188 seq. He discussed previous attempts to identify the author, and comes to the conclusion that it was Richard Tryvytlam, a Franciscan. The date of this poem is a matter for conjecture, but in view of the approximate dates maintained in this essay concerning Uthred's disputes with the friars, and also the absence of any reference to Wyclif, it is very probable that the poem was written some time before 1370.

² 'John Wyclif', i, p.224

³ Uthred is the last of the three monks to be dealt with, and Tryvytlam refers to him as follows (vv.449 seq.):

"Iam loco tercio procedit acrius
Armata bestia duobus cornibus.
Hanc Owtrede reputo, qui totis viribus
Verbis et opere insultat fratribus.

Hic Scottus genere perturbat Anglicos,
Auferre nititur viros intraneos.
Sic, sic, Oxonia, sic contra filios
Armas et promoves hostes et exteros.

Propheta loquitur vero praesagio,
Quod malum maximum propandet Aquilo,
Quod super Israel ascendet populo,
Ut verum fatear, hoc Owtrede reputo.

Hic Owtrede dicitur apto vocaulo,
Ut paefert nominis interpretacio;

'Contra fratrum mendicitatem' which is doubtless connected with his disputation with Hilton; but whether it was the cause of Hilton's choice of subject or the result of Uthred's debate with him, must remain a matter for conjecture since neither this work nor Hilton's treatise are extant. There is very little information to be gleaned about Hilton, and ^{for} what information there is available we are dependant upon early writers, since even the material they used has since vanished. It would appear, however, that at one time he was a secular, and held the living of St. Mary Magdalene, Oxford, and only entered the

(Footnotes continued from previous page)

"Cum sit improvidus, et sine consilio,
Quem magis dirigit velle quam ratio.

Hic quidem alcius insanit aliis,
Solis innititur verbis fantasticis.
Confringit media sine radicibus,
Putatur ideo loqui subtilius.

Dixisse memini quendam philosophum,
Quod abstrahendum non est mendacium.
Iste sic abstrahit, quod nullum medium
Vel verum sapiat, vel locum solidum.

Balbutit potius quam profert sillabas,
Cum suas evomet veneni faculas.
Set supra singulas praescriptas bestias
Os istius traditur, habens blasphemias.

Minorum ordinem proclamat impium,
Latronum regulam, statum brutalium
Inobservabilem, quem nullus hominum
Servare poterit ad vitae meritum.

Ultra progrediens, infert sententiam,
Quod semet obligans ad dictam regulam
Ad penam libere se dat perpetuam,
Et ultra renuit futuram gloriam."

It is noticeable that despite the aspersions ^{cast} ~~sent~~ upon Uthred's theological views, there is no suggestion of any charges on his moral character, as in the cases of the other two monks whom Tryvyttam abuses for their evil-living as well as their theological errors.

⁴ vide infra, pp. 28-29.

⁵ 'Index Scrip't.', p. 463. Vide Appendix B. (infra).

Franciscan Order late in life.¹ The date of his determination against Uthred is uncertain, but from indications as to the date of the general controversy on the subject and the chronology of Uthred's life, it took place some time after Uthred's return to Oxford for his second long period of residence, c. 1359. Hilton's determination was his 'De paupertate fratrum', and it appears that he wrote a second work on the same subject, 'De statu minorum'.² Unfortunately none of these works is now extant - at least they cannot be traced - and thus it is not possible to follow the course of the dispute.

The friars appear to have taken the offensive, and criticised the possessioners very strongly on the score that they were accumulating great wealth not in accordance with Christ's teaching of perfection. The logical conclusion which would suggest itself, especially to the laity who were already viewing the wealth of the Church with envious eyes, would be the disendowment of the monasteries. One Franciscan doctor, John, went perilously close to this when he preached publicly in St. Mary's, Oxford, that the king had the right to deprive ecclesiastics of their temporalities, that tithes belonged

¹Oudin, 'Commentarius de Scriptoribus', iii, p.1094:

..!qui primum Vicarius sanctae Magdalenae Oxoniensis, tum arctiorem vitae rationem, austerioremque ambiens, Ordinem Fratrum Minorum complexus est.'

He bases this assumption upon a note in Bernard, 'Bibliotheca Britannica', I, ii, p.38, who quotes MS. 305 of New College, Oxford, as 'Sermones Dominicales per Hiltonum Vicarium Sanctae Magdalenae Oxoniensis'. Oudin adds 'Joannem', on ~~his~~ his own authority, it seems - it is extremely doubtful whether he ever saw the MS. in question. Hilton died at Norwich, 1376, according to Bale, 'Index Script.', p.222. Possibly the Lincoln Registers would confirm or disprove the identification. Coxe, in his 'Catalogus', p.111, attributes the volume of sermons to the Augustinian canon, Walter Hilton, adding 'potius Jo. Felton'. (Vide, infra, Appendix C.)

² Bale, 'Index Script.', p.222: 'Scriptit determinationes duas de paupertate et statu fratrum Minorum, li.ij: 'Articulus pertractandus sit iste'. Has determinavit Oxonij contra Vthredum monachum Dunelmensem'.

belonged more justly to the mendicant friars than to rectors of churches, and that the University was a school of heresy. He was promptly obliged by Congregation to recant these opinions, pay a fine of a hundred shillings, and ordered never to lecture in theology unless by special licence.¹ Although this was an extreme case, it is none the less indicative of the trend of the debates, and criticism of the wealthy clerics and the 'possessionati' was doubtless the bond that existed between Wyclif and the friars during these early years of the former's career, ~~and~~ In these debates was food for ^{thought} ~~thought~~ for Wyclif and ^{they} ~~they~~ were doubtless of great influence upon the trend of the Reformer's thoughts in the years when his mind was maturing.

If we take the course of events just described into account with Uthred's own words in the introductions to his two treatises on endowments, then everything points to the fact that these defences of the endowments of the Church were written as result of this angle which the friars exploited in defence of their doctrine of perfection in following the example of Christ and His apostles in possessing nothing. Uthred begins his 'De dotacione ecclesie sponse Christi' by explaining that he is writing to present a clear declaration of the truth for the faithful, on account of the confusion taught by those ministers of Satan who masquerade as ministers of light and justice;² and more clearly in the introduction to his 'Contra garrulos fratrum dotacionem ecclesie impugnantes', when he declares his intention

¹ 'Munimenta Academica' (Anstey), pp.208-09.

² Durham MS., f.69: 'Ad ueritatis lucidam declaracionem fidelium christianorum informacionem et Sathane ministrorum transfigurancium se in ministros lucis et iusticie secundum apostolum 2 Corin. II, habencium quidem speciem pietatis, uirtutem autem eius abnegancium, secundum 2 Thim. 3, planissimam confusionem domino inspirante hec materia dotacionis ecclesie sponse Christi diligentius tractetur.'

is to combat those false friars who appear as angels of light and ministers of justice, but who are really pseudo-apostles, sons of Satan, who under the cloak of sanctity incite temporal lords to punish ecclesiastics and deprive them of the temporal possessions of the Church.¹ Uthred's words clearly define the attitude taken up by the friars in the course of the disputes, and illustrates the fear that the teaching of this doctrine might have the effect of turning men's minds to thoughts of disendowment. According to Pitseus, Uthred wrote another treatise on this question, 'De non auferendas ecclesiae bonis',² which is very probable if we take into account the third conclusion which Wyclif states in his 'Determinatio' as being drawn from Uthred's teachings.³ This conclusion states quite plainly that under no circumstances may a temporal lord seize the temporal possessions of the Church, and that anyone teaching this, acts for the ruin of the kingdom. Although this is the implication of the two treatises on endowments discussed in this essay, nowhere does Uthred state this in such a manner as it is found stated by Wyclif, so that there may well have been a third treatise not now extant.

The culmination of Uthred's quarrel with the friars was an attempt on their part to raise the cry of heresy against him, and since we can approximately date this attempt, the view that

¹ Durham MS. 99V: '... propter quosdam falsos fratres introductos qui, sicut pseudo apostoli operarii subdoli transfigurantes se cum sathana patre eorum in angelos lucis velud ministri iusticie, sub pallio simulate sanctitatis colorantes astuciam serpentem calliditatis, excitant dominos temporales ad personas ecclesiasticas castigandas et temporales possessiones ecclesie auferendas.'

² 'De Rebus Anglicis', p.529.

³ 'Opera Minora', p.405: 'Quicumque intruens vel inducens reges, principes et dominos temporales, ut ipsi auctoritate sua sola spolient ecclesias decimis vel oblacionibus, eciam si ipsi delinquant, agit ad destructionem regis et tendit laqueos ad perditionem animarum secularium dominorum.'

his endowment treatises were written prior to his leaving Oxford in 1367 seems further confirmed. According to Bale, who bases his assertion upon a letter from Adam of Rewley to Simon Langham, Archbishop of Canterbury, the leader in this attempt was a Dominican, William Jordan.¹ Bale dates this as 1368, and it is probable that the actual events took place in 1367 or early 1368, but the former date is to be preferred. This attack upon Uthred was answered by him in his 'Contra querelas fratrum', and from his own words an inference might be drawn that he was still at Oxford. He says that the friars drew up a list of twenty-eight conclusions, supposedly taken from his theological lectures in the Schools, and declared them as false teaching. Uthred's particular complaint was that they spread this list of errors abroad in an underhanded manner, instead of openly attacking him in the Schools or in some other suitable place, where full publicity could be given the dispute and enable him to make answer to the charges.² This reference to the Schools would seem to point to the conclusion that at the time of this attack upon him, he was still at Oxford, which he left late in the summer of 1367. If a conjecture may be ventured, it may be that the prior of Durham was influenced in his decision to recall Uthred to preside over Finchale as a result of these events. At any rate, this seems to have been the culminating point of the disputes between Uthred and the friars and would seem therefore to point more clearly than ever to the conclusion that these endowment treatises belong

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- 1 'Index Script.', p.463. {For Jordan, vide Gultif (J), 'Scriptores Ordinis Praedicatorum', pp. 204 seq.; Pitseus, 'De Rebus Anglicis', pp. 508-09. He attempted to have Hardisley, a Franciscan, condemned for heresy, over the question of the Immaculate Conception.
- 2 Royal MS. 6 D x, f.283, col.1: 'Isti uero fratres maledici non in scolis nec in locis aliis aptis pro ueritate discucienda, set a tergo resistunt ueritati scolastice ubi eorum mendacia per audientes non poterunt reprehendi.....Compilauerunt enim quamdam cedula falsissime fabricatam quam dicunt a dictis meis scolasticis uerissime reportatam, que cedula cum sit libellus famosus iam in diuersis mundi partibus diuulgatur, unde et fama mea penes personas graues ex eorum malicia tenigratur'.

to a period c.1359-67.

A more friendly critic of Uthred in these years was John Wyclif, and in this connection is raised the question of the date of Wyclif's earliest participation in ecclesiastical politics. There exists a 'Determinatio' by Wyclif¹ which consists of two parts, the first a tract addressed to Uthred, and the second a reply to an attack made on him by another Benedictine who has been identified as William Binham, a monk of St. Albans.² In the first of these tracts, ^{Wyclif} Uthred takes three conclusions which Uthred maintained, amongst other truths drawn from the scriptures, in the Schools at Oxford.³ They are, that in all conditions the priesthood is superior to lay rule, that under no circumstances may priests be judged by secular authority, and that temporal lords may under no circumstances seize the temporal possessions of the Church.⁴ Wyclif takes each of these theses in turn and proposes corollaries, modifying them, and it appears that this drew from Binham a reply 'Contra positiones Wiclivi'.⁵ The

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- ¹ This has been edited by Dr. Johann Loserth for the Wyclif Society, in 'Opera Minora' (1913), pp.405-80. His text is based on MS. 3184, Bibl. Nat. Paris., taking into account the incomplete text published by Lewis, 'History of John Wycliffe' (1720), pp.363-71, from a Bodley MS., and the emendations of this by Matthew, 'Select English works of Wyclif', (1880), part v, n.2, from Lambeth MS. 537.
 - ² For examples of the various spellings of this surname, vide, 'Opera Minora', p.liii. This has given rise to doubt as to the identification: vide, R.L. Poole's article on Binham in the 'D.N.B.'; Leland, 'Commentarii', p.381; cf. Walsingham, 'Gesta Abbatum', iii, p.426.
 - ³ 'Opera Minora', p.405: '...inter alias pulcras veritates, quas ex scriptura elicit et more suo ad informacionem scole Oxoniensis seminavit.'
 - ⁴ For a consideration of Wyclif's three corollaries to Uthred's conclusions, vide infra, pp. 55, 64, 48.
 - ⁵ Leland, 'Commentarii', p.381.

St. Albans's monk introduced into this dispute the question of the payment of John's tribute, besides alleging that Wyclif had ^{made} certain statements which the latter says ^{is misrepresentation.} ~~are false~~. As a result the language of this second tract is much sharper than that found in the criticism of Uthred's conclusions. That the two tracts are closely related is apparent from the commencement of the reply to Binham, which runs: 'Secundus doctor meus reverendus Wilelmus Wiham arguit contra eandem conclusionem'.

The question now arises as to the precise date of these works, and hitherto opinion has been sharply divided on this point. Lewis dates it soon after the Parliament of May, 1366, when the question of John's tribute to the papacy was discussed.¹ Loserth has emphatically placed it as late as 1376 or 1377,² whilst Workman more recently has dated it as probably spring, 1375.³ Lewis was influenced by the introduction of the question of the papal tribute into the discussions, which Parliament discussed in 1366 and rejected, sending the well-known answer that neither John nor any other person could place the realm under such subjection without the consent of the lords spiritual and temporal.⁴ The form of Wyclif's reply to Binham would indeed suggest this, since the former brings forwards seven temporal lords who argue in favour of rejecting the demand. Whilst it is difficult to conjecture up a picture of these seven lords rising and advancing

¹ 'The History of John Wycliffe', p.18.

² Introduction to 'Opera Minora', pp.xlviii-lvi; cf. his 'The beginnings of Wyclif's activities in ecclesiastical politics', (E.H.R., xi, pp. 319-28), and 'Die Ältesten Streitschriften Wyclifs' ('Sitzungsberichte der Kaiserlichen Akademie der Wissenschaften', 1909.)

³ 'John Wyclif', i, pp.231-9.

⁴ For the demand of UrbanV, June, 1365, vide, 'Cal. Pap. Let.', iv, p.16, and Theiner, 'Vetera Monum. Hib. et Scot.', p.329. Parliament's discussion and answer, vide, 'Rot. Parl.', ii, pp.289 seq.

such scholastic arguments as Wyclif has put in their mouths, yet it is not difficult to accept the theory that he has dramatized the actual discussions which took place. Apart from this, Wyclif speaks of Uthred as having maintained these theses in the Schools at Oxford, and this would point to the fact that Uthred was either still at Oxford or had recently left; he would hardly allow several years to elapse and then rake up these points to discuss. Workman speaks of Wyclif hearing Uthred maintain these points in the Schools in the autumn of 1374, but though this fits in with the chronology of the Reformer's life, it does not fit in with the known facts concerning Uthred.¹ In the absence of any reference, it must have been mere supposition on the part of Dr. Workman. After the Durham monk left Oxford in 1367, except for a brief visit in 1368/9,² he did not return there until 1381: he certainly would have had little time to spare from his busy life at Finchale and Durham to resume his lectures at Oxford, and then on a theme which had previously involved him in bitter controversy.

There are, however, in the tract against Binham some points which are difficult to elucidate. Wyclif speaks of having had discussions on this very subject with the Franciscan, William Woodford, in the year preceding the writing of the tractate.³ Loserth has taken this to refer to Woodford's criticism of the second book of Wyclif's 'De Civili Dominio',⁴ which led to the writing of the third book of that work, and deduces that the 'proximo anno' of the 'Determinatio' is two years previous to

1 'John Wyclif', i, p.2

2 ~~wide infra~~ There would surely have been some record of his expenses in the Durham Rolls: furthermore, it must be borne in mind that Uthred was then a busy sub-prior at Durham, just returned from a long absence, and his prior in his ninetieth year. It is difficult to reconcile these facts with Workman's statement.

3 'Opera Minora', p.415.

4 'De Civili Dominio', iii, p.351: 'Secundo incident aliter pate solutio argumentorum, que doctor meus reverendus magister Willelmus Wadford multipliciter contra conclusionem in secundum huius positam de negacione civilis domini clericorum infert. Arguit autem contra hoc per triginta media compendiose et subtiliter more suo. Et revera obligor eo amplius huic doctori meo quo in diversis gradibus ac actibus scolasticis didici ex eius exercitacione modesta multas michi notabiles veritates.'

the appearance of the third book. It is plain, however, from the words that Wyclif uses that Woodford had long been friendly with the former, especially as his teacher, so that it would not have been unlikely, indeed it was highly probable, that the two discussed this question at the time when the apostolic poverty question was raging in Oxford, and the standpoint taken up by Wyclif does ~~so~~^{not} differ so widely from that taken up by the friars. A more difficult point to clear up is the Reformer's reference to himself as 'peculiaris regis clericus'.¹ Dr. Workman has discussed this at length, and suggests as the best interpretation that it refers to Wyclif's special services to the ~~Crown~~^{to}, in connection with the embassy to Bruges for example.² This suits a later dating, and ^{thereupon} he dismisses the probable reference to Wyclif's wardenship at Canterbury as being thus too far distant. ^{The latter suggestion} ~~It~~ suits the earlier dating, however, and is a possibility to be reckoned with, if we accept the identification of the Reformer with the Magister Johannes de Wycliffe of Simon Islip's register. The latter made this appointment in December, 1365,³ and it roused a storm of protest from the 'possessioners' at Canterbury Hall. As soon as Langham succeeded Islip, he was importuned to turn out this secular head, and in April, 1366, Langham nominated Henry Woodhull.⁴ But Wyclif was not so easily ejected, and he appealed ^{to} to the pope. The suit was not enthusiastically followed up, and finally in 1369, Cardinal Androin who had been entrusted with the matter

1 'Opera Minora', p.422.

2 'John Wyclif', i, pp.237-9.

3 Islip's Register, f.306^v: 9 December, 1365.

4 For a review of the evidence connecting Wyclif with Canterbury Hall, and of the dispute after Simon Islip's death, vide, Workman, 'John Wyclif', i, pp.171-94, 198-9.

delivered his decision ~~gai~~ against Wyclif and his friends.¹ If Binham wrote his work in 1366 or early 1367, then this would clear up another point. Among the suggestions which Wyclif makes as accounting for the Benedictine's animosity is the suggestion that here was an attempt to discredit him with the papal curia and to win its goodwill. Loserth thinks that this refers to the proceedings about to be taken in 13~~66~~⁷⁷ against Wyclif, but it could equally be taken to refer to the suit in connection with the Canterbury Hall dispute and perhaps with much more point. It is significant that elsewhere in the tractate Wyclif is anxious to emphasize the point that his conclusions are such as any good catholic might hold and that he is no innovator.² In 1366 or 1367 Wyclif would have been more anxious over this point than he would have been in 1376~~7~~ when he had already been touching upon the most sacrosanct doctrine of the Church, that of the ^{Holy} Sacrament.

It is extremely difficult to arrive at any positive conclusion, but in view of the more detailed material available concerning Uthred, it seems more probable that Wyclif is to be numbered amongst those disputing with the Durham scholar during his years as a teacher at Oxford, than to attempt to place the incident at a later date. There seems no reason to find it strange that several years should elapse before Wyclif again becomes prominent in ecclesiastical politics. The incident was no large and vital one, such as would lead him into a standpoint of rebellion against the Church as ^{did} ~~occurred~~ later. Viewed in the light of the disputes which were taking place in

1 Foxe, 'The Acts and Monuments', ii, 927 seq.

2 'Opera Minora', p.425.

the Schools at Oxford in those years, there is nothing in the least unusual, unless it be the fact that his standpoint is closer to that of the friars than to the seculars and the monks.

§ 3.

Uthred's residence at Oxford terminated in 1367 on his election, on the death of John de Tikhill, to be Prior of Finchale. This priory dedicated to St. John the Baptist and St. Godric, was one of the most important of Durham's dependent houses.¹ Early in the twelfth century the hermit Godric settled there with the consent of Bishop Flambard, accompanied at first by a poor sister but after her death entirely alone. He built a small chapel which he dedicated to St. John the Baptist, and other buildings. The reversion of the hermitage was granted by Bishop Flambard to the prior and convent of Durham, which grant was later confirmed in 1170 on Godric's death. The endowment of Finchale began with the grants of the latter bishop's son, Henry Pudsey, who reserved to himself and his heirs the privilege of appointing the prior. This right, however, he afterwards granted to the prior and convent of Durham, with whom it remained until the Dissolution of the Monasteries. Further grants were conferred on the house during the years succeeding Pudsey's death, and Finchale's revenues increased rapidly. The increased prosperity of the priory led the monks in 1241 to begin building a new church which was completed about 1264. In 1266 a chapel was added, dedicated to St. Godric, in the south transept. The number of monks usually in residence

1. For accounts of Finchale Priory, vide: 'Vic. County Hist. of Durham', p. 103 et seq.; also, the Introduction, 'Finchale'. Only a brief summary is given here.

at Finchale increased from the original two to eight monks and a prior. The pleasant surroundings of the district led Durham to use Finchale as a sort of health and holiday resort.

An ordinance made by the prior of Durham in 1408 provided for the residence of four monks at a time for a period of three weeks, and regulated how their time should be divided, between service, prayer, work and recreation. Throughout its history Finchale priory was dependent upon Durham and its history is therefore closely bound up with that of the mother house. Such was the priory over which Uthred was to preside, and to his task he brought a varied and valuable experience gained in serving the particular interests of Durham and the wider interests of his order at Oxford and at their General Chapters.

Uthred returned from Oxford at the end of the summer term and assumed his duties on the eve of the feast of St. Laurence (Aug. 10).¹ He lost no time in having the customary inventory of the state of the priory as left by his predecessor drawn up, since the 'Status Domus' compiled was dated on the feast of the Assumption of Mary, the Blessed Virgin. (Aug. 15).² But his new duties did not cause him to forget his former students at Oxford to whom Finchale usually contributed forty shillings each year.³

1. John de Tykhill's last account roll ends 'diem lune in crastino Assumptionis B.M.V.', 1367 ('Finchale', p.lxxiii); Uthred's first roll is dated from 'die proxima ante festum sancti Laurencii', 1367 (Ibid, p.lxxx)
cf. Add. MS. 6162, f.31^v : 'primo prior de Fynchall ad festum Laurencii'.

2. 'Finchale', p.lxxviii.

3. Vide, 'Finchale', passim.

During his first year at Finchale this sum was increased to fifty-three shillings and fourpence, and he presented them with a new vestment which cost his priory twenty-three shillings and fourpence.¹ The next year's Comptus contains a payment of seventy-six shillings and eightpence,² besides a further payment of four shillings made out of an unusually large surplus for that year.³ As prior of Finchale Uthred had a seat in the northern convocation,⁴ and he attended one meeting at York at Easter, 1369, and to another he sent a proctor.⁵ The Easter meeting was probably the first opportunity he had to attend convocation as prior of Finchale, as it would appear that he spent very little time in the north during his first short tenure of office as prior there. During 1368/9 he paid visits to Whitby, Oxford and London being away for the space of half a year.⁶ These visits were probably undertaken to conduct the business of the mother house of Durham. Shortly afterwards he was made sub-prior of Durham on account, it would seem, of his administrative abilities, since his long absences from Finchale would be felt to be detrimental to the good discipline and administration of the dependent cell. This appointment was made after the feast of the Purification (Feb. 2) 1369, but his term of office at Finchale did not end apparently

1. Ibid. p. lxxxi.

2. ^{Ibid.} p. lxxxiii.

3. Ibid. p. lxxxiv.

4. The priors of Finchale held their seat in convocation by virtue of the priory's possession of the parish church of Giggleswick. This fact is apparent from the wording of Uthred's writ appointing Richard de Ryon as his proctor for the meeting at Beverley, October 1386. Vide, 'Records of Northern Convocation', 11. p. 113.

5. 'Finchale', p. lxxxiii.

6. 'Finchale', p. lxxxi.

until the Monday following the feast of the Ascension.¹ As sub-prior at Durham Uthred would have plenty to do both with regard to the internal economy of the house and by way of negotiations carried on with other houses and the bishop. The Durham account rolls upon which we are dependent for our knowledge of his activities during these years do no more than indicate the kind of work he had to do. For example, a payment is recorded in the Bursar's roll for 1370/71 for his expenses during his six day visit to York for a meeting of Convocation,^{3. and in} ^{the same} ~~for the corresponding~~ roll for ~~1371/2~~ is an entry for his expenses whilst visiting Auckland and Stockton.⁴

In the midst of the "common round and daily task" of monastic administration a ³matter of wider import came to engage his attention. About early May, 1373, a messenger from the King came to Durham bearing an invitation for Uthred to take part in an embassy which he was sending to Avignon to treat with the Pope on matters of dispute outstanding between England and the Papacy.² In deciding to send this embassy Edward III. was anticipating the Parliament's demand, made in the autumn of 1373, for some agreement to be reached whereby the burdens laid upon this country by the Papacy should be lightened. For some time now

1. Add. MS. 6162 f. 31^v 'Supprior post festum purificationis' (Feb. 2.) His 1368/9 roll for Finchale ended 'diem lune proxime post Ascencionis' ('Finchale', p. lxxxii)

2. 'Durham Account Rolls' ii, p. 579.

3. *Ibid.*, p. 576.

4. *Ibid.*

the voice of discontent had been lifting itself in Parliament against the ever-increasing financial expedients to which Avignonese popes were resorting to meet the growing expenses of the Papal Curia. Papal provisions, the constant attempts of the Papacy to extend its jurisdiction ⁱⁿ this country and the drain of gold to the Curia were the most important causes of friction. The real difficulty in checking papal usurpation of the privileges of lay patrons and ecclesiastics in England lay not in the lack of means to curb this usurpation but in the royal will to do so. English kings found the popes' services useful in securing their own wishes in matters of ecclesiastical appointments, and in return for these services popes were not slow to bargain their acquiescence against the tacit consent of the king to their own invasions of the privileges of patronage. It was only when the demands for papal subsidies appeared likely to endanger the royal revenues, or when the royal prerogatives of patronage were seriously infringed, that the Kings of England ^{made use of} ~~used~~ the anti-papal legislation on the statute books!

The years immediately preceding 1373 were, however, a time when papal demands became so exacting, that Edward III, felt

constrained to take action to preserve his own prerogatives. When Urban V rather recklessly laid claim to the payment of John's annual tribute after the parliament of 1365 had decided to withhold the payment of Peter's pence, Edward III. brought the matter before parliament at Westminster, May 1366.¹ Their answer to Urban was that since John acted on his own initiative in committing the realm to the payment of the tribute without the consent of his council, the grant was illegal and the papacy had no claim to the tribute; and, furthermore, parliament promised to support Edward III. should the pope endeavour to collect the tribute by force. This answer was accordingly dispatched to Avignon, and a strict watch was kept to prevent money being sent out of the country to the pope, and to prevent either appeals to Rome or the entrance of papal officials or letters into England.

This was the situation in 1373 when, in the February of that year, Gregory XI demanded a subsidy of 100,00 florins from the clergy of England. In the event of the non-payment of this sum, the pope expressed his determination to impose upon the English clergy a tenth, to be paid to his Florentine agents at

1. 'Rot. Parl.', ii, pp. 289, seq.; Reading, 'Chronicon', p. 171; Rymer, 'Foedera', iii, p. 798.

at Bruges, one half at Easter, the other half at Michaelmas.¹ It was an unfortunate time to choose, since Edward III. was demanding a tenth for his French War and he would see that his need was first fulfilled. This appears to have been the incentive which led the King to decide upon this embassy, being of the opinion that the time was now ripe for a discussion of the wider issues of the problem of the rights of patronage as well as the question of subsidies. In doing this he probably knew that he would, ^{be} forestalling the restive lay patrons who were certain to demand negotiations when next Parliament met. John Gilbert, bishop of Bangor, headed the mission, and with him were Uthred, John Sheppey, a doctor of civil law and a clerk in the employ of the Crown, and Sir William Burton.²

In connection with this embassy it is worth while to consider a curious and amusing account of the meeting of what is termed the 'magnum concilium', presumably Parliament, which is to be found in that composite work known as the 'Continuatio Eulogii'.³ It is certain that Parliament did not meet to discuss the forthcoming negotiations before the embassy left, but what probably did occur was a meeting of leading ecclesiastics and laymen, convened by the King, to be consulted on the subject

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1. 'Cal. Pap. Let.' iv. 106. Gregory put out 'feelers' in March and December, 1372, vide *ibid.* iv. 115-18. For the exemption of the Cistercians, *ibid.* iv. 153.
 2. For details of these members, vide Workman's 'John Wyclif,' i. pp. 220-5.
 3. 'Eulogium Historiarum', iii, pp. 337-9.

of the embassy. To dismiss this account as 'le récit extravagant d'un Chroniqueur', as does M. Perroy,¹ is a little drastic. The chronicler appears to have muddled it with the Parliament of 1366, but the account is so lively and the presence^{at the assembly} of such persons as Uthred, the Franciscan, John Mardisley, and Thomas Ashbourne, an Austin friar,^{is so opportune, that} lends colour ^{is lent} to the view, that it is hardly a figment of the chronicler's imagination. Moreover, if we consider this meeting in connection with the embassy of 1373, there is no longer any difficulty in accepting the presence of Whittlesey there, whereas he must have been too ill to have been present if the year 1374 is accepted.² To conclude the indications that this account is indeed based on an event which actually took place, the author of the 'Vita Compendiosa' states that in 1373 Uthred went abroad 'post pentecostem', the date when the meeting took place according to the chronicler. However, the embassy did not actually leave until late in July, but apparently Uthred left Durham about Whitsuntide, presumably to attend this council meeting at Westminster. Before passing on, it is interesting to note the part which Uthred is supposed to have taken in these proceedings. When asked whether the pope was lord of all, he

¹ 'L'Angleterre et le Grand Schisme', p.28 (n.2).

² The exact date of Whittlesey's death is uncertain, doubt existing as to whether it was on 5 or 6 June, 1374 (vide Tait's article on Whittlesey in 'D.N.B.'). In any case it took place about two weeks after Whitsun, 1374, and about that time it has been argued that he could not possibly have attended.

replied in the affirmative, quoting the time-honoured text "Ecce duo gladii hic"; to be answered, very fittingly by the Franciscan Mardisley, with the counter-text 'Mitte gladium tuum ⁱⁿ in vaginam', and supporting his view by the usual arguments that Christ had no temporal 'dominium', nor did he bequeath such to his disciples, and using citations from the scriptures and gospels and from the fathers of the church and from the example of the religious and from confessions made by the popes themselves.¹ On the next day, however, Uthred withdrew his opinion, and when taunted by the Black Prince as to what had become of his two swords, answered that he was now better instructed. The impression which Uthred's works leave is that he had no great liking for the acrimonious atmosphere of political controversy and his action at the council meeting, as recounted by this chronicler, is in keeping with this impression.

The embassy left London late in July, 1373,² and on the way an adventure befell them which was not uncommon to such travellers passing through France during the troublesome times of war; they were taken prisoner and held to ransom at Chambery.³ Gregory XI wrote several letters concerning their release and

1.. 'Eulogium Historiarum', iii, p. 338.

2. The expenses of John Sheppey and John Gilbert are preserved among the Exchequer Accounts. According to Sheppey's accounts, he left London 25th July (316/28), whilst Gilbert left London on 20th July.¹³⁷³ Both accounts agree upon February 20th, 1374, as the date of return to London. It is unfortunate that Uthred's expenses are not preserved, as they would make an interesting comparison with the expenditure of the other members.

3. ^{Hidden,} 'Polychronicon', viii, p. 379; 'Anonimale Chronicle', p. 75.

and the release of their attendants and baggage,¹ and it was not until December that they eventually reached Avignon. There they set forth the demands of the King, to which the pope answered in certain articles of concord that he had drawn up and to which the king was asked to agree. As regards the subsidy, Gregory XI was not anxious to forgo this and he temporised, after complaining at the attitude taken up by the king regarding his relations with the clergy of England, and consented to a delay in the execution of this demand until the Easter of 1374. Other matters were apparently discussed with the pope, and to these he gave a verbal answer to the ambassadors.¹ The stay of the delegation was rather brief since they reached England again without further adventure on February 20, 1374. No real ~~settlement~~^{settlement} was accomplished by this embassy, and it was decided that these matters, together with the question of a peace settlement between England and France, should be the subject of further discussions which, it was agreed, were to be resumed at Bruges later in 1374.

1. 'Gal. Pap. Let.', IV, p. 127.

It is not improbable that Uthred felt a distaste for further participation in such matters, while it is also probable that his views were unacceptable to the King, for in appointing the members for the commission to go to Bruges he was omitted, as was also John Sheppey, and notable among the new members who were appointed was John Wyclif.¹ Perhaps it was felt that men holding more vigorous views on the question of the papal power were needed, since Gilbert and Burton and the new members of this 1374 commission were, according to their several histories, likely to be less favourable to the pope than Uthred.

1. Vide, Workman, 'John Wyclif', i. pp. 240-46, for an account of the Bruges negotiations cf. M. Perroy, 'L'Angleterre et le Grand Schisme', pp. 35-40.

§ 4.

If the later date for Wyclif's 'Determinatio' is accepted, as proposed by Workman, then it would seem that Uthred spent some time at Oxford on his return from Avignon: but as I have suggested above, it is more probable that he returned at once to Durham.

In 1376, at Whitsuntide, he was sent to Finchale as prior for the second time,¹ but this time he remained somewhat longer, for a matter of six years. Durham still continued to make use of his services. Of especial interest is his participation in the negotiations which took place in connection with Bishop Hatfield's scheme to endow Durham College. At last the fitful attempts to incorporate this colony of students with adequate endowments came to fruition. During Hatfield's last years, negotiations took place between him and the convent of Durham over his projected scheme.² Prior Robert de Walworth employed as his agent John de Bevington,^{iv} a monk of Durham and probably the prior's brother. Hatfield was at this time residing at Alford, near London, and the entry on the Durham Roll for 1380/81 of Uthred's expenses on a visit to London to treat with the Bishop was undoubtedly in connection with these negotiations.³ His long association with the College must have proved of great benefit in drawing up the regulations governing this foundation. Under the terms of the quinquepartite covenant,

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1. Add. MS. 6162, f31^v; the 1375/6 Finchale Account Roll is headless.
 2. These notes are based on Blakiston's account, 'Collectanea', iii, pp. 12 et seq.
 3. 'Durham Account Rolls', iii, p.591.

concluded in 1380 between Hatfield and the Convent, ^{provision was made} ~~provided~~ for a foundation of eight monks 'secundum vim et formam in constitutionibus Benedictinis de studentibus ad generalia studia transmittendis provide ordinatam ut philosophiae et theologiae ⁹ dumtaxat vacent principaliter et intendunt'; and for eight secular students in grammar and philosophy. The presence of these latter is an interesting feature of the scheme, while it is to be noted that the students were all to come from the Durham Diocese. For the most part, the endowment came from the monies set aside for the purpose by Hatfield in his will, but the Convent promised to support four monks at the College. For the rest, the extant bursars' rolls of the college, preserved in the Treasury at Durham, show that the dependent cells of Durham continued to make contributions more or less regularly. When the scheme was finally executed after Hatfield's death, Uthred was appointed as a trustee.

During this time Uthred carried out visitations for the convent of Durham. In 1379/80 he visited Houdenshire on behalf of the mother house,¹ a task he performed again in 1383/4.² We find him also carrying out a visitation, in 1380/81, of the northern Benedictine houses on behalf of his prior who had been

1. 'Durham Account Rolls', iii, p. 589. The churches in Houdenshire belonging to the convent of Durham were exempt from episcopal visitation.

2. Ibid, p. 593.

appointed visitor in the Chapter of 1378.¹ This visitorial work is worth noting in view of the suggestion that he was the author of the visitatorial articles promulgated c.1363.⁴

It is unfortunate that there is a gap in the Finchale rolls extending from 1380-1388, since details concerning the scribe William du Stiphel might otherwise have been available. Uthred brought him to Finchale from whence is uncertain, but from Du Stiphel's own note in Burney MS. 310 which he wrote for Uthred, he was a Breton.² This codex, finished in 1381, contains Rufinus' translation of Eusebius' 'Ecclesiastical History', Rufinus' own history, Bede's *Historia Anglorum*, the 'Sesta Britanum', composed, according to a note, 'a Gilda sapiente aut Nennis', Caradoc Sancarovanensis' 'Vita Gildae', Bede's 'Vita Sanctorum', an anonymous life of the latter and the fragment of a letter of Pope Sergius I to Coelfrid, abbot of Wearmouth. It is a well written volume, but not as splendid as the fine De Lyra which Du Stiphel finished in 1386 at Durham, where he appears to have later migrated, for William Blaklaw, then sub-prior of Durham.³ Uthred may have met Du Stiphel in the south whilst at London during the negotiations concerning Durham College, and attracted him to Finchale,

1. Ibid, p. 591.

W.A. Pantin could only conjecture that the Chapter, due to be held in 1378 met (Trans. Royal Hist. Soc. (1927) p.253). It would appear that this visitation was made preparatory to Prior Walworth (or his proctor) presenting his report at the 1381 Chapter.

2. f. 89^v.

'Explicit liber historie ecclesiastice secundum Eusebium, scriptus per manum Guillelmi (sic) docti Du Stiphel de Britania, pro venerabili et religioso vivo, Domino Uthredo Dunelmensi monacho ac sancte sacre pagine doctore, anno Domini millesimo ccc^o octuagesimo primo, vicesimo secto die mensis Augusti. In Fincal'.

3. MS.A.I. 3 (Durham Cathedral Library). Rad, in his 'Catalogus', notes that another De Lyra (MS.A.I.4) was partly written by him as was also apparently MS.A.I. 1.

4 Pantin, 'Documents illustrating -- General Chapters of the English Black Monks', ii, p.92.

afterwards taking him to Durham in 1381 when Uthred entered upon his second period of office as Sub-prior of the Convent.

About the Feast of the Ascension, 1381, Uthred was recalled again to Durham to act as Sub-prior, where he remained until 1386.¹ In 1383 he paid his last visit to Oxford, no doubt in his capacity as a trustee of the newly incorporated Durham College.² He did not stay long as later in the same year he carried out the visitation of Houdenshire. He was now reaching a venerable old age, being well over sixty, and these visits are the last recorded journeys we find him undertaking. At Whitsuntide, 1386, he was sent once more to preside over Finchale, where he remained for the rest of his life.³ A few years later his health was failing, and Prior John de Hemingburgh, deeming Uthred '*senio et debilitate confractus, minus potens est ad corporaliter laborandum*', appointed Roger de Maynsforth as co-adjutor of the cell, 3 October, 1391. The latter was also appointed '*in curatorem domini Roberti de Wallesworth, super Prioris nostri, qui, corporis ac mentis infirmitate laborans, ad se et ad sua gubernanda inutilis, quod dolenter referimus*', a provision obviously made to avoid friction with Walworth.⁵ He was living in retirement at Finchale, on a pension provided by Durham,⁴ and died apparently 1393/4, since the

1. Add. MS. 6162, f.31^v.

2. Ibid.

3. Ibid

4. Finchale Rolls for 1391/2, 1392/3, and 1393/4 contain entries recording the payment by Durham of Walworth's pension. Previous writers infer that Hemingburgh became prior of Durham on Walworth's death.

cf. similar provision for John Wessington on his retirement (D.N.B.).

5. MS. Faustina, A. VI, f.80.

last payment of his pension is recorded in the Finchale Rolls for that year. Maynesforth only remained at Finchale a short time, being appointed to preside over Jarrow, 30 May, 1394.¹ We have no definite evidence of the appointment of another co-adjutor at Finchale for a year, until Richard de Stokton's appointment, 29 May, 1395,² but from entries in the Finchale Roll of Robert Ripon, 1397/8, it seems that a William Cawod acted as such during the interim period.³ The position at Finchale is rather obscure during Uthred's last years. The last roll extant which bears Uthred's name covers a period of four months and one week, ending September, 1395. From the fact that this covers only a short period, it would seem that in September, 1395, Uthred ceased to be even in nominal charge of Finchale; and yet a successor does not appear to have been appointed at once, since the usual inventory made after a prior's term of office had ended was not drawn up, in Uthred's case, until 19 May, 1397,⁴ when Robert Ripon was appointed Prior. Probably Stokton was left in charge until then, Hemingburgh being loth to appoint a successor to Uthred until his death. This occurred on 28 January, 1397,⁵ and he was buried at the entrance to the Choir at Finchale.

1. MS. Faustina A. VI, f.70^v.

2. Ibid, f.82.

3. 'Finchale', p.cxx. The entries refer to payments of expenses incurred 'pro domino Willielmo Cawod' and 'de tempore domini Willielmi Cawod', along with similar entries referring to Maynesforth.

4. Ibid, pp. cxvii-cxix.

5. Add. MS. 6162, f.31^v.

So passed on one who was by far the most outstanding scholar of his Order in the fourteenth century, and one of the greatest monk-scholars of the later middle ages. Well might Leland write: "Unum certe, quod verissimum est, audacter dicam (absit procul invidia) nunquam fuisse monachum in collegio Dunholmensi, quantum ad sacras literas pertinet, illo doctiorem".¹ Wyclif, though opposing him, held him in high regard, referring to him as 'doctor meus reverendus et magister specialis',² and even though ~~Trigeytlan~~^{xy} abuses him soundly for his attacks on the friars, he does not in any way cast doubt upon Uthred's probity, nor accuse the Durham scholar of low morals as he does the other two who are dealt with in his poem. To his high moral character and scholarly abilities, Uthred added those of the capable administrator, as his many activities during his long life bear witness: in an age when monasticism was already plainly showing signs of decay he stands out as the embodiment of those qualities which were more frequently to be found in an age when the system was in its full vigour of life.

1. 'Commentarii', ii, p. 392.

2. 'Opera Minora', p. 405.

Chapter 11.

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The treatise 'De naturali et necessaria connexione ac ordine sacerdotalis officii et regalis' bears the indubitable imprint of an academic exercise. At the outset, Uthred states the three articles to be discussed, and proposes three 'dubia' for each article. With the exception of the first article, which is quickly disposed of, the articles, and the 'dubia' of each, are discussed at length with arguments for and against, supported by a wealth of quotations, drawn in the main from the scriptures, gospels and the early Fathers. At times the discussions ramble and are only incidentally relevant to the point requiring proof or rejection. In addition, there are the lengthy notes amplifying the arguments used in the treatise and which precede it in the manuscript.

The first article propounded, with its three 'dubia', whether the two offices of priesthood and kingship are set up by God, whether the two offices set up are for the rule of those who are subjects to them, and, whether they have been given sufficient power by God to rule these subjects,¹ is to be answered in the affirmative without lengthy discussion, since just as God has made man of two elements, the body and the spirit, so he has set up two offices for his guidance in

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1. Durham MS. f. 24a: 'Primum an haec duo officia, sacerdotale videlicet et regale sicut a deo summo principe substituta. Secundum dubium An duo isti officarii substituti sunt ad regimen subditorum. Tertium dubium An isti officarii sunt substituti cum potestate sufficienti subditos regulandi'.

this life; and on account of man's sins he needs governance, by the king that men may live orderly together, by the priest that his spiritual welfare might be cared for.¹

Next come the two articles dealing with the various problems arising out of the setting up of these two powers, and which are Uthred's main concern. The first of these resolves the relative positions of the two powers which God has set up for man's guidance in this world. Were these two officers, king and priest, set up with equal power in the beginning by God to rule for him, or is the kingly office subordinate to the priestly office or equal to it?²

After the fall of man, he argues, men did not remain in the state, nor did they continue along the path of innocence, with the result that there was an inequality of persons and consequently an inequality of offices among them.³ Human beings could not be totally dissimilar since they descended from the same origin, but according to their varying qualities before and after the fall, so do the offices which they occupy vary, some being above others; and further, since in the natural order of things the spirit is more like ^{unto} ~~under~~ God and therefore superior to the body, the two offices which minister unto the spirit and

1. Ibid, f. 24-24^v.

2. Ibid, f. 24a^v: 'Utrum hic) due officiarum reges scilicet et sacerdotes sunt a deo principe ad sua regimina constituti similiter eque primi, an ipsum regale officium sit subalternum sacerdotio an equum' X

3. Ibid, f. 24a^v: 'Ex quo igitur nulle sunt due persone humane immo nec esse poterunt sub deo similiter eque prime, sicut illa prima conclusio' ¹³ ~~ad~~det; ergo nec duo officia vel administrationes sub deo similiter eque primat.

the body are unequal. He then states his first important conclusion, that in man's progress towards his natural goal, whether in the state of innocence or after man's fall, the 'dominium' exercised by the priesthood was and always would¹ be more worthy than that exercised by mere man.

In confirmation Uthred quotes Augustine's view (³ *De Libero Arbitrio*, c.13) that though angels are equal in nature, yet in office they are unequal; and Dionysius (*De Eccles. Hierarchia*, c.6) who likens the nine orders in the ecclesiastical hierarchy unto the nine orders amongst the angels.² Thus it is apparent that God did not set up these two offices with equal power, but one was subordinate to the other, and since no offices among men are purely spiritual or temporal, so much greater are the offices which minister unto the spirit than those which minister unto the body.³

1. Ibid, f. 25: 'Pro quolibet hominis progressu versus sum terminum naturalem, sive in via innocencie sive lapsus excellencius seuper fuisset et foret sacerdocium quam hominis dominium pro eodem'.
2. This conclusion was disputed by Wyclif in his 'Determinatio' against Uthred, and he proposed as a corollary that the apostasy of a priest was worse than the tyranny of a secular ruler, arguing that where the obligation to serve God is greater, as in the case of the priest who is more bound to God's service than any secular lord, the fall is greater.
'Opera Minora', p.406: 'Sicut sacerdocium excellit seculare dominium, sic apostasia sacerdotis est aceleracior quam tyrannides domini secularis'.
2. Durham MS. f25^v - 26^v.
3. Ibid, f. 24a^v: 'Ex quo igitur nulle sunt due persone humane immo nec esse poterunt sub deo similiter eque prime, sicut illa prima conclusio suadet; ergo nec duo officia vel administrationes sub deo similiter eque primas'

To prove still further the superiority of the priesthood over the office of kingship, a lengthy discussion is entered into, embracing the functions pertaining to these two offices and an appeal to the Old Testament to show the superiority and the priority of the priestly office in history.

The principal functions of the priesthood are to minister the sacraments, to enlighten and to teach their subjects. The sacraments are necessary for salvation, as the gospels amply show, and the priesthood has received their power of ministering them direct from God, hence their office is of a divine character, and cannot be subject to any human office, nor even to the angels.¹ In his task of enlightening he is, as Christ said (Math. 5) 'lux mundi', and in confirmation of the superiority of this task, Uthred uses the example of the Creation. Light was first created and then the most worthy creatures of each order, so that these might shed their light over the inferior creatures of their order. Kings, on the other hand, have to be enlightened. The worthiness of the office of teaching is seen in God's action in choosing the wisest as his friends and prophets.²

1. f. 27^v: 'I^tam quod officium huiusmodi sacerdotale quo sic ministrantur omnia huiusmodi ecclesie sacramenta, videtur immo est divinum officium nominandum versus quam humanum. Repugnaret igitur directe ordini naturali quod sacerdocium tam divinum officium foret officio regie aut alicui humano officio, immo aut angelis subalternum. set econtrario foret officium regium, sicut et quodcunque aliud officium hominis mundiale sacerdocio subalternum'.

2. f. 27^v - 29.

On turning to the historical side of his argument to prove the superiority of the office of priesthood over that of kingship and its priority in point of time Uthred goes on almost interminably. Here we meet all the well-known examples, drawn mainly from the Old Testament, which had been used for centuries previously in the literary controversy between the two powers; sometimes he puts up examples quoted by opponents to prove the priority of the office of kingship, only, however, to demolish them immediately with other examples culled from the same source. Moses, the leader of the people, appeared to be greater than his brother Aaron, the priest; he received the law from God and also power to set up priests.¹ Others set up priests, or deposed priests, notably David, Alexander, Demetrius and Solomon, whilst Herodotus Ascolina sold the office of high priest; and the Roman Emperor gave Agrippa, son of Herod, power to set up a high priest in Jerusalem, according to his will and he set up priests not of the house of Aaron.² On the other hand, Moses' successors did not have the same power as he, since God told him to give Josua a part of his glory, that of leading; but the office of prophet, the office of advising and caring for the people which is the office of the priest, was not passed on, and this part of the

¹ ff. 32^v-33.

² ff. 33-34

priest's office is only a third of his task, is greater than the lay office of kingship. Aaron, who was in possession of the full power of priest was therefore greater than Moses who possessed only a third of that power.¹ As for those who set up priests, David when king was filled with the spirit of the Lord, and Solomon did not depose Abiathar but sent away an unworthy person not a priest, and retained Sadoc, a more worthy person. Kings might lead their people to war, but the priests first exercised that office since through them God informed kings when they should go to war. Saul did wrong to oppose the Philistines, and Samuel pointed out to him the right course of action to take.²

It is argued that when God comes in the last day, the offices are embodied in Him and that the office of kingship in Him is not subordinate to the office of priest, but that both are exercised by Him equally. Furthermore, it is said that He shall come to judge the world at the last, not as priest but as king. We find here the example of the two swords (Luke 22) quoted. As the counter-argument to this, Uthred argues that God exercised both functions, but he was greatest when exercising the office of priest. He assumed earthly flesh to be redeemer and mediator. God gave Christ the power of redeeming man, and in redeeming man

¹ ff. 40^V-44^V.

² ff. 45-46.

He was priest. Since this work of redeeming and reconciling is the greater and was done by Christ as priest, that office is superior to the office of kingship in Christ's person. Christ came not to judge the world but to lead men to salvation, and though born as king, He assumed the office of priest to fulfil His task of redeeming mankind, which He could not do as king. And when He comes in the day of judgment, He will not come as king to judge, but as the Saviour.¹

In point of time the office of priest precedes that of king, since Aaron was priest before Moses was made the leader of the Israelites, and the Levites assumed their seniority as priests among the tribes of Israel before the tribe of Juda assumed the office of king. It is said that the priesthood ceased from the transmigration until the return of the people of Israel from captivity under Zorabel, and that Herod killed the remainder of the priests. It would appear then that kingship lasted longer than the priesthood. Uthred denies this cessation of the priesthood from the transmigration which is based on Josephus' 'Antiquities', and adds further by way of refutation that in the reign of Herod Ascolota, who was of foreign race, the priesthood of Aaron's line still remained.²

1. ff. 35^v- 40^v..

2. ff. 40-46.

Thus through the maze of argument and counter-argument supported by a wealth of examples drawn from Old Testament History, Uthred rambles on to the conclusion that he has proved conclusively the superiority of the office of priesthood over that of kingship.¹

The third article to be resolved is concerned with the scope of the power exercised by these two offices; whether to the kingly power belongs the use of the sword to punish wrong-doers with violence, whether this power extends to the priesthood as well as the laity, and whether the power of the priesthood to bind and loose extends generally over superiors as well, as inferiors.²

Uthred held the view of the divine origin of kingship founded on justice. All royal dignity and power of man in nature is derived from God, as all dignity and power founded on justice is from God (Rom. 3). Kingship existed in the state of

1. f. 46^v; 'Restat ut semper et pro semp temp^{or}is regale officium fuerit, sit et erit sacerdocio subalternum et ipsum sacerdocium..... regali officio dignius sit in gradu'.

2. f. 24a^v.
 'Articulus) etiam tertium dubia tria monet. Primum: utrum ista violencia gladialis delinquentes, scilicet mundialibus possessionibus spoliando, corporalibus verberibus cruciando, imo in servitutem miseram subiugando et huiusmodi, pertineat ad regiam potestatem. Secundum dubium; utrum haec violencia gladialis spoliandi, cruciandi, subiugandi, etc., extendat se tam ad sacerdocium quam ad populum laicalem. Tertium dubium huius articuli tertii: utrum potestas sacerdotalis legandi, scilicet et soluendi, perficiendi et deponendi, set tamen merita et dimerita ad omnes tam superiores quam inferiores generaliter se extendat.' X

innocence before the fall, but the violence of the sword was not then among men.¹ Violence ruins the concord of the universe, since all violence beyond nature is, as it were, against nature. Thus it would seem that the power of the sword makes for the ruination and prevention of natural concord, and therefore does not belong to the office of kingship.

In the commencement of the counter-argument we see the influence of Aristotle's 'Politics', which indeed he quotes. Law is to be commended among men, as man is naturally among all animals a social being.² It has three uses, according to Aristotle, being ordained for the ruling, advising and instructing of men, for the protection of the pious from injustice and oppression, and for the use of those who are set over the rest in order that they may coerce the impious and perverse and punish them. The first use should be the sole one, if the path of innocence is followed. As for the second, the minister of God is the defence of the good; if anyone do wrong, let him not fear the sword, for it is God who avenges. As for the third, the law of the Old Testament ('lex antiqua') is concerned with the power of judges and kings, is approved by the Church just as the law of the New Testament ('lex noua'); and these, even as do the

1. This view developed in the note ff 1-3^v.

2. f. 47^v: 'Omnes leges que digne sunt legis nomine appellari inter homines ad conuiuendum, cum homo sit inter omnia animalia sociale naturaliter et ciuile, secundum processum Philosophi, primo Politicorum in principio'.

rational laws of the pagans, assert that the use of the sword must of necessity be used by the kingly power as far as it supports and defends the innocent and pious, and restrains and punishes the wrongdoer that there may be peace among men.¹ In further confirmation he quotes Anselm's view ('De Similitudinibus,' caps. 130, 131) that God divided the world into three offices, 'oratores, agricultores et defensores', and to the latter class belong kings, princes and soldiers. As defenders in this world they could not fulfil the task imposed on them unless they possessed the power of the sword. Hence such power necessarily belongs to them.²

So far Uthred has only been concerned with the laity, but now considers the position of the priesthood in relation to this power on the part of kings to use the sword. Again he brings forward arguments to be afterwards set aside as invalid. It is said that those priests who break the peace are sinning more than the laity and therefore ought to be punished by their superiors. But these latter have no power to use violence, as witness Christ's charge to Peter 'Mitte gladium in

Many malefactors do not fear ecclesiastical censure, and such, be they ecclesiastics or laity, ought to be restrained by the

1. f. 48^v.

2. f. 48^v: Utrum ista violencia gladialis, scilicet delinquentes mundialibus possessionibus spoliando corporalibus verberibus cruciando, in seruitutem miseram subiugando et huiusmodi exequendo, pertineat ad regiam potestatem, est similiter concedendum.

exercise of the material sword. From this, it would appear that although there was one head of the Church left, namely Peter, whom Christ charged as His vicar, despite that there is only one head, yet it would seem as if there were two pretending to headship. Truly, if this 'dubium were conceded, then there would be many things which would sound at variance in the ears of the faithful, and there would be no protection from oppression.

It is clear, however, from earlier arguments that the priesthood was, and is and will always be generally more worthy than the temporal lordship of man,¹ and that according to the natural order of things man's rule is inferior to priestly ministrations.

Man has two elements, one the gift of wisdom which is of the soul, and the other the gift of knowledge ~~for~~ things bodily; of these, since the soul is nobler than the body, the rule of wisdom is superior to the rule of knowledge.² The first apertains to the priesthood, Uthred infers, whilst the second belongs to the office of kingship. The soul judges all things and is judged by none other. Thus Uthred concludes that it is not possible to concede that the power of the sword exercised

1. i.e., ff 25-26.

2. f. 50^v - 53^v.

by kings extends over the priesthood.¹

The concluding 'dubium' of this article now deals with the extent of the power of the priesthood, having disposed of the doubt that the priesthood was subject to the material sword. This power of the priest embraces all ranks, dignities and conditions as arguments used in resolving previous doubts show. This power conferred upon Christ's vicar, Peter, to feed His flock, is comparable to the complete control of a father and mother over all their children. To the objection that this charge to Peter only embraces the faithful - that neither Jew nor the body of unbelievers come within this charge - is met with the reply that all are included, the unbelievers as well as the faithful. The former are chastised and relegated into perdition, whilst the latter are chastised and led to salvation, for Peter's charge included power to remit sins, and the Lord did not exclude anyone from that power.²

Having at length resolved all the doubts attendant upon his purpose to prove the omniscience of the priesthood over all lay offices, Uthred proceeds in the last few folios to sum up his conclusions and restate his main thesis. The end is rather abrupt, and in view of the blank folios following before

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1. f. 54: 'Videtur quod hec violencia gladialis spoliandi, cruciandi, etc., non ad sacerdotium se extendat sicut ad populum laicalem

Although nowhere does Uthred state the conclusion which Wyclif alleges to have taken from his teaching as it is found in the Reformer's 'Determinatio' ('Opera Minora', p.405), it is obvious that the above conclusion arrived at by Uthred is the one referred to by Wyclif. The latter states it thus:

'Pro nulla via hominis versus suum terminum naturalem competeret seculari potestati ex sola sua auctoritate sacerdotium iudicare'.

Wyclif argues that an apostate priest forfeits his dignity and becomes liable to deprivation. He quotes the example of Solomon and Abiathar.

the next treatise on folio 69, it is probable that the work, as it now is, is incomplete, that the scribe either forgot to finish it or was himself working from a faulty copy.

However, the main purpose of Uthred is completed so that the loss is not serious.

One significant feature of this work, although Uthred ascribes omnisc^eptent power to the priesthood and perhaps, by inference, to the head of the body of priests, the pope, yet he never once refers to the papacy, but keeps to the abstract, the office of priest in general. Several reasons may be advanced for such, but the most probable is that Uthred wished to keep this on the level of an academic discussion and not be embroiled in polemics which would have probably followed had he based his claim upon the superiority of the papacy over lay power. He was less likely to raise a violent controversy at that time in confining his terminology to 'sacerdocium' than had he, like ^{Eg}gidius Colonna, been concerned more with 'papa'. As it is, his theses evoked from Wyclif a 'Determinatio' in which the latter proposed corollaries to two of Uthred's conclusions.

§ 2.

Of the three treatises in defence of the endowments of the Church which are attributed to Uthred, two are extant, '*De dotacione ecclesie sponse Christi*' and '*Contra garrulos dotacionem ecclesie impugnantes*'. The first of these was probably the first in point of time, since it is a long and careful exposition in defence of the principle of Church endowments. The second is much shorter, and was definitely aimed against the Friars who had criticised his longer work when it appeared.

The thesis maintained in the '*De dotacione ecclesie*' is that the endowment of the Church with goods, possessions, lordships, revenues, liberties and such like is honourable to Christ and His spouse, the Church, as well as healthy for the people and consonant with natural order.¹ His plan is to discuss first the arguments advanced by opponents, these being in the main based on the history of the priesthood from creation, and then to refute them. In the course of refuting them, he brings forward various other objections opportunely, and answers them all in the negative.

The historical arguments cover three periods in the early history of the priesthood, the period of the natural priesthood (*sacerdocium naturale*), that of the Aaronite and legal priesthood (*sacerdocium aaroniticum et regale*), and finally Christ's priesthood here on earth. During the first period many exercised the

¹ f. 69: '*Utrum ecclesiam sic dotari prediis et possessionibus, dominiis et redditibus, libertatibus et huiusmodi quampluribus quibus ecclesia est dotata, sit Christo et ecclesie sponse sue honorificum tam clero quam populo salutiferum ac naturali ordini consonum et decorum.*'

functions of the priesthood without any special election, and examples from Abel to Job are quoted. They had possessions, but not by virtue of their exercise of the functions of the priesthood. Indeed, all the first-born from Noah to Aaron offered up sacrifices, but ~~thier~~ possessions came to them as the first-born of their family.¹ Much more convincing is the story of the Aaronite priesthood, from whom endowments were specifically withheld. Here follows a long disquisition on the distribution of the Promised Land amongst the tribes of Israel, in which the Levites, the tribe of priests, were given no definite share, since God was their possession and inheritance.² They did receive however forty-eight cities with their suburbs, in which to dwell and for their flocks.³ These the Levites received as a 'possessio sempiterna', which precluded them from selling any part of them.³ The true lords of these cities and suburbs were the original overlords, and the case of Ebron is cited since Caleph is stated to be the true lord of this city. Thus the Levites received only a perpetual right to dwell in these cities and use the suburbs to feed their flocks, but 'plenum dominium' was not given to them.⁴

Unlike even the Levites, Christ had nothing during His priesthood on earth, not even where to lay His head. This then is the true example for the priesthood to follow, even as Christ commanded His disciples to follow His example of perfection.⁵

1 f. 70.

2 ff. 70-73.

3 f. 72^v

4 ff. 72^v-73: 'Ergo ipsis sacerdotibus et leuitis non dabatur plenum dominium vrbium et suburbanorum ipsis ex precepto domini sic assignatorum, set vsus solus ut videtur habitandi et pecora nutriendi sub dominis istorum priorum dominorum.'

5 f. 73^v: 'Videtur ab ipsis sequacibus Iesu quales precipue omnes ecclesiastici esse debent excludere dominium et possessionem temporalium quorumcunque quibus nec licet dominium seu possessionem suimet retinere.'

The apostles set the example for those coming after by instituting the 'vitam ecclesiasticam', whereby all things were held in common and sold and the proceeds divided amongst all, each according to his work and needs.¹ Thus was the primitive Church for some two hundred years, until the time of Urban I when the Roaman Church began to hold endow^{ow}ments. It is noted in passing that the Church in England (ecclesia anglicana) was endowed long before, at the time of Lucius.²

Leaving the historical survey, the arguments proceed along more general lines. The Church should be virginal, even as St. Paul rates virginal chastity as higher than fruitful marriage, and receive only money sufficient for necessary bodily needs.³ Earthly possessions are but a heavy burden on the Church, and they breed vice in the priesthood, such as greed, avarice, pride, litigation and discord over rich benefices and simony, which leads to laziness and the neglect of cures of souls.⁴ Just as man's progress is from animal to spiritual, so ought the Church to progress, but endowments have resulted in a reversal of this process, the Church having abandoned its early spiritual character to care for things mundane.⁵ In these arguments, and especially in the emphasis laid upon perfection, the influence of the Franciscan teaching can be seen; indeed, from them could be re-constructed tolerably well the main lines of most of the

¹ f. 74.

² f. 74^v seq.

³ f. 78.

⁴ ff. 79-79^v

⁵ f. 80 seq.

Franciscan treatises upon this subject.

Before proceeding to refute the arguments brought forward in the first part of this work, Uthred pauses to define what exact interpretation is to be put upon 'ecclesia'. The important point to notice is that he distinguishes between the visible Church and the Church in the abstract. In this he follows St. Augustine's conception of the Church founded upon the two sacraments, the blood of redemption and the baptismal water. Christ left His Father in Heaven and His Mother (i.e. the synagogue) on earth and gave to His spouse, the 'genitalis ecclesia'. These two are of one flesh in spiritual consent, but the union is not corporeal as with Adam and Eve, nor is it spiritual in the sense in which Augustine speaks of the spiritual union of superior reason (man) with inferior reason (woman); but rather it is a middle path partaking of both.¹

First Uthred discusses dominion exercised by man. Original dominion which belonged to man when he was born into this world was forfeited by Adam when he sinned, and since then Christ alone of men has been born into this world with original dominion, that is, as true and principal lord of all on earth.² Christ chose this method of appearing on earth to combat Satan in his own kingdom and to lead back his subjects to the glory of lordship in triumph, even as Satan had caused the fall of man in His kingdom. In faith (in spe) is man regenerated and restored to this lordship, which reparation began after man's sinning. In deed (in re) was

¹ f. 81^v seq.

² f. 82^v.

This reparation and restoration made when Christ died to make satisfaction for man's sins. Only through this regeneration in faith and in deed can any man, since Adam's fall, have any title to lordship in this world, and this through the second Adam, Christ. Hence those who endow the Church in fit places and at opportune times only act as it behoves a son to do in the honour of his father and mother.¹

Exception is, however, taken to this endowment by those who argue that had Christ wished the Church to be endowed, He would have done so. In reply to this Uthred points out that Christ did endow the Church with spiritual sacraments, that is the Church he founded, not the visible Church. The arguments now proceed along this distinction. Earthly endowments are accretions to the visible Church which is founded locally among men; but Christ founded His Church among the nations and left it to His grateful sons to make provision locally for the visible Church.² Here Uthred appeals for the one and only time to Canon Law, to the justification in the decretals of ecclesiastical endowments. In order that man may increase his store of merits by good works, he is charged with making sufficient provision for the Church here on earth and for its servants. 'Caritas' was the bond by which Christ bound the two chief offices on earth, since He

¹ ff. 83-83^v.

² f. 84.

knew that unless the priesthood was sustained and nourished by recompense freely given, this spirit of 'caritas' would grow lukewarm and eventually cold.¹

The argument of the superiority of the priesthood ~~is~~ over all secular rule is again advanced here,² and then in conclusion Uthred takes the historical arguments in turn and briefly refutes them. A feature of this is the criticism which Uthred levels at De Lyra's interpretation of the provision made for the Levites. Christ's exhortations to His disciples to follow His example of perfection was aimed at establishing some distinction between the apostles and the rest of men. So too was God's purpose in specifically avoiding giving the Levites a definite corner of the Promised Land, since He wished them to be apart from the other tribes of Israel in certain ways. He set them in the midst of the others since they had a mission to perform in the midst of the other tribes, and far from not having any 'dominium' over their cities, theirs was a greater 'dominium' than that of the other Israelites.³ There are, then, two kinds of 'dominium', one which is hereditary and which can be communicated from one person to another; the second is 'dominium' derived from God and conferred upon persons by virtue of the office which they hold.⁴ This latter is more stable since it cannot be alienated, and this latter kind of dominion was that possessed by the Levites.

¹ f. 85.

² f. 87 seq. Cf. *infra*, p. 55, for arguments of ff. 24-25.

³ ff. 88^v-90.

⁴ f. 91^v: 'Hec sunt dominia iure hereditario de persona in personam succedencia vel alio modo licito et legitimo perquisita et transeuncia per personas habuerunt, et eciam habent alii dominia ab ipso Christo domino principali et istis dominis personalibus collata non solum persone set persone quia officium inter homines necessarium sub deo debite occupanti.

Just as there are two kinds of dominion, so there are two ways of 'having'. The first is to be possessed by, that is not to have because you do not share it with others; and the second, is to have and to communicate to others.¹ This first way of 'having' was that Christ's - He seemingly had nothing, yet He possessed all and could have had its service had He wished. This was the method of 'having' which He communicated to His faithful followers, lay and ecclesiastical, each according to his rank.²

Thus then does Uthred dispose of the mendicant theory of the poverty of Christ and His apostles, and since he has shown that in history the priesthood has always been endowed, and successfully disposed of other arguments brought forward by the opponents of Church endowments, he is confident that the thesis he has been maintaining is true and to be believed by all Catholics?

¹ ff. 93^v-94: 'Dicitur enim habere quod habere vel non haberi verius diceretur..... que nolunt aliis instante necessitate communicare debite ut deberent.'³
and 'Dicitur enim habere set proprie qui quodcunque habuerit ad effectum vtendi et communicandi debite illud habet.'

² ff. 94^v-95.

³ f. 99^v: 'Solutis igitur iam quibuscunque rationibus et auctoritatibus allegatis contra veritatem dubii principalis, remanet ipsum iam non dubium set verissimum et firmissimum ab omnibus catholicis affirmandum.'

§ 3.

Uthred's second work in defence of the endowments of the Church is rather short, and far from being theoretical in character, is concerned rather with the principles of actual practice. Seven points are taken for discussion, the first six being quickly disposed of, but the seventh, which deals with the feudal ideas involved in the transfer of property from one to another call for rather lengthy treatment and are of the highest import, explaining as it does the Church's interpretation ~~attitude~~, according to Uthred, of the feudal principles involved. Being as it is a close examination of the import from the ecclesiastical point of view of gifts to the Church, it is the most important of his treatises.

In the first instance, Uthred holds that gifts of lands, revenues, liberties and such like are made first and foremost to God, and only secondarily to His ministers.¹ Since then God and His Church cannot sin, there are no grounds on this account by which the secular power can despoil the Church. This distinction between giving to God and to His ministers thus rules out the ground for withdrawing endowments from the Church on account of the sins of the ministers. These have no full rights of lordship, that is lordship in a feudal sense which carries with it the right to sell, to buy, and such like rights, since they do not possess such rights. A parallel is drawn between a secular lord who cannot be deprived on account of the sins of his servants, but rather the lord punishes the delinquents according to law.² Pursuing the line of argument that gifts are made to God, then it follows that since a gift

¹ f. 99^v: 'Possessiones huiusmodi, redditus, predia, libertates siue quocunque alio nomine censeantur appropriate ecclesie vel oblate, primo et principaliter deo est sanctis eius ac ecclesie conferuntur et secundarie personis ecclesiasticis tanquam ministris a deo et ipsa ecclesia deputatis.'

² ff. 99^v-100.

is made to God the donor receives in exchange spiritual benefit for his corporal gift, and since when an exchange is made between ~~an~~ equals or an inferior and a superior, no part of the bargain can be withdrawn except by a mutual restoration, then to withdraw gifts made to the Church would be equivalent to renouncing the spiritual benefit which the donor had received in exchange for his endowment to the Church. Such a line of action, even if the donor could restore to God the spiritual benefits received - and the implication is that he cannot - then it would be an act of madness. Likewise a successor cannot withdraw gifts made by a predecessor.¹

Proceeding, Uthred bases his next point on a new definition of the 'dead hand'. The natural process in this world is from the animal to the spiritual, death intervening to complete the transformation, that is from natural imperfection to perfection, this being the goal of all motion. Thus goods collated to the Church are dead to the world², becoming spiritual and cannot revert into the natural state, that is into lay hands. So it is with places, vessels and vestments consecrated for spiritual use, which cannot be used by the laity except in extreme cases and with the appropriate ecclesiastical consent. Hence it was necessary for David and his companions to obtain the consent of the priest before ~~he ate~~ they ate the showbread. Only then in extreme cases, and then only with the consent of the Church, may gifts made to the Church be resumed by the laity?

² f. 100: 'Ergo a consimili processu cum bona quecunque deo et ecclesie collata secundum iura, a mundo mortificantur et sic fiunt spiritualia, non poterunt ideo secundum ordinem naturalem ab huiusmodi spiritualitate ad animalitatem, scilicet ad manus laicorum iterum reuocari.'

¹. ff. f. 100^v.

³ ff. 101 - 101^v.

According to the circumstances governing a transaction between secular persons, he who confers something on another, be he equal or superior, cannot re-assume dominion over that which he has given. In breaches of faith on the part of the receiver, the donor must have recourse to the authority and judgement of a superior for a correction of the wrong sustained. But no secular lord ~~cannot~~ be considered superior to God and the Church, nor even equal, since it is only through Christ and His spouse, the Church, that any lord has any just title to temporal dominion.¹ The Church's goods by becoming sanctified and corruptible differ therefore from the goods involved in secular transactions which always keep their secular character.² A similar parallel is the gift of the forty-eight cities to the Levites, since these never returned to their original owners, although the Levites sinned. How much more then should it be impossible to withdraw gifts made to the Church which was ever more worthy and noble than the synagogue.³ Out of gratitude the pagan Egyptians did not seize the lands of the priests when famine threatened and Joseph bought for the king all the rest of the land in Egypt. Since these infidels would not go so far even in a case of extreme necessity, what christian would be so bold as to take away the good of the Church. The debt which a christian owes to the Church can never be repaid, it is like the debt between a son and his father, the former being never able to repay the benefits conferred upon him by the latter. So it is with a christian, who is forever bound to sustain his

¹ cf. ff. 83-88^v.

² ff. 101^v-102.

³ ff. 102^v-103.

father (i.e. Christ), his mother (i.e. the Church) and their ministers.¹

Finally, there is a long explanation of the grant made in pure and perpetual free alms from the moral point of view as well as the practical. When such a grant is made, then the lord retains no rights over that which is so given. Since he gives it as alms, then these, it has been shown, can never devolve into secular hands. It is given 'pure' (in puram elemosinam), since there is nothing pertaining to a mixture; if a reservation was made then the gift would not be 'pure', but a mixture of spiritual and corporal, since that part retained would remain corporal and not become spiritual. It is given in perpetuity, since the meaning of the word for the common intelligence is that there is a beginning but no end.² Thus comes the conclusion, a lord does not retain anything when once he has given it: with the gift go all the rights of lordship.

Around this, by bringing forward various objections based on practice, Uthred weaves the rest of his arguments. When there is a vacancy in ecclesiastical office - he ~~know~~ doubt has houses with some lay overlord in mind - the temporalities devolve into the hands of the patron, whose consent must be obtained to proceed to election, and whose approval must be sought before the temporalities can be restored to the one chosen. Moreover, kings are wont to seize into their hands the lands of those ecclesiastics who are rebellious. This practice, Uthred maintains, does not involve any retention of

¹ fr. 103-103^v.

² ff. 104-104^v

rights of dominion by the patron. His rights, such as they are, benefit the Church, since the task has been imposed upon him to guard against the election of an unworthy person; and he cannot in any way diminish these temporalities since his function is to protect them, and to restore them after a fit and proper person has been elected. Not to do so is illegal. His task then is analogous to that of a guardian who exercises the rights of wardship. To seize an ecclesiastic's temporalities except in the event of a real crime is also illegal.¹

To hedge this idea of exchange about more closely with inviolability, Uthred propounds a theory of transfer. It is not sufficient to say that someone gives dominion to another, else the donor could give the Holy Spirit and all charitable things; nor to speak of giving it for his heirs and successors, since they might object. In the first place, he who is to be the recipient must consent to receive it, otherwise the donor's will must be as inviolable as God's; nor is the mere charter sufficient, since then he could give the whole world or even something which the recipient did not wish to receive. Furthermore none can have 'dominium' unless existing in the grace of God on account of original sin, and finally, earthly dominia cannot go on for all time, otherwise the Church militant would languish and there would be no hope for christians.² In reply Uthred argues that a son succeeds his father, if he is in grace, according to natural law of succession in the same way as being in the image of his father he continues the human race in unbroken succession, The father does not give the dominion, then,

¹ ff. 104-105^v.

² f. 106.

but unless he has alienated them while alive, the succession of the son is according to natural law. Far be it ~~to~~ from the truth to hold that a father may not alienate from his son. If he father has a more fitting object upon which to bestow his dominion during his life-time, if his son is unworthy to receive it, or if the father sins and it is alienated - all ~~these~~ these are legitimate circumstances in which lands might be alienated during the life-time of a father justly. Just as a father alienated from his heirs by sinning all original dominium, all right to eternity, so can he alienate during his life-time.¹

Similarly, as to endowments made to the Church by a father, his sons also make the endowment as the seed of their father - in the continuity of the human species so is the continuity of the gift maintained. To make it a condition that a son is in grace to succeed, is true, but through baptism he is in grace and thus can the dominion of his father descend to him.² And finally to conclude the answers to all these objections, the term perpetuity in such charters is to be interpreted as meaning unto the day of judgement.³ Thus all the objections to the thesis that no rights are retained when gifts are made to the Church in pure and perpetual free alms has been maintained, as have all the other points brought forward in answer to the criticism of opponents.

¹ ff. 106^v-108.

² ff. 108^v-109^v

³ f. 110.

Chapter III.

Wyclif, in his 'Determination' against Uthred, speaks of the truths which the latter drew from the scriptures; and in this phrase he sums up on the whole the sources which the monk-scholar drew upon for his arguments. The citations from the Old and New Testaments numerically overshadow all others, but this is only to be expected from a medieval theologian turned political speculator. In the 'De officio sacerdotali et regali' there are some two hundred and fifty quotations - I have not made an exact numeration of these as in the other treatises - but in no case does Uthred cite the work of a previous publicist. When it is considered that Uthred mentions specifically practically all his borrowings for examples, a fact that emerges from a careful consideration of the ^{is} table of quotations drawn up for the endowments treatises and an examination of the treatises themselves, then it is not to be expected that he made extensive ^{direct} borrowings without any acknowledgement. Even so, his reading must have included some of the works of the publicists, but another factor enters to make the task of pointing out to whom the debt must be credited all the more difficult, to wit, the fact that practically all the arguments and illustrations of them had been tossed to and fro upon the waves of controversy for some six hundred years. It is only then with great reserve that suggestions of the sources which he used are to be made.

Before ^{or} turning to a close examination of the actual quotations ^{made} ~~used~~ by Uthred, some remarks as to the manner of the citation would not be out of place. As is remarked above,

1 'Opera Minora', p. 405: '....inter alias pulcras veritates quas ex scriptura elicuit'.

the bulk of the quotations are accompanied by the reference to the source, but with varying exactness. A large number of them are a trifle vague, unless accompanied by verbatim quotations. Thus it is not infrequent in this particular treatise to find a reference to several works, together with chapter and verse, following such phrases as 'ad confirmationem' or 'ut dicitur in'. Other are not even as precise as this, since there are such citations as, 'patet ex serie euangelii Math., Luc., et Iohannis' (f.39^v), 'et plura consimilia in Exodo et alibi in scriptura' (f.41), 'et capitulis interius subsequentibus' (f.22^v), as well as many cases of 'in principio' or 'in fine' following a reference to a particular book of a work. Quotations which are apparently meant to be verbatim are often word faulty, and citations from the scriptures occur with parts of verses run into one another to form a quotation which is often almost a paraphrase. The accuracy of the quotations as regards book and chapter of a work is very high, when allowance is made for probable scribal errors, as appears from the detailed verification applied to the two endwoments treatises.

To return to an examination of the citations to be found in the 'De officio sacerdot^{is} et regali', two-thirds of the references given are drawn from the Old and New Testaments with a predominance of those from the Old Testament as a result of the lengthy historical illustrations used to prove the priority in time and superiority in history of the priestly office. Next in numerical strength come the citations from the Christian Fathers which account for a little over half of the remaining

references. The feature of these is the frequent recourse to the works of St. Augustine, whilst the other Fathers, Gregory, Isidore, Jerome, Dionysius, and more recently Anselm, are represented by a mere two, three or four references apiece at most. In this work which has for its field a subject that had been about exhausted before the attempt of St. Thomas Aquinas to subliminate the teaching of Augustine with that of Aristotle, this is only natural. The effect of Aquinas' work is felt more in the influence exerted in the discussions on 'dominium', which though part of this age-long Church versus State controversy, nevertheless signifies a fresh angle for discussion. True it is that Aristotle figures several times among the remainder of the quotations with citations from the 'Ethics', the 'Politics', the 'Metaphysics' and one or two other works, but only by way of incidental reference to illustrate an argument in no wise fundamental. In confirmation of some of the historical illustrations Uthred has drawn upon the standard medieval historians, Petrus Comestor, Josephus and Eusebius. This catalogue about exhausts the ^{acknowledged quotations} ~~named sources~~ which have been made use of, and the question naturally arises from whence did he derive his arguments and citations. One thing seems certain that well read though he must have been for a theologian of his standing, the form for his work was probably suggested by the writings of previous publicists.

It will be shown later in a consideration of the other two treatises that Uthred was probably making use of Egidius Colonna's

'De ecclesiastica potestate'. This being so, it is not unreasonable to infer that he also drew upon the same work for the inspiration of the 'De officio sacerdotali et regali', and indications of this, ^{though} ~~as~~ it must be confessed they are slender, lend colour to this view. It has been already stated that most of the illustrations to support the arguments of this latter work had been current in such works for several centuries, and to cite a typical instance, there is the argument referring to the ^esuperiority of Aaron the priest over his brother Moses, the leader of the Israelites. This particular argument can be found advanced as far back as the Investiture disputes: it is to be found, for example, in the 'Libellus contra Invasores et Symoniacos' of Cardinal Deusdedit.^s First there is this question of the use of the same illustration^s in support of an argument, since most of the examples cited by Uthred are to be found in Egidius' treatise, though in the case of the former's work, these are very fully stated with ample quotations from the scriptures almost verbatim. This is the touch of the theologian appearing, for whilst Egidius is content to cite the particular passage in the scriptures where this illustration is^s to be found, Uthred goes into greater detail. However, something a little more concrete can be adduced from a comparison of the two works. The Durham religious starts from the premise that since man is made up of the two elements, the body and the soul, so God has ordained the two offices to care for these two component parts of man. Egidius has the same idea in the first part of his work, and it is interesting to have the two

¹ For this work, vide 'Monumenta Germaniae Historica', ('Libelle de Lite'), vol. 2. The particular passage is quoted by Dr. Carlyle in vol. 4⁵⁸ of his 'History of Medieval Political Theory in the West'.

passages:

"Sicut ex duobus, spiritu scilicet et corpore, componitur omnis homo, sic duo instituuntur officia sacerdotale scilicet et regale pro regula debite hominis in hac vita propter quod ad ipsorum officiorum naturalem et necessariam connexionem et ordinem inspirante domino declarandum."
(Durham MS. f.24)

and,

"Sumus enim creatura Dei, et fecit et formavit nos Deus ex duobus, corpore videlicet et spiritu, et ideo ordinavit et ~~propinquat~~ propinavit nobis duplicem cibum, corporalem per quem sustentaretur corpus et spirituales per quem reficeretur anima."
(*'De ecclesiastica potestate'*, I, viii.)

Again, a similarity of language is met when both refer to the origin of these two authorities, even though Egidius declines to grant that both powers were instituted immediately from God:

"Vtrum hii duo officarii, reges scilicet et sacerdotes, sunt a deo principe ad sua regimina constituti similiter eque."
(Durham MS. f.24a)

and,

"Errant itaque dicentes quod aequae immediate a Deo sint sacerdotum et imperium, vel sacerdocium et potestas regia."
(*'De ecclesiastica potestate'*, II, v)

Although in this latter instance the two writers do not see eye to eye, since Uthred decided that they were so set up, yet the similarity of language is striking. With regard to the much more moderate conclusions of Uthred more will be said presently: but the cumulative effect of the various observations which have been made has pointed to the conclusion that in all probability, Uthred formulated his three articles, and the doubts of each to be resolved in the course of the discussions, from Egidius' more comprehensive and very close

exposition of papal claims to 'plenitudo potestatis'.

The 'De dotacionem ecclesie sponse Christi' has in all one hundred and sixty four quotations, and here again the Old and New Testaments easily head the list, there being fifty-six from the former and seventy two from the latter. Among the books of the Old Testament, Josuah heads the list with seventeen citations, this being mainly due to the very great care with which Uthred expounds the settlement of the tribes of Israel in the Promised Land and the peculiar position of the Levites. In connection with his argument as to the superior 'dominium' possessed by the Levites, the commentator De Lyra comes in for much criticism in his interpretation of this settlement. Uthred stoutly disputes the contention of De Lyra that the cities were only given to the Levites to dwell in and that they did not possess full dominion over them, this remaining with the original lords of the cities. In this, held Uthred, he 'plurimum deliravit'.¹ Nine quotations from Numbers and four from Leviticus also are accounted for in this discussion. Of the remaining books of the Old Testament, Genesis with eleven citations is the most cited, the rest being credited with only one, two or three references. As would be expected in a work which deals prominently with the idea of perfection as expressed in Christ's life and exhortations to His apostles, the forty four citations from the gospels account for more than half the New Testament quotations,² whilst twenty one of the remainder are drawn from

¹ vide infra, pp. 71-2. X

² There are sixteen from Luke, fourteen from Matthew, nine from John and five from Mark.

the Acts and Epistles of Paul, with three references to the First Epistle of John. Unlike the 'De officio sacerdotale et regale', it is Jerome who is most frequently cited from among the Fathers, Augustine being represented with ~~a~~ mere single quotation from his two works, 'De civitate' and 'De Trinitate'. Jerome's epistles contain much that is relative to endowments, and justifies the holding of property, whilst for such a purpose as Uthred had in mind, Augustine's teaching of the sinful origin of property and his lukewarm justification of it was hardly a profitable source to draw upon. The direction of discussions on private property in the later Middle Ages pivoted around a fresh centre from which the writers argued: no longer was there felt any need to seek a justification of its existence, for since Egidius Colonna's exposition of the theory that dominion is based upon grace, it was around this idea that discussions were centred, strongly influenced by the ideas of feudalism which had taken root since the days of the early Fathers. If there is one point which strongly supports the idea that Uthred was using the 'De ecclesiastica potestate' of Egidius,^{it} is the borrowing from the latter of the doctrine of regeneration as the source of man's right to hold dominion in this world. Through regeneration through the Church has man any right to any dominion in this world and that only, taught Egidius; closely followed by Uthred who taught that since man had lost his original dominion when the first Adam sinned, it is only through

regeneration in faith and deed that mankind who came after the first Adam could have any claim to dominion: the process of regeneration in faith began immediately after Adam's Fall, in deed was this regeneration accomplished when Christ died to make satisfaction for man's sins. Again, Uthred returns to this is in the 'Contra garrulos dotacionem ecclesie impugnantes', when he held that man can only have dominion when he is in ~~faith~~ grace, that is through the baptismal action of redemption.¹ Fitzralph too held the view that only in grace ~~was~~ ^{could} man have dominion, since original dominion that was God's was lost to man after Adam's Fall, and only restored upon his repentance.² This is similar to Uthred's idea of dominion founded on grace, and it is more than likely that the latter had read the 'De pauperie Salvatoris', but the theory of regeneration propounded by Uthred certainly, it appears, had its origin in the writings of Egidius.

¹ Cf. Durham MS. ff. 83-83^v with 'De ecclesiastica potestate', II, viii:

"Perhibemus enim rationibus et auctoritatibus quod non sufficit quod quilibet sit generatus carnaliter, nisi sit per ecclesiam regeneratus spiritualiter, quod non possit cum iusticia rei alicui dominari nec rem aliquam possidere, ut hic homo qui est a patre carnali generatus, nisi sit per ecclesiam regeneratus, in haereditate paterna non potest cum iusticia subcedere, nec dominium rerum haereditatem paternam et subcedendi subcedendi in dominium haereditatis paternae habet quis ex eo quod est a patre carnaliter generatus, complementum tamen huiusmodi domini et perfectionem sic subcedendi habet ex eo quod est per ecclesiam regeneratus. Quare si pater habet dominium haereditatis cum filio, et habet superius dominium quam habeat filius, ecclesia habet dominium cuiusque haereditatis et quarumcunque rerum, et habet superius et excellentius huiusmodi dominium quam habeant ipsi fideles. Quia, ut tangebamus, subcedendi in haereditatem paternam, quia a patre est quis generatus, est iusticia initiata; sed subcedendi in talem haereditatem quia est quis per ecclesiam regeneratus iusticia perfecta et consummata: et in tantum ista iusticia quam dicimus esse perfectam consummatam, est fecundior et universaliter quam illa, quod si ista desit illa tollatur. Nam, ut clare patebit, si quis esset a patre carnaliter generatus, dominium haereditatis paternae non posset cum iusticia possidere."

Cf. also, Durham MS. 109^v.

² 'De pauperie Salvatoris', (ed. R.L. Poole), pp. 340, 344-46, 348, 360, 362, 365.

To conclude the analysis of the citations in this treatise, there are the references to Aristotle, Aquinas and the historians. Aristotle is represented here with five quotations, three from the 'Ethics', and one each from 'Heaven and Earth', and the 'Metaphysics'. In two of these instances Uthred has gone to Aristotle via the commentari^es of Aquinas. The list of the historians is rather larger than that for the preceding work, and to Petrus Comestor, Josephus and Eusebius must be added Bede, Martinus Appavensis ('Chronicon Pontificum'), Nennius, and somewhat interesting, John of Tynemouth's ('Historia Aurea'). This last work could not have been completed long before its use by Uthred and in view of the discussions over this work and its author it is quite worthy of note.¹

The second of Uthred's extant works on endowments is remarkable for the few citations in it. It was obviously written as a reply to objections brought forward by the friars, and these turned mainly on practical questions relating to feudal practice in the tenure of property. Thus since the arguments are counter-interpretations of current practice in the main, as soon as these questions are touched upon ~~the~~ biblical quotation is of little use. In all there are twenty-five citations, thirteen from the Old Testament, nine from the New Testament and three others, two from Aristotle (drawn from the same books of the 'Ethics' and for a similar argument as in the 'De dotacione'), and one from Anselm's 'De casu diaboli'. Since he is obviously answering points made by opponents, it would have been very useful to have had

¹ Vide, Galbraith, V.H. "The 'Historia Aurea' of John of Tynemouth and the St. Albans' Chronicle" in 'Essays presented to R.L. Poole' (ed. H.W.C. Davis).

these available.

Apart from the citations themselves, there are some interesting inferences to be drawn from the fact that Uthred's more theoretical expositions in his two works '*De officio sacerdotali et regali*' and '*De dotacione ecclesie sponse Christi*' which will be duly discussed in the concluding chapter.

Chapter LV.

§ 1§

In his treatise 'De officio sacerdotali et regali' Uthred imposed upon himself very narrow limits for discussion, since he keeps very close to his avowed object, to treat of the relation between the two offices. Consequently there is no attempt to deal with the nature of the authority exercised by the two powers in this world; their spheres are not well defined, except in so far as it is necessary to prove the superiority of the priesthood in all conditions over lay rule. This disinclination to treat of many points of vital interest to those concerned with theories of the state and of the Church results in a diminution in the interest which his treatise evokes, ^{and} ~~at~~ that at a time when such a work is of vital importance to any understanding of the real attitude of secular power in England to the papacy.

His main points may be very briefly summarized. Both offices are, in his opinion, in being as a result of God's desire to provide man with spiritual and bodily nourishment, since these two offices were designed to minister unto the two elements in man, his soul and his body. In attributing a divine origin to the kingly office, Uthred is following the more conservative body of thought amongst medieval supporters of ecclesiastical power, and is in marked contrast to Egidius Colonna who reflects the extreme position taken up by Boniface VIII. This premise setting out the reason for the institution of these

two powers, each to serve a particular need of man is the foundation stone upon which all the arguments revolve. In the difference in the respective functions of the two offices lies the difference in their respective positions in this world - the office with the superior functions is then the superior office. Most of the sixty-four folios which this treatise occupies, is devoted to proving the superiority of things spiritual over things temporal, and thus there is little or no speculation as to the precise authority wielded by these two powers. Having wandered through a maze of quotation, argument and counter-argument, and arrived at the conclusion that the office of ministering to man's spiritual needs must be superior to the office administering to his bodily needs, then it is but a short cut to the decision that an inferior office cannot have jurisdiction over a more worthy office, and so to the conclusion that a secular ruler can in no wise claim to judge clerics. Several folios are occupied with proving, on the way as it were, that the kingly office has the power to use the sword against those of the lay condition who are wrong-doers, but that only to be able to go on to his real concern, as to whether that power extends to the judging of ecclesiastics. Only once does interest quicken, only to die down at once, when he makes his only reference to the papacy. Christ, he argues, left one head on earth to represent Him, and now two dispute for this headship; but he does not pursue this subject any further.¹

¹ Durham MS. f. 49^v: "...fuit in ecclesia Iesu Christi monstrum christianis omnibus dolorosum, scilicet duo capita reputata, cum tamen solus Christus caput sit super omnem ecclesiam que corpus ~~est~~ ipsius est, Eph. 1^o. Sic vicarius Christi vnus et vnum caput ecclesie hic in terris."

Perhaps it is hardly just to read more into Uthred's treatise than he himself writes, but the careful (or so it seems) avoidance of all treatment of ~~secular~~ the temporal claims of the priesthood as advanced by many supporters of the Church, and at a time when the position of the Church in England was being challenged by the secular power, does seem remarkable. It is all the more interesting when this is considered in relation to the attitude which Uthred is supposed to have taken up in the council meeting at Westminster, 1373.¹ When asked for his opinion on the claim of the pope to temporal lordship over all, as well as spiritual lordship, Uthred replied in the affirmative, quoting the time-worn example of the two swords; but on the next day he withdrew his stand in favour of the pope's claim to overlordship over all things spiritual and temporal. It is hardly sound to base any sure opinion of Uthred upon the testimony of the chronicler's account of this meeting in 1373, yet taken with the inference which may be drawn from his '*De officio sacerdotali et regali*', it seems that Uthred was not anxious to press the claims of the Church to temporal overlordship, to dominion in temporal matters greater than that exercised by the temporal rulers in their own realms. He is content to claim the superiority of the priestly office on account of the superiority of its spiritual functions, and thereby avoid any such acrimonious controversy as that accompanying the conflicts of '*imperium*' and '*sacerdocium*'. For one thing, the political conditions out of which the struggles of empire and papacy arose were lacking in England,

¹ vide infra, pp. 42-44. X

indeed the temporal power of the Church in England had never been as great as in the rest of Western Europe. The fourteenth century growth of national states with strong central governments, as seen especially in England and France, constituted a more formidable menace to the temporal pretensions of the papacy. The growing financial needs of the secular rulers in these states coincided with the increasing financial expedients of the papal curia, and produced a clash of interests more than ever before. The first great clash between 'regnum' and 'sacerdocium' was the struggle between Philip IV of France and Pope Boniface VIII, and it ended disastrously for the papacy which henceforth for three-quarters of a century became almost an appanage of the kingdom of France. The rivalry between England and the papacy took the form of a growing watchfulness on the part of King and Parliament over the subsidies which the papal curia endeavoured to raise on ecclesiastics, and a more vigorous opposition to the increasing invasions on the part of Avignon on the privileges of royal and private patronage. The Church in England had a great wealth and the kings of England were determined that this should not be drained away to Avignon to such an extent as to decrease in any way the capacity of the clergy to pay subsidies levied through Parliament upon them. There was indeed some uneasiness over the amount of property that was in the hands of the Church, and a determination^{grew} that this should not be immune from taxation for the needs of the State. About the middle of the century, at a time when criticism of the abuses within the Church were growing, a spirit which is

reflected in the writings of Piers Plowman, Chaucer and more bitterly in those later works of Wyclif, when King and Parliament were taking up a vigorous standpoint against papal demands as is seen in the proceedings of the Parliament of 1366 and the negotiations at Avignon in 1373 and at Bruges the next year, it is not surprising then that Uthred should take up such a cautious attitude to the question of the temporal claims of the Church and its head, the pope. The clergy in general in England were inclined also to take refuge behind the King's opposition to papal demands to avoid being repeatedly taxed to meet the expenses of the papal curia. Perhaps it is not reading too much into Uthred's failure to ~~deal~~ advance the subject of the temporal power of the Church to see in this a reflection of weak position of the papacy in England in the matter of temporal lordship.

Uthred's defence of the endowments of the Church was, as it has been previously pointed out, a defence not inspired by an attack from outside the Church, but from one launched from within, by the friars. It is this contribution which Uthred makes which is of most importance for the study of fourteenth century political thought in England. Here again, however, there are certain defects in his treatment of the subject, in that there is no great work but more an attempt to deal with certain specific arguments that have been brought forward against the holding of property by the Church. If the Franciscans found the fiction of the papacy assuming the owner-

ship of gifts made to them very useful, Uthred put forward the more powerful argument that the gifts made to ecclesiastics were made in reality to Christ and the Church, His spouse, and only secondarily to His ministers. This lifted the lordship of ecclesiastical property above the ordinary dominion as understood in the prevailing feudal structure of society, a dominion which was closely related to service. Dominion as Uthred understood it consisted of two kinds, such original dominion as Christ had as Lord of all, a dominion which Adam had before the Fall and which mankind can only possess after regeneration as a result of original sin in Adam which is transmitted to all his seed. The first kind of dominion is not transmissible, but comes to man upon his regeneration. The second kind is dominion which can be communicated from one to another, the kind of dominion understood in the feudal sense, involving all the rights of lordship such as buying and selling, the right to alienate, and such like. Thus he is able to explain the irrevocable character of the endowments made to the Church, the superior kind of dominion which is exercised over such property. In this way the Levites can be considered to have had complete dominion over their cities and suburbs.

The feudal ideas which had taken root during the preceding century must inevitably colour Uthred's arguments, but they take on a different colour in view of the standpoint which he takes up with regard to the special nature of the dominion exercised by the Church. The conception of the transfer, as being from the temporal state to the spiritual state gives a

finality to the transaction, the property is dead to the world and takes on a spiritual character, quite a new interpretation of mortmain. So it is with all the arguments of opponents along feudal lines, in the explanation of gifts in free and perpetual alms, the rights of patrons over possessions given to the Church. The simple fact of dominion being founded upon grace, makes a clear division between the two types of dominion, that of the Church and that of lay lords, the former being original dominion which Christ has and which man only has by regeneration.

As a political thinker Uthred is hardly in the front rank of writers such as Fitzralph and Wyclif, since his works show him to be predominately the theologian and only by force of circumstances a ~~the~~ political thinker. This fact gives the character of his writings, however, a particular interest, his arguments are interesting for the theological twist given to them and the fact that his defence of endowments arose out of the attacks of the friars upon possessioners give his works an added importance. Much more could be made of them if some of the works of others engaged in the same controversy were available, but as it is, his chief importance lies in the fact that some light is shed upon the development of thought between Fitzralph and Wyclif.

§ 2.

To attempt to delineate the chief trends of political thought in England in the fourteenth century in a definitive manner is as yet rather difficult in view of the lack of extant writings from which to obtain a surer basis to build upon. Wyclif was prolific and has sufficient materials handed down to posterity, but it is more the works that have been lost to view or for ever that are more important for this purpose. To end this, Uthred writings do help to fill a very vital gap, and from a study of them certain indications have emerged.

'Dominium' dominates the thoughts of political speculators in the fourteenth century, itself not new, but in the form in which it occupies later writers the first clear exposition of dominium dependent upon grace is to be found in the 'De ecclesiastica potestate' of Egidius Colonna. This work was certainly the most influential treatise of the later Middle Ages, and to here we must go for the source of the thinking of Fitzralph and Wyclif, as well as of other English publicists. Dr. Hughes in her unpublished essay upon Fitzralph suggests that the latter knew the 'De ecclesiastica potestate', and it is almost certain that Uthred was very familiar with the work. Around the arguments of Egidius then, it would seem, developed political speculation in England, providing a heritage for Wyclif. That there is a direct line of connection between Fitzralph and

Wyclif, which has its origin in Egidius, is certain. The gap between Fitzralph and Wyclif can be better understood by the indications which Uthred's works give of the general lines along which discussion proceeded between his death and Wyclif's open conflict with the Church.

The most important factor in this interim is the discussions which the Franciscans provoked by their dogged assertion of the doctrine of apostolic poverty. This doctrine had become of great importance as a result of the clash of the whole Order with ~~pp~~ Pope John XXII, which produced a schism within the Order's ranks and resulted in the recalcitrant friars joining Louis of Bavaria in his bitter conflict with the Pope. Even after the trouble had died down, the friars still maintained the doctrine, and criticism directed against them had the effect of producing sharp criticism on their parts of the wealth of the 'possessionati' and the seculars.

The importance of these bickerings for English political thought at this time is seen more clearly when the political conditions of that period are considered. By the beginning of the fourteenth century England was emerging as a strong national state with a strong central government. In such a state the revenues of the central government were of vital importance, and still more so when the Church, holding a very considerable part of the land, should try to avoid the payment of subsidies levied upon them by the King, and agreed to by Parliament. To be exempt would place an intolerable burden upon the laity. In such an atmosphere the friars with their criticism of the wealth of the 'possessionati' and

the seculars, were putting forward a tempting line of action to the laity - to wit, the lightening of the earthly cares of Christ's ministers by relieving them of some of their wealth. This is clearly reflecting in the two treatises of Uthred in defence of endowments, and that the thought had communicated itself to the laity by the unrest which Parliament exhibited towards the wealth of the Church. A treatise by an unknown monk of Bury St. Edmunds, probably written in the early fourteenth century, reflects the same spirit.¹ He sets out to decide which is the more nearer perfection in living, the Mendicants' ideal of poverty or that of the monks in renouncing personal property and accepting the necessities of life as a member of a community owning property. The arguments are conventional ones to be found in works extolling monasticism and in criticisms of the friars, and even though his exposition of the two theories is far divorced from current practice in those days, it does illustrate the opinion of the time. The other side of the picture is seen in another short anonymous work probably written by a Franciscan in the thirteenth century in the first flush of the existence of the order,² Under various headings, such as 'Contra proprietatem monachorum' and 'Contra negotiatores', the writer sets forth the stock arguments against the wealth of the Church; that possessions bring earthly cares, rich benefices lead to simony, that wealth breeds idleness and ungodliness in the ministers

¹ Cod. Vat. Lat., 127, ff.179^v-180^v.

² Lambeth MS., 122, ff.166-168^v.

of Christ, meaning the possessioners and the secular clergy, and that only in complete renunciation of wealth could Christ's ministers serve him as they ought.

This particular aspect of discussions during the first three-quarters of the fourteenth century have been emphasised, as it is in these discussions that the continuity of thought until Wyclif is to be found, and it is these controversies that his own political philosophy had its origin. Just as certainly, however, as these controversies influenced him strongly, so also did his mind mould the arguments of the time to suit his doctrine of the ultimate responsibility of each individual for his spiritual condition, a doctrine which was unable to accept Uthred's conclusion that the spiritual power was superior in all circumstances to lay rule. And from this continuity of thought up to Wyclif emerges the fact that it was not Wyclif, but the Franciscans, an Order most closely bound to the Church, who did much to awaken and stimulate agitation against the endowments of the Church.

Appendix A.

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(Although all the MSSs here listed have been examined, no detailed account has been given since, with the exception of the Durham MS. noticed in the account of the sources, all have been adequately noticed in the printed catalogues describing the collections to which they belong.)

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|----|--|---|
| 1. | De naturali et necessaria
connexione ac ordine sacerdotalis
officii et regalis. ¹ | Durham MS.
ff. 24 - 64 ^v . |
| | Inc: 'Sicut ex duobus, spiritu
scilicet et corpore....' | |
| | Various notes supplementing the
arguments of this treatise. | Ibid., ff. 1-23. |
| 2. | De dotacione ecclesie sponse
Christi. ² | Ibid., ff. 69-99 ^v . |
| | Inc: 'Ad ueritatis lucidam
declaracionem fidelium
christianorum.....' | |
| 3. | Contra garrulos dotacionem ecclesie
impugnantes. ² | Ibid., ff. 99 ^v -110. |
| | Inc: 'Contra garrulos dotacionem
ecclesie impugnantes.....' | |
| 4. | De ecclesie militante. | Ibid., ff. 110 ^v -116. |
| | Inc: 'Ecclesia militans mater nostra
uera sponsa domini Christi....' | |
| 5. | De perfeccione ecclesie graduali. | Ibid., ff. 116 ^v -121 ^v . |
| | Inc: 'De perfeccione ecclesie
graduali.....' | |
| 6. | De Eucharistie sacramento. ² | Ibid., ff. 122-135. |
| X | Inc: 'Tractatus de supernaturali
et preconsissimo euchariste
sacramento.....' | |

¹ Leland, 'Collectanea', iii, p.156, mentions that a copy of this work was formerly in the library at Glastonbury Abbey.

² Bale, 'Index Script.', p.463, mentions these as 'Ex Ioanne Pullano, Oxon'.

7. Contra querelas fratrum.¹
 Inc: 'Periculum in falsis
 fratribus.....'
 Royal MS. 6 D x.
 ff. 283-85.
 Bodley MS.,
 Wood Roll 1,
 (Summary Catalogue, 25227).
8. Meditacio.²
 Inc: 'Domine recogitabo tibi
 omnes annos meos.....'
 Bodley MS. Sum. Cat.
 2649.
 ff. 21^v-24^v
 Cambridge Univ.
 Library, MS.Gg.IV.II
 ff. 173-194.
 Inc: 'Domine vere recogitabo
 tibi omnes annos in...'
 Brasenose College
 MS. XV.
 ff. 61-66^v
9. De substantialibus regulae
 monachalis.³
 Inc: 'Novicio inquirenti quare hec
 duo castitaas et proprietatis
 abdicacio.....'
 Durham MS. B. IV.
 (Quarto)
 ff. 76-92^v.
 Inc: 'Novicio inquirenti quare hec
 duo puta castitas et proprietatis
 abdicacio.....'
 Corpus Christi,
 (Camb.), MS. 103.
 ff. 291-310.
10. 'De perfectione vivendi.
 Inc: 'Pertractis superius de
 substantialibus.....'
 Corpus Christi,
 (Camb.) MS. 103.
 ff. 310-330.
 Inc: Sacratissimo siquidem Dei
 Evangelis Mat. 19.....'
 Durham MS. B. IV.
 (Quarto)
 ff. 93-111.
11. Super Bernardum Clareuallensem 'de
 precepto et dispensatione'.⁴
 Inc: 'Abbas supra regulam non
 est cui ~~open~~ se spon.....'
 Jesus College (Camb)
 MS. 41.
 ff. 101^v-102.

¹ Bale (ibid) mentions this as 'ex monasterio Nordovicensi'.

² Bale (op. cit. p.464) mentions this as 'ex bibliotheca Rad-
 ingensi'.

Pitseus ('De Reb. Ang.', p.529) notes two copies:

'MS. Oxonii in Bibliotheca publica. Item in privata
 Bibliotheca Gualtevo Copi'.

These two appear to be one and the same MS.: Sir Walter Cope
 presented the MS. to Bodley in 1602.

³ Bale (op. cit. p.464) mentions this as 'ex regine collegio,
 Oxon.'

Pitseus (op. cit., p.529) mentions this as 'MS. Cantabrigiae
 in Collegio S. Benedicti.'

⁴ Bale (op. cit., p.463) mentions this as 'ex regis collegio
 Cantabrigie.'

Appendix B.

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1. De institutis monachorum
Cited by Thomas Rudborne in his 'Historia maior Wintoniensis', c.1454, (apud Wharton, 'Anglia Sacra', i, pp.220 seq.)
2. Contra fratrum mendicitatem.
Inc: 'Vtrum paupertas mendicatis que est vltima.....'
Bale ('Index Script.', p.463) as 'ex collegio regine, Oxon.'
3. Pro monachis veris.
Inc: 'Abbas prior, seu quiscunque presidens.....'
Bale (op. cit., p.464) as 'ex bibl. Radingensi'.
4. De diligendis inimicis.
Inc: 'Ad dilectionem inimicorum invite.....'
Bale (ibid) as 'ex bibl. Radingensi'; Pitseus ('De Reb. Ang.', p.529)
5. De regia Christi dignitate.
Inc: 'Videns esse planum dominum nostrum Iesum Christum, ab ipso.....'
Bale (op. cit., p.463) as 'ex collegio regine, Oxon.'
6. De perfectione private religionis.
Bale (op. cit., pp.463 and 516) as 'ex bibl. Ioanne Whitamstede'.
7. Articuli alii.
Formerly Cotton MS. Vitell. E. XII, but was burnt in the Cottonian fire, 1731. (Smith, 'Catalogus Librorum MSS. bibl. Cotton, 1696, p.99).
Cf. Pantin, 'Documents of English Black Monks', ii, p.82)
8. Sermones.
Pitseus (op. cit., p.529)
9. Contra blasphemos in Christum.
Ibid., p.528.
10. De divina praedestinatione.
Ibid.
11. De varietate professionum.
Ibid., p.529.
12. De non auferendis bonis ecclesie bonis.
Ibid.

Appendix C.

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The sermons contained in New College MS. 305 are attributed by Coxe in his 'Catalogus' (p.111) not to John Hilton as does Oudin, but to Walter Hilton, the Augustinian canon, with a note in brackets that John Felton is probably meant. According to Pitseus ('De Reb. Anglicis', p.634), the latter was a fellow of Magdalen College, Oxford, Professor of theology, and 'vicarius Magdalensis Oxonii extra muros', whose zeal as a preacher gained him the name of 'homiliarius' or 'concionator'.

There are three copies of these 'Sermones dominicales' in the British Museum, being Harl. MSS. 4, 238, 868, and in each case they are attributed to John Felton. Harl. MS. 238 (f.169) contains the note: 'Explicunt sermones dominicales compilati per dominum Johannem Felton'; whilst Harl. MS. 868 (f.2) notes: 'Hoc opus completum fuit a venerabili viro domino Johanne Felton, vicario perpetuo ecclesie parochialis Beate Marie Magdalene Oxon., Lincolnensis diocese, in anno domini Millesimo quadringentesimo tricesimo primo'. It seems then that these fifty-eight sermons were compiled by Felton, and that the appearance of the name of Hilton in the New College MS. is merely an error on the part of the scribe who transcribed the copy.

The sermons are apparently in nowise original compositions of Felton, according to the following note which is prefatory to the sermons in all four copies which I have seen.

"Penuria studencium in materia morali paupertasque iuuenum qui copia priuantur librorum ac importuna sociorum meorum instanciam, non temeritatis audacia, induxerunt me vt de singulis euangeliiis dominicalibus, que per anni circulum leguntur, aliquam facerem compilationem sermonum. Hinc est quod de micis quas collegi que cadebant de mensis dominorum scilicet Januensis, Parisiensis, Lugdunensis, Odonis atque ceterorum quorum nomina communiter scribuntur in margine libri unum opusculum compilaui" etc.

This evidence seems to lay the story that Hilton was formerly a vicar of St. Mary Magdalene, Oxford, and to point to the fact that John Felton compiled the sermons c. 1431. Final evidence on this point would no doubt be forthcoming from an examination of the Lincoln registers.

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Chapter IV.

§ 1.- (pp.89-95)

Uthred's limitation of his subject in the 'De officio sacerdotali et regali' - his cautious claims indicative of the spirited opposition shown to the papacy at that time - his discussion of dominion and defence of endowments a link to Wyclif, his limitations as a political thinker.

§ 2 - (pp.96-99)

Certain features of political thought in England in the fourteenth century - the influence of Fitzralph, Uthred and Wyclif, of Egidius' 'De ecclesiastica potestate', the importance of the Franciscan doctrine of apostolic poverty and its influence upon political thought in England up to the time of Wyclif.

Appendix A. (pp.100-101)

List of the extant works attributed to Uthred.

Appendix B. (pp.102)

List of the works attributed to Uthred, not now extant..

Appendix C. (pp.103-4)

Note upon John Hilton as the author of the 'Sermones dominicales' attributed to him by Oudin.

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PART II.

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CONTENTS

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- v. Table of Quotations.

A note on the transcription of the manuscript.

The spelling of the manuscript has been followed unless a special footnote is given to the contrary. An attempt has been made to differentiate between the 'v' and the 'u', and the 'c' and the 't' of the original. 'Ideo' has been used throughout, though occasionally 'idio' is to be found. Modern usage has been followed with regard to capitals and punctuation. Quotations have been underlined. Any other departures from a strict transcription of the original have been noted in the footnotes.

De dotacione ecclesie sponse Christi.

[f. 69.]

Incipit tractatus Magistri Vthredi, monachi ecclesie
cathedre dunelmensis ac sacre theologie professoris,
de dotacione ecclesie sponse Christi.

[rv. 13-15]

[v. 5.]

Ad veritatis lucidam declaracionem fidelium christianorum
informacionem et sathane ministrorum transfigurantium se in
ministros lucis et iusticie secundum apostolum 2^a Cor. II^o;
habencium quidem speciem pietatis. virtutem autem eius
abnegantium¹; secundum eundem 2^a Thim. 3^o planissimam con-
fusionem, domino inspirante hec materia dotacionis ecclesie
sponse Christi diligencius tractetur. Primo quasi pro

Dubium
principale

dubio proponatur: Vtrum ecclesiam sic dotare prediis et
possessionibus, dominiis et redditibus, libertatibus et
huiusmodi quam pluribus quibus ecclesia est dotata, sit
Christo et ecclesie sponse sue honorificum, tam clero quam
populo salutiferum ac naturali ordini consonum et decorum.

Contra dubium

Quod non, arguitur et sic primo. Nec in sacerdocio
naturali quod fuerat pro tempore legis nature nec in sacer-
docio aaronitico seu legali quod fuerat pro tempore legis
date legitur quod sacerdocium domini talibus prediis et
possessionibus et huiusmodi fuisse dotatum, immo magis
prohibitum ne talibus dotaretur. Set sacerdocium
domini Iesu Christi quod est iam pro tempore legis gratie
est magis spirituale ac minus intendens prediis, possess-
ionibus et huiusmodi, eo quod vulpes foueas habent et
volucres celi nidos. Filius autem / hominis non habet ubi

[f. 69b.]

¹ 2 Thim. 3, v.5 - "habentes speciem quidem pietatis, vir-
tutem autem eius abnegantes".

[Math. 8, v. 20.]
[Luke. 9, v. 58.]

Maiores arguitur
conclusio ad
partem primam
eius.

[v. 4.]

Item 2°

capud suum reclinat,¹ Math. 8°, Luc. 9°. Ergo ipsa ecclesia sponsa Christi eius excercens sacerdocium non videtur rationabiliter prediis, possessionibus et huiusmodi dotanda, nec talis dotacio videretur Christo et ecclesie sponse sue honorifica, nec clero vel populo salutifera, nec ordini naturali consona vel decora. Persuadende sunt et maior et minor, set primitus ipsa maior. Que maior arguitur primo, quantum ad sacerdocium naturale, primus enim excercens sacerdocium naturale deo acceptum quatenus legitur fuerat Abel, unde Gen. 4^{to}: Optulit Abel domino de primogenitis gregis sui et de adipibus eorum et respexit deus ad munera eius.² Set iste Abel pastor fuit ouium, nec prediis nec possessionibus dotatus; quia de talibus Caym frater eius senior se interposuit, sicut docet plane Iosephus libro primo Antiquitatum capitulo 2°, quomodo ciuitates murauit et terminos terre posuit, lucri cupiditatis et auaricie officia excercuit, et plura huiusmodi indecencia sacerdoti. Propter quod ad eius munera quamuis de frugibus terre que oblatio quatenus a parte obieccionis acceptabilis foret deo domino offerentis, sicut nec ^{ad} ipsum Caym indignum officio offerendi respexit deus. Similiter de aliis qui pro tempore legis naturalis edificabant altaria et domino hostias offerebant, excercentes in hoc

¹ Math. 8, v. 20; Luc. 9, v. 58.

² v. 4: 'Abel quoque obtulit de primogenitis gregis sui, et de adipibus eorum: et respexit dominus ad Abel, et ad munera eius.'

[f. 70.]

sacerdocium naturale, sicut Noe, Gen. 8^o; Abraham, Gen. 12^o, 13, 15, 22; Ysaac, Gen. 26^{to} 1; Iacob, Gen. 35; Melchisedech qui obtulit panem et vinum, et decimas ab Abraham recipit, Gen. 14, Hebr. 7. Immo et Iob, Iob primo et ultimo; de quibus non legitur quod predia, possessiones et huiusmodi habuissent / tanquam annexa officio sacerdotis quamvis Melchisedech, quia rex, habuerat predia, possessiones et huiusmodi ac omnes isti plurimes in possessionibus diuites multum erant, nichil tamen leguntur habuisse vnitum aut annexum singulariter officio sacerdotis. Eciam sicut tradunt Hebrei prout dicit Magister [Historiarum] Historia super capitulum 14 Gen., et Ieronemus Epistola 45, omnes primogeniti a Noe vsque Aaron sacerdotes erant qui in con-
uiujs et oblacionibus benedicebant quibus primogenitis non erant predia, possessiones et huiusmodi annexa singulariter aut vnita, nisi que tanquam primogenitis et heredibus erant naturaliter consueta et non concernencia officium sacerdotis². Ita quod quatenus haberi poterit ex scriptura sacerdocium quod fuerat ante legem dotatum non fuerat predijs, possessionibus et huiusmodi sibi annexis specialiter vel vnitis, et sic maior hec assumpta quantum ad primam sui partem concluditur esse vera. Quantum ad partem 2^{am} istius maioris de sacerdocio aaronitico et legali

Maiores proponitur
quo ad secundam
eius partem

¹ The '2' is an interlineation, with '26' in the margin of the MS. to make the correction clear.

² 'Historia Scholastica' (Migne, vol. 198), Liber Gen., Cap. XLVI: "Et omnes primogenitos, a Noe usque ad Aaron, sacerdotes fuisse, qui in conuiujs et oblacionibus populo benedicebant, et habebant primogenita, de quibus post explicabitur."

Nota pro fundamento sacerdotii leuitici

[v. 5]

[f. 70b.]

[vv. 11-13, 15.]

Nota de hac percussione, Exod. II^o

videtur quod nec ipsum sacerdotium fuerat prediis, possessionibus, dominiis et huiusmodi sic dotatum, immo magis a domino prohibitum ne huiusmodi dotaretur. Primo videndum est quomodo et quare dominus istam tribum 3^{am} leuiticam scilicet apropiavit¹ sibi ad specialiter ministrandum primo in tabernaculo et postea in templo in officio sacerdotali et leuitico. Et ne duodenarius numerus tribuum minueretur, tribum Manasse filii Ioseph pro tribu illa leuitica ordinavit et sic xij filii Iacob in duodenario numero integro permanerent, iuxta illud propheticum Gen. 48^o. Tamen dixit Iacob ad Ioseph: Duo igitur filii tui, qui^{na ti} sunt tibi in Egipto, antequam huc venirem ad te, Effrahim et / Manasses mei erunt, sicut Ruben et Simeon reputabuntur mihi, etc. Legitur quidem Numeri 3^o: Locutus est dominus ad Moise⁶ dicens: Meum est omne primogenitum in Israel ex quo percussi primogenita in terra Egipti; sanctificaui mihi quicquid primum nascitur in Israel, ab homine usque ad pecus mei sunt. Ego tuli leuitas a filiis Israel pro omni primogenito in filiis Israel eruntque leuite mei. Numera ideo filios Leui omnes masculos ab vno mense et supra; tollensque leuitas mihi pro omni primogenito filiorum Israel; et pecora eorum pro vniversis primogenitis pecorum filiorum Israel, eruntque leuite mei. Et quia omnes leuite fuerunt 22000,

¹ MS. - 'apropiauit'.

[vv. 45-48]

primogeniti autem filiorum Israel 22273. Dixit dominus:
Tolle leuitas pro primogenitis filiorum Israel et pecora
leuitarum pro pecoribus eorum eruntque leuite mei. Ego
enim dominus. In precio autem 273 qui excedunt numerum
leuitarum, accipies de primogenitis filiorum Israel 5que
ciclos per singula capita. Dabisque pecuniam Aaron et
filiis eius in precium eorum qui supra sunt. Ista com-
mutacione facta et tribui Leui ad ministrandum domino
specialiter apropiata, voluit dominus istos ministros suos
peculiares in possessionibus et modo viuendi discerni ab
aliis 12 tribubus quibus dedit terram promissionis in sortes
12 diuidendo. Scribitur enim Numeri 18^o quomodo dominus
ordinans pro sacerdotibus et leuitis quod viuerent de
decimis, oblacionibus, primiciis primogenitis sanctificatis
et huiusmodi quibuscunque, deum dixit^{ad} Aaron: In terra fil-
iorum Israel nichil possidebitis nec habebitis partem inter
eos. Ego enim pars et hereditas tua in medio filiorum
Israel. Filiis autem Leui dedi omnes / decimas Israelis
in possessionem pro ministerio, quo seruiunt mihi in taber-
naculo federis; ut non accedant, et cetera. Et sequitur:
Nichil aliud possidebunt decimarum oblacione contenti, quas
in vsus eorum et necessaria separauit. Et generaliter
dominus ordinauit vt leuite recipientes decimas a populo
decimam illarum decimarum offerrent sacerdoti vt reputaretur

[vv. 20-22]

[f. 7I.]

[vv. 22-23]

Item

[v. 1]

[vv. 1-2]

Item

[v. 28]

[vv. 29-30]

Item

[v. 14]

ipsis leuitis oblatio deo grata tanquam de suis propriis illam decimam obtulissent, omnes enim decime leuitarum erant pro suo ministerio in tabernaculo sibi dato. Ad illud, Deuteronomio 18^o: Non habebunt sacerdotes et leuite et omnes qui de eadem tribu sunt, partem et hereditatem cum reliquo populo Israel. Et consequenter ordinans vnde viuerent, addit: Quia sacrificia domini et oblationes comedent, et nichil aliud accipient de possessione fratrum suorum; dominus enim ipse est hereditas eorum, etc. Consimile Eze. 44 vbi sic: Ait dominus: Non erit eis, id est sacerdotibus et leuitis, hereditas. Ego¹ hereditas et possessionem; non dabitis eis in Israel, ego enim possessio eorum. Et consequenter ordinans vnde viuerent, addit: Victimam et pro peccato et pro delicto ipsi comedent, et omne votum in Israel ipsorum erit. Et primitiua omnium pecorum primogenitorum et omnia libamenta ex omnibus que offerentur, sacerdocium erunt: et primitiua cibariorum vestrorum² dabitis sacerdoti, etc. Idem eciam patet ex ipsa diuisione terre promissionis, Ios. 13 scribitur quod Moises, diuidens terram trans Iordanem duabus tribubus, Ruben et Gad et dimidie tribus Manasse: Tribui Leui non dedit possessionem, set sacrificia et victimae domini dei

¹ MS.- 'Ego enim'.

² MS. - 'vest^rorum cibariorum'

[f. 7Ib.]

[v. 33]

[vv. 3-4]

[vv. 6-7]

2^o ad idem

Israel, ipsa est eius hereditas, sicut locutus est / illi.
Et in fine capituli, ista diuisa terra illis duabus trib-
ubus et dimidie, additur: Tribui¹ autem Levi non dedit
possessionem quoniam dominus deus Israel ipse est possessio
eius. Similiter Ios. 14: Duabus tribubus et dimidie dederat
Moises trans Iordanem possessionem absque leuitis, qui nichil
terre acceperunt inter fratres suos, set in eorum success-
erunt locum filii Ioseph in duas diuisi tribus, Manasses et
Effraym. Nec acceperunt leuite aliam partem in terra nisi
vrbes ad habitandum et suburbana eorum ad alenda iumenta et
pecora sua. Similiter patet Ios. 18^o quomodo diuideretur
terra in 12; et tunc dixit Iosue: Huc venietis ad me vt
coram domino deo vestro mittam vobis hic sortem; quia non
est inter vos pars leuitarum, set sacerdocium domini est eorum
hereditas. Ex quibus videtur a domino inhibitum ut sacer-
dotes aaronitici vel leuite inter fratres suos terras et
possessiones, predia, dominia et huiusmodi possiderent, set
solum sacrificiis, ^{primiciis} / decimis et huiusmodi deo debitis et
oblatis viuerent sicut ministri domini spirituales. Ad
eandem maioris partem 2^{am} probandam, sic prouiso per dominum
ad sufficientiam sacerdotibus et leuitis vnde viuerent ut
est dictum, quamuis nullam partem terre diuise receperant
inter fratres suos, ne carerentur in quibus locis habitarent

¹ MS.- 'Tribui tribui'.

[f. 72.]

[vv. 1-3; 8]

[vv. 1-2]

[vv. 39-40]

aut quibus pascuis iumenta sua et pecor^q sua alerent, prouidi-
eis dominus de ~~V~~trisque ~~V~~t nulla porcione terre in xij solum
diuise ipsis leuitis data, dominus eis sufficientissime pro-
uideret. Scribitur enim Numeri 34 quomodo preceperat
dominus de terre diuisione in tribus 12, docens qui forent
termini terre diuidende et qui / illam diuiderent. Additur
Numeri 35: Locutus est dominus ad Moises: Precipe filiis
Israel ut dent leuitis de possessionibus suis vrbes ad habit-
andum, et suburbana earum per circuitum: ut ipsi in oppidis
maneant, et suburbana sint eorum pecoribus et iumentis.
Eruntque vrbes in medio et foris suburbana. Ipseque vrbes
que dabantur ex possessionibus filiorum Israel, erunt in
numero 48 cum suburbanis suis. De implecione ipsius
precepti domini habetur Ios. 21: Accesserunt principes fam-
iliarum Leui ad Eleazar sacerdotem et Iosue et duces cog-
nacionum, vt darentur ipsis sacerdotibus et leuitis vrbes
ad habitandum et suburbana earum alenda iumenta, sicut pre-
ceperat dominus. Quod et fecerunt de singulis tribuum 12
ipsis leuitis ciuitates congregatas, vnde subditur in fine
capituli: Itaque ciuitates vniverse leuitarum in medio
possessionis filiorum Israel fuerunt 48 cum suburbanis suis
singule per familias suas distribute. Ex quibus videtur
sequi quod leuite non habuerunt ciuitates istas nec suburbana

[f. 72b.]

Item 2^o

ad dominandum set solum ad habitandum et pecora nutriendum, quia cum precepit dominus dare leuitis vrbes istas 48, addidit 'ad habitandum', nec frustra illud addidit: set habitare videtur finis et effectus vltimus propter quem voluit dominus vrbes illas dari leuitis, set ~~habitare~~ urbem vel domum non includit dominari, sicut constat. Ergo non ad dominandum date fuerant vrbes ille, immo illarum urbium leuitis dandarum sex erant fugitiuorum, patet Numeri 35, set fugitiui illi quamuis habitabant vrbes illas sex non tamen dominabantur illis; erga a simili / nec leuite illis sex nec aliis 42 quas solum acceperant ad habitandum dominabantur. Vnde quidam vocatus doctor de Lira super illa littera, ¹ vrbes ad habitandum, dicit ad habitandum, non dicit ad dominandum vel redditus inde recipiendum, quia sic erant ipsius regis vel aliorum dominorum. Vnde Ebron fuit vna de illis 48 ciuitatibus datis leuitis, ut patet Ios. 20^o et 21; et tamen Caleph fuit dominus eius quia data est ei in possessionem, vt patet. Ios. 14 et 15^o. Similiter leuite non poterant vendere suburbana ipsis distributa ad sua pecora nutrienda quia possessio sempiterna est, patet Leu. 25² Ergo non erant domini illorum suburbanorum cum posse vendere pertineat ad domin^{ium}~~andam~~ verum rerum. Immo licuit aliis filiis Israel vendere pro perpetuo domos suas infra vrbes

¹ De Lyra, 'Expositiones librorum Veteris et Novi Testamenti', (1473?), vol. i, cap. 'Num. 35'.

² Ibid., cap. 'Leu. 25'.

Item 3^o

[f. 73.]

Minor arguitur

muratas situatas quod non licuit leuitis, quin in iubileo redirent, patet Leu. 25. Ergo leuite non erant veri domini urbium vel domorum. Similiter in distributione facta in tribus 12 dabantur tam vrbes quam ville et agri et viculi illis urbibus adiacentes ad dominum illarum urbium pertinentes, set ipsis leuitis distribuiebantur vrbes ille 48 cum suburbanis, villis, viculis et agris ad vrbes istas pertinentibus ipsis dominis illarum urbium remanentibus, sicut docet liber Ios. 13 et capitulis interius subsequentibus; set ville, viculi et agri ipsis 48 ciuitatibus pertinentes et non dati leuitis cum ipsis urbibus erant de dominio, immo magna pars domini ipsarum urbium. Ergo ipsis sacerdotibus et leuitis non dabatur plenum dominium urbium et suburbanorum ipsis / ex precepto domini sic assignatorum, set vsus solus ut videtur habitandi et pecora nutriendi sub dominio istorum priorum dominorum qui vrbes et suburbana illa dederant leuitis ad habitandum et pecora nutriendum, sibimet villas, viculos et agros adiacentes in dominio reseruantes. Et sic quantum ad vtramque suam partem, quia tam pro tempore legis nature quam pro tempore legis date, videtur maior assumpta superius esse vera. Iam arguitur ipsa minor, scilicet quod sacerdocium domini Iesu Christi quod est iam pro tempore legis gratie est magis spirituale

[Math. 8, v.19]
[Luke 9, v.57]

[Math. 8, v.20]
[Luke 9, v.58]

[f. 73b.]

Confirmacio

ac minus ideo intendens prediis, dominiis, possessionibus et huiusmodi, etc., eo quod dominus noster Iesus sponsus ecclesie ac caput noluit in persona sua predia, possessiones, dominia et huiusmodi possidere, immo omnia talia mundialia penitus abnegavit. Adeo quod cuidam scribe venienti sibi et dicenti propter lucrum et cupiditatem mundi, vt dicunt doctores, Magister. sequar te quocunque ieris; Iesus respondit: Vulpes foueas habunt et volucres celi nidos. Filius autem hominis non habet vbi caput suum reclinet, patet Math. 8^o, Luc. 9. Set sacerdotes et leuite aaronitici et legales habuerunt non solum in possessionibus inter fratres suos vbi capita sua reclinarent, set etiam 48 vrbes ad habitandum et suburbana earum ad sua pecora depascenda, sicut hic superius est ostensum. Ergo veri sacerdotes et ministri ecclesie Iesu Christi quia magis spirituales iam pro tempore legis gratie quam carnales illi leuite seu aaronitici sacerdotes et sicut veri Christi sequaces, minus quam illi legales iam de prediis, possessionibus, dominiis et huiusmodi affectarent, immo nec oblata sibi admitterent talia quominis / modo tanquam derogancia, immo contraria sequele verissime Iesu Christi. Confirmatur eo quod dominus noster Iesus Christus quoscunque vocauit ipsos ad sequelam suam inuitauit quatinus eum vita et moribus sequerentur. Vocando enim Petrum, Andream, Iohannem et Iacobum,

[v. 19-20]

[Math. 9, v. 9]
[Mark 2, v. 14]
[Luk. 5, v. 27]
[v. 43]

[Math. 19, v. 21]
[Mark 10, v. 21]
[Luk. 18, v. 22]

Item
[v. 33]

[v. 23]

[v. 26-27]

dixit eis: Venite post me, faciam vos, etc. At illi relictis omnibus¹ sequi sunt eum, Math. 4. Similiter vocando Matheum de theolono dixit ei: Sequere me, Math. 9, Marc. 2, Luc. 5. Similiter vocando Philippum, Ioh. 1^o. Immo illi diuiti multas possessiones habenti respondit Iesus: Si vis perfectus esse, vade et vende omnia que habes, etc.; et veni, et sequere me, patet Math. 19, Marc. 10, Luc. 18. Ergo tam perfecte sequele Christi quam perfeccioni viuendi repugnare videtur pradia, dominia, diuicias habundantes et huiusmodi possidere, set inter omnes a domino Iesu vocatos in ipsis ecclesiasticis ex singulari et familiari eorum vocatione hec duo, scilicet sequi Christum et perfecte viuere maxime requiruntur. Ergo ipsis ecclesiasticis precipue disconuenit, immo contrariare videtur huiusmodi mundialia possidere. Eciam Luc. 14: Sic ergo omnis ex vobis qui non renunciat omnibus que possidet, non potest meus esse discipulus. Immo Luc. 9: Si quis vult venire post me abneget semetipsum et tollat crucem suam cotidie et sequatur me, etc. Luc. 14: Si quis venit ad me et non odit patrem suum et matrem, etc. Adhuc autem et animam suam non potest meus esse discipulus. Et² qui non baiulat crucem suam et venit post me non potest, etc.³ Et plura huiusmodi dicta Christi in

¹ Math. 4, v.20: 'reliquis'.

² 'Et.....non potest' - at the foot of the folio in the same hand as the text.

[f. 74.]

2^o ad eandem
suadendam
minorem

[v. 15-17]

euangelis continentur que omnia videntur ab ipsis sequa-
cibus Iesu quales / precipue omnes ecclesiastici esse
debent excludere dominium et possessionem temporalium quorum-
cunque quibus nec licet dominium seu possessionem suam
retinere. Item ad ipsam minorem suadenda arguitur sic 2^o.
Apostoli qui erant sequaces verissimi domini Iesu Christi
et ab ipso deputati ut pascere oves eius, patet Ioh. 21,
statim post missionem sancti spiritus in eos, ab ipso spir-
itu plenius informati vitam ecclesiasticam instituerunt,
scilicet ut florent eis omnia communia nec agros nec domos,
possessiones aut substantias retinerent, set omnia huiusmodi
venderent et precium inter singulos diuiderent, prout cuique
opus erat nec quisquam egens erat inter eos, patet Act. 2^o et
4 capitulis. Similiter Act. 11^o patet quomodo Agabo pro-
pheta predicente famem magnam futuram, discipuli singuli
prout unusquisque habebat miserunt per Saulum et Barnaban in
ministerium fratribus habitantibus in Iudea; immo de collectis
que fiebant in sanctos viuentes in communi, patet prima
Corin. 16, 2^a Corin. 8 et 9 capitulis. Eciam tam de cir-
cueuntibus et seminantibus verbum dei quam eciam de viuent-
ibus in communi tanquam ⁱⁿ sacrario operantibus et altario des-
eruientibus et sic de ecclesiasticis omnibus quod viuerent de
hiis pro quibus militabant et quos pascebant spirituali al-
imento, prima Corin. 9^o patet processus planus. Idem set

[f. 74b.]

breuius I Thim. 5. Ita quod ecclesia primitiua, quando creuit maxime non tamen inter iudeos set eciam inter gentes, nec prediis nec possessionibus nec aliquibus huiusmodi dominiis mundialibus est dotata; habuit tamen ad tunc ecclesia secundum humanum prouidenciam sufficientissime vnde viueret pro singulis membris suis. Et continuata / fuerat vita huiusmodi ecclesiastica quantum ad ecclesiam romanam sine prediis, dominiis vel possessionibus aliis terrenis per annos circiter 200 vel amplius, quia vsque ad tempus Urbani pape primi, cuius tempore martirio coronabantur¹ beati Cecilia Valerius Tiburcius et Maximus qui passi sunt circa annos domini 226, tempore Alexandri imperatoris. Legitur enim in cronica Martini², et allegatur in Historia Iohannis Aurea³ appellata, parte 2^a libro II^o capitulo 82, quod tempore huius pape Urbani primi qui in papatu annis 8 sedit et anno domini 230 fuerat martirio coronatus: Primo incepit ecclesia romana predia possidere de quibus iste sanctus Urbanus clericis et notariis qui gesta martirum conscribebant, sumptus deputabat. Ante enim ecclesia viuebat ad instar apostolorum, pecunias tantum recipiens pro egenis. Quamuis ecclesia anglicana prediis, possessionibus et libertatibus dotata fuerat magno tempore

Nota de prima
dotacione
ecclesie romane

1 MS. - 'coronabantur'.

2 Martini Chronicon Pontifices - ed. Weiland ap. Pertz, Mon. Scriptt. German. xxii; p. 413.

3 John of Tynemouth, 'Historia Aurea', (Lambeth MS. II, vol. ii, f. 42v); 'Urbanus papa constituit ut fidelium oblationes non aliter quam in ecclesiasticos usus et fratrum indigencias ~~conuerterentur~~ conuerterentur, eo quod uota fidelium sunt et precia peccatorum. Eius tempore cepit romana ecclesia predia possidere, ex quorum prouentibus Urbanus notariis et clericis qui gesta sanctorum conscribebant sumptus deputabat. Prius enim ecclesia instar apostolorum uixerat pecunias tamen pro usu egenorum recipiens. Huic Urbano ut predicatur martirizato successit pontianus.' [Pars Secunda, cap. 82]

Nota de prima
notacione
ecclesie anglicane

[f. 75]

precedente quia tempore Eleutherii pape qui, secundum
Eusebium libro 5 Historie Ecclesiastice in principio, duo-
decimus ab apostolo Petro succedens in papatum, 17^o anno im-
perii Antonii Veri papatum suscepit. Iste autem Antonius
Verus, sicut refert venerabilis Beda libro I^o capitulo 4
Historie Anglorum: Anno dominice incarnationis 156 quartus-
decimus ab Augusto regnum suscepit. Narrat enim Historia
Britonum¹ quod Lucius filius Coilli regis britonum patre de-
functo regni diademate insignitus omnes actus bonitatis patris
imitabatur. Ita ut iste alter Coilius ab omnibus censer-
etur. In principio regni sui epistolas suas Eleutherio
pape direxit petens ab eo ut cristia- / nitatem reciperet.
Serenauerant enim mentem eius miracula que tirones Christi
per diuersas nationes faciebant. Vnde in amorem fidei vere
hanelans pie petitionis effectum consecutus est. Siquidem
dictus beatus pontifex eius comperta deuotione duos doct-
ores religiosos Faganum et Dimianum ad illum misit qui verbi
dei incarnationem predicantes qui ipsum regem Lucium et
communiter vndique nacionum populos exemplum regis insequen-
tes sacro baptismo abluerunt et ad Christum conuerterunt
ac regni celestis heredes restituerunt. Et sic per totam
fere insulam paganissimum deleuerunt templa quoque que in
honore plurimorum ~~deorum~~ deorum fundata fuerant vni deo eius-
demque sanctis dedicauerunt diuinisque cetibus ordinatorum

¹ Geoffrey of Monmouth, Historia Britonum (ed. Griscom, p.328
et seq.)

repleuerunt. Fuerunt tunc in Britannia 28 flamines et
tres archiflamines quorum potestati ceteri iudices submit-
tebantur. Hos ab idolatria eripuerunt, et ex precepto
apostolico, vbi erant flamines episcopos, vbi archiflamines
archiepiscopos posuerunt. Sedes autem archiflaminum in
tribus nobilioribus ciuitatibus fuerant, scilicet Londoniis
et Ebor' et in vrbe legionum. Euacuata igitur superstitione
idolatrica hiis tribus archiepiscopis 28 episcopi subduntur
diuersis quoque parochiis. Vnde metropolitano Eboracensi
subiacuit Deira et Albania quas magnum flumen Humbri a
Loegria secernit; Londonensi metropolitano submissa est
Loegria et Cornubia quas duas prouincias seiungit Sabrina
a Cambria, id est ^aWallia, que vrbi legionum subiacuit.
Hiis omnibus restauratis Romam dicti antistitis redierunt,
et cuncta que fecerant confirmari a dicto papa beatissimo
impetrarunt. Iterum autem reuersi cum pluribus aliis
comitibus in Britanniam doctrina sua, in / breui gentem
Britonum in fide Christi corroborauerunt. Interea rex
iste Lucius gloriosus videns infra regnum suum cultum vere
fidei dilatatum possessiones et territoria, que prius pos-
sederant templa idolorum, in vsum meliorem vertens ipsa

ecclesiis fidelium permanere concessit. Immo quia
maiores honorem ipsius impendere debuerat, augmentavit
possessiones illas maioribus agris et mansis omnique
libertate sublimavit, etc. De ista christianitate
Britonum scribit venerabilis Beda libro I^o capitulo 4
Historie Anglorum, ubi supra ~~in scriptura~~ in hunc modum:
Anno ab incarnatione domini 156 Marcus Antonius Verus
quartusdecimus ab Augusto regnum cum Aurelio Commodo¹
fratre suscepit; quorum temporibus cum Eleutherius vir
sanctus pontificatus romane ecclesie preesset, misit ad
eum Lucius Britannorum rex epistolam obsecrans ut per eius
mandatum christianus efficeretur. Et mox effectum pie
postulationis consecutus est; susceptamque fidem Britanni
vsque ad tempora Diocliciani principis inuiolatum integram-
que quietam pace seruabant. Qui Dioclicianus, secundum
eundem venerabilem Bedam eodem libro capitulo 6, Anno dom-
inice incarnationis 286, 33^{us} ab Augusto, imperium romanum
suscepit. Similiter secundum eundem Bedam libro 5 capit-
ulo 24, Anno incarnationis dominice 167, Eleutherius Rome
presul factus 15 annis gloriose rexit, cui litteras rex

¹ MS. - 'Comodo'.

[f. 76.]

Minor

Britannie Lucius mittens, ut christianus efficeretur,
petiit et impetrauit. Eciam Nennius¹, historicus Anglorum,
capitulo I7 Historie/sue sicut scribit: Post I64 annos post
aduentum Christi, Lucius Britannicus rex cum vniuersis
regulis tocius Britannie, baptismum suscepit, missa legac-
ione ab imperatoribus romanorum et papa romano Eleutherio.²
Similiter in cronica Martini³ legitur quod Eleutherius papa
epistolam accepit a Lucio rege Britannico ut christianus
fieret per eius mandatum. Qui papa misit duos religiosos
viros, scilicet Faganum et Dimianum, qui ipsum baptizauerunt
et populum. Tunc erant in Britannia 28 pontifices idolorum
quas flamines vocabant et tres archiflamines. Set predicti
sancti de mandato apostolico, vbi erant flamines episcopos,
et vbi archiflamines archiepiscopos ordinarunt. Set nec
hec⁴ nec quecumque dotaciones huiusmodi ecclesie, immo nec
illa habundans dotacio ecclesie iacta tempore sancti Sil-
uestri pape et imperatoris nobilis Constantini, nec eciam
quecumque dotaciones alie ex post facte per imperatores,
reges, duces, principes, comites et barones aliosve dominos
domino Iesu Christo et ecclesie sponse sue fideles filios

1 MS. - 'Gildas'. *This illustrates the medieval doubt as to the authorship of this work.*

2 Historia Britonum (ed. Mommsen), p.I64.

3 ed. Weiland, p.4I2.

4 MS. - 'hee'.

et deuotos ex collatione prediorum, dominiorum, possessionum, libertatum et huiusmodi quorumcunque ecclesiis ac ministris ecclesiasticis concessorum iuuerunt ac profecerunt ipsis ecclesiasticis ad perfecte viuendum et dominum Iesum Christum veraciter sequendum. Qui immo impediuerunt et retraxerunt et adhuc impediunt et retrahunt ipsos ecclesiasticos a

Nota motiua

perfeccione viuendi et vera sequela domini Iesu Christi, sicut ex pluribus motiuis hic interius assignandis liquere poterit planius cuilibet intuenti ipsam solidam veritatem.

Primum motiuum

Et inter motiua huiusmodi sit hoc primum. Secundum Ieronimum Epistola 35 ad Paulinum¹ de institutione ecclesiasticorum, Vnumquodque propositum habet suos duces² et prin-

[f. 76b.]

cipes quos sequantur, tam opere quam sermone, sicut exemplificat ibidem, / et de ministerio clericali et de officio laicali. Dux autem princeps et patronus noster est vnicus,

[r. 22]

dominus Iesus Christus, de quo Ysa. 33, Dominus iudex noster,

dominus /

legifer noster, dominus rex noster, ipse veniet et saluabit nos. Qui quantum est via. veritas et vita, Ioh. I4. Ideo

[v. 6]

populum ad terram promissionis gradientem, precedebat ad ostendendam viam per diem in columpna nubis et per noctem in columpna ignis, ut dux esset itineris vtroque tempore;

[yr. 21-22]

nec vncquam defuerit hec columpne coram populo, Exod. I3^o.

¹ Epist. XLVIII, Migne, 22, p.583. ~~Epistola ad Paulinum~~.

² MS. - 'duos' corrected to 'suos'. In margin, 'suos duces'.

Quomodo militantem ecclesiam sponsam suam precessit et pre-
cedit vita, opere ac doctrina, quia cepit Iesus facere et
docere, Act. I^o . Dominus Iesus Christus velud dux,
princeps et patronus regularis et informans ecclesiasticos
qualiter¹perfecte viuendo et ipsum ducem veraciter sequendo
vita, moribus et doctrina; sub eius vexillo viriliter
militent ipsius arma et signa bellica que sunt humilitas
paciua, benignitas et modestia, paupertas et clemencia,
carnis castigacio, mundi abrenunciacio, immo suimet abneg-
acio, etc., huiusmodi fortiter deferentes et sic suo duci
tanquam milites strenui adherentes vna cum duce suo ad
gloriosam victoriam perueniant et triumphum. Verumtamen
ista dotacio ecclesie cum magnis possessionibus, amplis
prediis, dominiis, libertatibus et huiusmodi, cum hec omnia
sint de mundo, et Ioh. I^a epistola 2 dicat, Nolite diligere
mundum, neque ea que in mundo sunt. Quoniam omne quod est
in mundo concupiscencia carnis est vel concupiscencia ocul-
orum et superbia vite, que non ex patre set ex mundo est;
et mundus transibit et concu-/piscencia eius. Pertinet
vt videtur ad maliciam carnis, mundi et diaboli principis
huius mundi, Ioh. I⁴, vnde ecclesiastici cum illis mund-
ialibus sic dotati videntur ratione dotacionis huius sub
vexillis carnis, mundi seu diaboli qui sunt Christo aduer-

[vv. 15-17]

[f. 77.]

[vv. 21-22]

¹ marginal correction.

Confirmacio

sarii militare, non autem sub vexillo patris Iesu Christi non habentis in mundo vbi caput suum reclinet, et in hoc non forent ecclesiastici nominandi nec christiani set verius antichristi. Sequitur igitur quod huiusmodi dotacio impedit, retrahit immo deicit ecclesiasticos a perfeccione viuendi et vera sequela domini Iesu Christi. Confirmatur ex processu Ieronimi diuersis epistolis suis in quibus alludens dictis euangelicis docet quod ad veram sequelam Christi requiritur tam carnialia quam mundialia omnia relinquere ut homo nudus sequi valeat Christum nudum. Vnde epistola 33 ad Eliodorum: Qui in Christo credis, eius crede sermonibus: 'Querite primum regnum dei et hec omnia apponentur vobis'. Et infra: non tibi pera sumenda est, nec virga. Affectu diues est, qui cum Christo pauper est; et plura de hac materia in eadem epistola¹ communiter. Similiter epistola 33 ad Eliodorum²: Animaduerte, irater, non licet tibi habere de rebus mundi quicquam cum earum omni, dominus dixerit, 'Qui non renunciauerit omnibus que possidet, non potest meus esse discipulus.' Et interius: Filius hominis non habet vbi caput suum reclinet, et tu amplas porticus et ingencia tectorum spacia metiris. Hereditatem expectas⁴

¹ 'Ad Heliodorum', Migne, Patrologia Lat., vol 22, Epist. 14, p.348.

² MS. '34 ad Nepocianum'; but ibid, p.350.

~~3 MS. '34 ad Nepocianum'; but ibid, p.350.~~

⁴ Migne prints 'expectans', with a note that 'expectas' is probably meant.

[f. 77b]

seculi coheres Christi? Et infra: Perfectus seruus Christi,
nichil preter Christum habet. Ac si preter Christum habet,
perfectus non est. Item, Si perfectus non ues, deum fefelli-
isti. Clamat deus, Si quis uult venire post me, abneget
semetipsum et tollat crucem, etc.¹ Et ego / onustus
auro me arbitror sequi Christum. Item, Qui² ~~posset~~ ^{idet}
dominum, nichil extra dominum habere potest; quod si quic-
quam aliud habuerit preter dominum, pars eius dominus fieri
non dignatur. Similiter epistola 35 ad Paulinum³ inter
cetera dicit: Portemus crucem et diuicias lutum putemus.
Quid suspic^{imus} ~~imys~~ et amamus quod Petrus se non habere, test-
atur dicens, 'Argentum et aurum non est mihi', etc., Act. 3.^o
Crates⁴ ille Thelanus, homo ditissimus pergens Athenas ad
philosophandum magnum auri pondus abiecit; nec putauit se
et virtutes posse similis et diuicias possidere; et nos
subsarcinati auro, Christum pauperem sequimur, etc.
Similiter epistola 36 ad Paulinum⁵: Antiquum dictum est:
Auaro deest tam quod habet quam quod non habet. Credenti
totus mundus diuiciarum est. Infidelis autem obolo indiget.

¹ Luke 9, v. 23.

² Epist.^{III} ad Nepocianum, Migne, 'Patrologia Lat.', vol. 22,
~~Epist. III~~, p. 531.

³ ~~Migne~~, Ibid., p. 536. ✓

⁴ Epist. LVII ad Paulinum; *ibid.*, p. 580

⁵ Ibid.

Sic viuamus tanquam omnia habentes et nichil possidentes¹.
Victus atque vestitus diuicie christianorum sunt. Et plura
huiusmodi communiter. Similiter epistola 89 ad Exsuper-
ancium²: Non debes ad tollendam tunicam tecto descendere,
nec respicere post tergum, ut nudus sequaris nudum dominum
saluatorem, qui dixit: 'Qui non tulerit crucem suam et
secutus fuerit me, non potest meus esse discipulus'.
Proice sarcinam seculi, ne oueras diuiciasque camelorum
prauitatibus comparantur. Nudus et leuis ad celum vola
nec, alas, virtutum tuarum auri deprimant pondera, etc.
Et plura consimilia in epistolis suis docet dicens quod ad
perfeccionem viuendi et sequelam veram Christi repugnat
diuicias mundi, dominia, predia, possessiones et huiusmodi
possidere. Concordat / beatus Gregorius Omilia 32⁵
super illo Luc. 9, Si quis vult venire post me, abneget
semetipsum, etc., vbi sic dicitur vt negemus nostra et nos
quia contra malignos spiritus luctamen accipimus; nichil
autem in hoc mundo maligni spiritus proprium possident.
Nudi ergo cum nudo luctari debemus, nam vestitus cum nudo
luctans cicius ad terram deicitur quia non habet, vnde
teneatur Terrena quidem omnia sunt quedam corporis indu-
menta.³ Qui ergo contra diabolum proponat ad certamen,⁴
vestimenta, id est omnia mundialia, abiciat ne succumbat,

[f. 78.]

[v. 23]

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- 1 Migne's text reads - 'tanquam nihil habentes, et omnia possidentes'.
 - 2 Migne, 'Patrologia Lat.', vol. 22, Epist. CXLV, p. II9I.
 - 3 Migne's text reads: "Quid enim sunt terrena omnia, nisi quedam corporis indumenta?"
 - 4 Migne's text reads: "ad certamen properat."
 - 5 Migne, 'Patrologia Lat.', vol. 76, p. 1233: 'Homilia xxiii lectio super Evangelio secundum Luc. ix, vv. 23-27.'

Motium 2^m

[v. 32-34]

etc. Motium 2^m poterit esse tale: Apostolus prima Corin. 7 proponit castitatem virginalem fecunditati matrimoniali volens homines sine sollicitudine esse pro eo, quod Qui sine vxore est sollicitus est que domini sunt cogitare¹ quomodo placeat deo. Qui autem cum vxore est sollicitus est cogitare que sunt mundi, quomodo placeat vxori et diuisus est. Et mulier innupta et virgo cogitat que domini sunt ut sit sancta corpore et spiritu. Que autem nupta est, cogitat que sunt mundi, quomodo placeat viro, etc. Conformiter videtur de ecclesia que quamdiu fuerat virgo et innupta, id est istis mundialibus dominis non permixta set solas pecunias recipiens ad vsus necessarios corporales, et ipsas pecunias non in cista, non in bursa, non in thesauro ponebant set ad pedes apostolorum ut, sicut tangit beatus Ieronimus epistola 86 ad Demetridem², ostenderetur et ipsas pecunias esse calcandas ne distraherent a feruore dileccionis diuine. Ad tunc fuerat ecclesia sancta et immaculata, cum omni sollicitudine cogitans et laborans ad perfeccionem vite et sequelam verissimam Iesu Christi, non diuisa circa occupaciones varias mundiales nec perterrita propter afflictiones corporales nec timida perdere ista temporalia si dominis

¹ 'cogitare' is a marginal addition; in both places in this quotation Uthred has added 'cogitare' where it is not found ~~in v. 32.~~ in v. 32.

² Epist. CXXX, Migne, 'Patrologia Lat.', vol. 22; cf. ibid, Epist. LXXI.

[r. 78b.]

mundialibus / predicarent solidam veritatem, nec formidans
quecunque alia penalia vsque ad mortem decertando propter
veritatis et iusticie defensionem [ac] propter fidei et¹
euangelice doctrine assercionem. Set iam ecclesia istis
carnalibus deliciis saginata, hiis diuiciis et possession-
ibus vestita, immo quasi conglutinata et incorporata, set
vtinam non venenata, in tatum² timida est effecta ne has
carnis seu mundi corruptibiles vestes perdat; non timida
quidem rationaliter, sicut docet Philosophus 7 libro
Ethicorum capitulo 7 de timore bestiali quo timet quis
sonum muris et de timore egritudinali quo timet quis
bestialiter et egritudinaliter, timida modo facta iuxta
illud propheticum Psalm. 52, Trepidauerunt timore vbi
non erat timor: quia spiritualis ecclesie fortitudo qua
viriliter defenderet veritatem, qua atrociter redargueret
falsitatem, qua quorumcunque siue magnorum siue paruorum
vicia reprehenderet audaciter pro tempore et loco oportunis,
qua ad viam virtutum effectualiter alliceret verbo, vita et
opere precedendo, quasi totaliter est sopita ne si forsitan
vigilaret hec vestura carnalis et mundialis rumperetur,
minueretur vel auferretur. Hec igitur vestis facta ex
ecclesie dotacione fuisset primitus respondenda et modo

[v. 6]

1 'et' is a marginal addition.

2 'non tamen' follows 'venenata' in MS., but is underlined as vacated. 'in tatum' is a marginal addition.

[f. 79.]

[v. 15]

Motium 3^m

Primo

[v. 15]

abicienda quia impediens et retrahens a sequela debita Iesu Christi. Confirmatur per beatum Ieronimum epistola 55 ad Lucinum¹: Ioseph cum pallio igipciam fugere non potuit; ideo pallium / dimisit patet Gen. 39. Adolescens opertus sindone Christum sequens tentus a ministris terrenum reliquens vestimentum² nudus euasit, patet Marc. 14.^o Helias igneo curru raptus in celum, melotem reliquit in terris, patet 4^{ti} Reg. 2^o. Helizeus boues et iuga prioris operis conuertit in vota, patet tercii Reg. 19.⁴ Immo, Qui tetigerit picem, inquinabitur ab ea, Ecclesiastici 13.^o Quamdiu, igitur, versamur in rebus seculi et anima nostra possessionum ac reddituum procuracione deuicta est, de deo libere cogitare non possumus. Et infra, Aurum deponere insipientium est, non perfectorum. Abiecit aurum Crates Thelanus, etc. Consimile pro parte epistola eiusdem 88 ad Fabiolam²; similiter epistola 40 ad Rusticum³. Motium 3^m est illud: hec dotacio ecclesie cum tot et tantis dominiis, possessionibus, prediis, libertatibus et huiusmodi mundialibus prouocat et inducit ecclesiasticos ad vicia varia excercenda. Primo ad superbiam, et initium omnis peccati est superbia, Ecclesiastici 10.

1 Epist. LXXI, Migne, 'Patrologia Lat.', vol. 22, p. 670

2 Epist. LXIV, ibid.

3 Epist. CXXV, ibid.

4 Migne's text reads: "Joseph cum tunica Aegyptiam effugere non potuit. Adolescens ille, qui opertus sindone sequebatur Jesum, quia tentus fuerat a ministris, terrenum abiciens operimentum, nudus euasit. Elias igneo curru raptus ad coelum, melotem reliquit in terris. Elisaeus boves, et iuga prioris operis vertit in vota". . . .

Quis enim hiis diebus superbior, quis honoris cupidior, quis ad iniurias perferendas impaciencior, quis in incessu gestu et apparatu et in corde elacior quam isti diuites ecclesiastici? 2^o ad auariciam et cupiditatem, et radix omnium malorum est cupiditas; ideo, qui volunt diuites, fieri incidunt in temptationem et laqueum diaboli et in desideria inutilia et nociua que mergunt homines in interitum et perdicionem, etc. Tu autem o homo dei hec fuge, etc., prima Thim. 6^{to}. Quis enim cupidior in diuiciis congregandis, quis magis auarus in ipsis congregatis conseruandis, quis tenacior in ipsis cum vrgeat necessitas expendendum quamuis hiliarem datorem diligit deus, 2^a Corin. 9^o, quam isti ecclesiastici sic dotati? 3^o prouocat et inducit hec dotacio ad carnis concupiscenciam, cum tamen dicat apostolus Galath. 5^{to}, spiritu ambulante / et desideria carnis non perficietis, etc. Qui enim sunt Christi, carnem suam crucifixerunt cum viciis et concupiscenciis. 4^{to} ad lites et discordiam propter pingua beneficia emergenda et acquirenda non parcendo laboribus et expensis quia de exilibus beneficiis pauci vel nulli curant; ita quod magis appetitur cumulus diuiciarum quam lucrum optimum animarum. 5^{to} interdum ad prauitatem symoniacam propter

2^o [v. 10]

[v. 9]

[v. 11]

3^o

[f. 79b]

[v. 16]

[v. 24]

4^{to}

5^{to}

beneficia ecclesie acquirenda et multiplicanda, quo titulo deus nouit nisi quod pinguius est carius est emendum.

6^{to}

6^{to} ad cure debite negligenciam quia de ouibus sibi creditis lac et lanum recipiunt, set modicum curantes de pascuis earumdem tenentur ipsis tamen ouibus Christi sufficiencia

7^{mo}

pascua prouidere. Septimo ad torporem et desidiam, eo quod morantes in curiis¹ dominorum et magnatum quamuis satis vel minus solliciti sint ad placendum ipsis dominis et mundialia exequenda quatinus beneficia ecclesiastica obtineant et plurificent quantum possent, tamen ad seruicium diuinum modis locis et temporibus debitis decantandum, missas deuocius celebrandum, gregem domini sibi creditam salubriter informandum sunt inertes, desides et torpentes. Ex hiis et huiusmodi videtur quod hec dotacio mundialis inficit ecclesiam quia ecclesiasticos impedit, retrahit et abducit a perfeccione et vera sequela domini Iesu Christi quamuis appareat splendida pulcherime² colorata delectabilis et suauis, sicut dicitur Prou. 23 de vino quod flauescit et splendet in vitro ingrediens blande, set in nouissimo mordebit ut coluber et sicut regius venena diffundet.

[lv. 31-32]

Confirmacio

In huius confirmacionem clamauerat spiritus in aere sicut fertur quando ecclesia illis prediis, possessionibus et

1 'in curiis' is a marginal addition.

2 MS. - 'pucherime'.

[f. 80.]

3^o ad minorem
eandem

[v. 16]

[iv. 44-46]

dominiis mundialibus primitus dotabatur; hodie venenum
eriusum est in ecclesiam dei propter hec dominia mundia- /
lia ecclesie adunata. Item 3^o arguitur ad persuadendum
minorem illam dubii principalis, scilicet quod sacerdocium
domini Iesu Christi quod est iam pro tempore legis gratie
est magis spirituale ac minus intendens huiusmodi dominiis
et possessionibus mundialibus pro eo, quod secundum
apostolum 2^a Corin. 4 exterior noster homo corrumpitur,
tamen interior homo renouatur de die in diem. Ita quod
corrupte seu debilitate corpore hominis qui minor mundus
dicitur propter senium renouatur et fortificatur eius
spiritus puta anima, quia prius quod animale est, deinde
quod spirituale, prima Corin. 15. Conformiter in mundo
maiori secundum progressum ordinis naturalis iam in mundi
senio quod est tempus gratie deberent omnes homines magis
spirituales esse ac minus intendere mundi curiis quam in
iuuentutis tempore precedenti, maxime tamen ecclesiastici
qui ab initio esse debuerant spirituales quia deo quo summus
spiritus est specialiter dedicati iam pro tempore legis
gratie, in mundi senio magis spirituales deberent esse ac
minus occupati vel intenti carnalibus seu mundialibus
prediis, dominiis, possessionibus, lucris, pecuniis aut

huiusmodi quibuscunque quam fuerant ecclesiastici in mundi
iuuentute puta tempore legis date vel legis tempore
naturalis. Set iam est dotacio ecclesie cum dominiis,
possessionibus et huiusmodi mundialibus habundancior quam
fuerat ante Christi aduentum in seculi iuuentute; que dotacio
requirit distraccionem et sollicitudinem diligentem circa
huiusmodi mundialia gubernanda, vnde ecclesiastici ut videtur
sunt modo minus spirituales et animales quam fuerant ante
dotacionem huiusmodi introductam, et sic et contra dictum
processum apostoli I^a Corin. 15 de spiritualitate ad animal-
itatem miserabiliter redeunt, immo contra processum
debitum in ordine naturali retrocedentes et semper ad
f. 80b. deterius diuertentes. / Ergo dotacio talis ecclesiastica
nec Christo et ecclesie sponse sue videtur honorifica nec
clero et populo salutifera nec ordini naturali consona et
Confirmacio decora. Confirmatur per Philosophum libro I^o Celi et
Mundi capitulo 16 et commentator ibidem quaestio 89,¹
vbi differentiam assignantes inter motum^m violentum et
naturalem, docet quod omnis motus violentus tardatur in fine
quia a vi depellente semper amplius et amplius elongatur;
contra vero motus naturalis semper fit velocior et velocior
erga finem. Cum ergo omnes homines sint in hoc mundo

¹ The commentator of Aristotle is Aquinas. Cf. Aquinas,
'Expositiones textuales.....in libros Celo et Mundo, etc.',
(1497), f. xxxij:

"Omnes motus naturalis est velocior in fine quam in
principio non tamen propter hoc est irregular

[Uthred seems to be referring to the 'Summa Theologica',]
[but I have as yet not found the reference there.]

[vv. 42-44]

[vv. 47-50]

[f. 81.]

naturales viatores quia peregrini et aduene non habentes
hic manentem ciuitatem, set futuram semper pro loco
naturali et eterna requie inquirentes et iam in mundi senio
apropinquat amplius finis motus qui finus est vera spirit-
ualitas et requies sempiterna. Secundum processum
apostoli I^a Corin. 15 de resurreccione ad requiem hanc
eternam ductis, seminatur in corrupcione, resurget in
incorruptionem; seminatur in ignobilitate surget in gloriam;
seminatur in infirmitate surget in virtute; seminatur corpus
animale surget corpus spirituale. Primo homo de terra
terrenus, secundus homo de celo celestis. Qualis terrenus
tales et terreni. Qualis celestis tales et celestès.
Igitur sicut portauimus ymaginem terreni, portemus et ymag-
inem celestis. Hoc autem dico quia caro et sanguis regnum
dei possidere non possunt, neque corruptio incorruptelam,
etc. Iam ergo quia in mundi senio, quando tam finis motus
vie nostre quam eciam locus quietis nostre naturalis puta
celum ^{Ubi}¹ erimus spirituales dei visionem beatificam
contemplantes, velociter apropinquant, debent omnes homines
singuli in gradibus suis velocius semper et velocius
accedere versus / celum ac sic ~~indies~~ fieri amplius
spirituales quam fuerant in mundi prima iuuentute.

¹ interlinear addition.

.. 33 b c d
et interius

Primo

2°

Ergo et ecclesiastici omnes pro gradu suo tenentur sub
pena perdicionis huius beatifice visionis ad hanc regulam
naturalem; set in mundi iuuentute prohibiti a domino
fuerant ecclesiastici ne dominia, possessiones et huius-
modi haberent sicut ceteri fratres sui set de solis
spiritualibus viuerent et dominus foret hereditas et
possessio eorundem, sicut docetur superius .. in probacione
2^e partis maioris. Ergo dotacio cum prediis, possession-
ibus et huiusmodi modo facta, et si appareat ad honorem
dei et ecclesie superficialiter colorata, est tamen realiter
ut videtur damnifera et nociua sicut rota 5^{ta} addita
plaustro. Primo quia efficit ipsos ecclesiasticos
minium mundiales per hoc eos retrahens tam a spiritual-
itate acquirenda quam a velocitate debita motus sui in
eorum naturalem finem et requiem puta celum; immo timendum
est quod excitat quodammodo et impellit contra ordinem
naturalem ad locum vbi nullus ordo set horror habitat
sempiternus. 2° quia facit ecclesiasticos diuine
prohibicioni contrarire, prohibuit enim ut dictum est in
iuuentute quando naturaliter magis licuit vti deliciis et
floribus huius mundi ne ecclesiastici talia possiderent;
et a multo forciori iam in senectute mundi ex ipso instinctu

naturale prohibet ne talibus dotarentur, iuxta exemplum
Berzellai quem quoniam octogenarius erat, nec carnalia nec
mundialia rationaliter delectarent, patet 2ⁱ Reg. 19^o.

3^o

3^o quia hec dotacio immitit ecclesiasticos de diuina pro-
uidencia diffidere cum iam caro et frater noster factus
multo propinquior foret nobis pars, hereditas et possessio
sufficissime de solis suis spiritualibus educando quam
antiquitus fuerat illis sacerdotibus et leuitis, propter
quod conqueri poterit / dominus Iesus ecclesie sponse sue
de ecclesiasticis ingratis et diffidentibus, iam de eo
sicut de populo israelico sibi ingrato et de eius regimine
diffidente quondam conquestus fuerat dominus Samueli.

[f. 8Ib.]

Patet enim primi Reg. 8^o,¹ quomodo populus israelicus in
omnibus a domino peroptime regulatus, tandem Samuele sen-
escente et filiis eius qui eos sub domino regularent male
viuentibus, de domini regimine hesitans et petunt a Samuele
quatinus eis regem constitueret qui eos iudicaret et bella
eorum gereret sicut habebant ceterae nationes. Quod nar-
rante ad dominum Samuele respondit dominus de isto ingrato
populo conquerendo: Audi vocem populi in omnibus que loqu-
untur tibi. Non enim te abiecerunt set me, ne regnem super
eos. Set dereliquerunt me et seruierunt diis alienis,
sic facient, eciam² tibi, et cetera. Quomodo videntur

[vv. 7-8]

¹ MS. - '2ⁱ Reg. 8'.

² MS. - 'vel'

Que ecclesia
sponsa Christi

[f. 82.]

[v. 12]

ecclesiastici iam magis confidere in mammona iniquitatis quam in prouidencia domini Iesu et ecclesie sponse sue. Hiis itaque obieccionibus et motiuis adductis contra partem affirmatiuam dubii principalis ad persuadendum per hec et quecunque argumenta consimilia vulgaria illud principale dubium esse fatuum, restat iam domino concedente pro¹ parte affirmatiua ipsius dubii principalis introducere argumenta forciora et profundiora ad probandum ipsum dubium esse verum. Veruntamen quia dubium illud querit de dotacione ecclesie sponse Christi, primitus est videndum que sit ipsa ecclesia Christi sponsa. Constat enim quod non hec materialis ecclesia de lignis et lapidibus fabricata set, ut dicit beatus Augustinus libro 22^o capitulo 17 de Ciuitate Dei, sicut in exordio generis humani de latere viri dormientis costa detracta femina fieret, sibi sponsa Christum et ~~et~~ ecclesiam tali facto prophetari oportebat. Sopor quippe iste viri, mors erat Christi cuius exanimis in cruce pendentis / latus eius lancea perforatum et inde sanguis et aqua perfluxunt que sacramenta sunt quibus edificatur ecclesia sponsa Christi.¹ Vnde scriptura non dicit formauit aut finxit set edificauit eam in mulierem³; sic apostolus Eph. 4 dicit edificacionem corporis Christi quod est ecclesia.

¹ MS. - 'per'.

³ cf. Gen. 2, v.22: 'Et edificauit Dominus Deus costam, quam tulerat de Adam, in mulierem'.

Creatura quidem dei est femina sicut et vir, set ut de viro
 fieret vnitas commendatur quomodo Christus et ecclesia
 riguratur. Concordat Guido in ^{Rosario} ~~24~~, 24 quaestio prima,¹
 Legitur dominus Adam rigura erat Christi qui translatus est
 in paradiso, id est in ecclesia vel in cruce in qua sopor-
 atus est dominus cum suscepit mortem pro peccatoribus
 redimendis, de latere cuius dextro a milite perforato
 perfluxerunt duo sacramenta, scilicet sanguis redempcionis
 et aqua baptismatis quibus formatur ecclesia Christi sponsa,
 De qua dicitur Cantic. 6^o, Vna est columba, etc. De qua
 Adam Christi nomine prophetauit dicens, Hoc os ex ossibus
meis et caro, etc., Gen. 2^o, quia fortitudo ecclesie et
 humilitas istius de Christi fortitudine et humilitate
 formata est; propter eam Christus reliquit² patrem in celis,
 eciam reliquit matrem, id est sinogogam, in terris et
 adhesit vxori sue, id est genitali ecclesie. Hec sunt duo
 in carne vna, id est Christus et ecclesia in spirituali
 voluntate. Hec virgo est regis filia, virgo tenella,
 mater fecunda, rosa et perpetua, sine iniquitatis macula,
 sine simulacionis ruga, etc., ibidem. Notandum eciam
 quod hoc matrimonium inter Christum et ecclesiam celebratum
 non est ^{similiter} corporale sicut fuerat illud primum inter Adam et

[v. 8]

[v. 25]

¹ 'reliquit'
² / is a marginal correction.

1. No edition available to check this reference.

[f. 82b.]

Nota matrimonium

[vv. 44; 46]

Euam, nec similiter spirituale quomodo pertractat beatus Augustinus libro 12^o de Trinitate in principio, de coniungio spirituali in anima hominis inter¹ porcionem rationis superiorem quasi virum et porcionem rationis inferiorem velud feminam celebrat², set est quodammodo medium inter illa participans de vtroque, quia caro corporalis Christi dormientis / in cruce emisit sanguinem et aquam corporales in sacramenta et edificacionem ecclesie sponse sue ac sic illud matrimonium ad tunc fuerat corporale. Et secundum apostolum 1^a Corin. 15, Si est corpus animale, est et spirituale; set non prius quod spirituale set quod corporale: deinde quod spirituale est. Et sic tam carne Christi quam sanguine et aqua qui de eius latere fluxerant in ecclesie sacramenta, iam post resurrectionem Christi³ factis incorruptibilibus eciam spiritualibus est ipsum matrimonium Christi et ecclesie sponse sue effectum quodammodo spirituale quatinus quodammodo corporale; et quodammodo spirituale sit illud coniugium inter Christum et ecclesiam sponsam suam, propter quod in omnibus ecclesie sacramentis concurrunt et extrinsecus operationes et cerimonie corporales et intrinsecus virtutes et gratie dei spirituales ut ex corporalibus et spiritualibus, sicut componitur homo ex corpore et spiritu, perficiantur omnia ecclesiastica

¹ 'ter' is an interlinear addition to 'in'.

² 'et ecclesie' follow 'Christi' in the MS., but are scored through.

Pro veritate dubii
arguitur

sacramenta. Istis declaratis de ecclesia sponsa^{Christi}, ad probandum dictum principale dubium esse verum arguitur isto modo. Dominus Iesus Christus solus inter homines postquam Adam primus forisfecerat erat verus et principalis dominus prediorum, terrarum, possessionum et omnium mundanorum a tempore natiuitatis sue in hunc mundum, et communiter ecclesia sponsa sua erat vera domina eorundem. Adam enim primo peccante in signum quod forisfecit¹ et perdidit per peccatum omne dominium mundiale pro se ac omnibus suis posteris ex ipso naturaliter successuris expulsus est cum muliere et omnibus ex eis naturaliter propagandis de loco et sede, loco et sede domini mundi scilicet paradiso, eo quod omnes illi nascerentur ineuitabiliter cum peccato et sic in ipsa forisfactura miserabili Adam primi. Set secundus Adam, dominus noster Iesus, innocens et purus ab omni peccato, immo multo dignior homo quam vncquam fuerat primus Adam propter ipsam / diuinam personalitatem qua fuerat eius humanitas personata sine omni huiusmodi forisfactura, solus inter homines natus est in primo hominis dominio naturali: nec cum nasci voluit in paradiso qui thronus est et sedes huiusmodi domini naturalis, set potius in hoc mundo ^ut diabolum principem huius mundi in regno suo proprio debellaret et sic omnes suos eripiens ad gloriam domini reduceret

[f. 83]

¹ MS. - 'forifecit'.

Reparacio hominis

Prima in spe

2^o in re

cum triumpho, quia et ipse diabolus primum Adam deuicit in ipso solio regni sui et extraxit captiuatum in istum suum miserum principatum, vnde 2^{us} Adam reddidit sibi vicem ipsum in principatu proprio demarcendo et captiuos quos tenuit liberando. Nec sic humanatus est dominus noster Iesus vt sibimet illud naturale dominium hominis reseruaret, set potius ut restituerat tam illud mundanum dominium quam hereditatem celestem perditam per peccatum fidelibus suis cunctis regeneratis ex ipso et ecclesia sponsa sua siue spe siue re. In spe enim fiebat hominis regeneracio, reparacio ac perdit¹i restitucio quatenus expedit homini pro hac misera via sua esse illud dominium restitutum statissime post peccatum quando Adam penituit se precasse, quia fides christiana quantum ad hominis debitam regulacionem per Christum in exordio hominis incepit cum homine concreata, set quantum ad hominis reparacionem per Christum post peccatum incepit. In re autem fiebat hec hominis reparacio ac perdit¹i restitucio quando dominus Iesus pro peccatis hominum moriens satisfecit. Quando igitur iuxta dicta nullus omnino hominum preter Christum habuit vel habeat, immo nec habere potuerit aut posset titulum aliquem iustum ad dominium aliquod huius mundi post illam miseram forisfacturam primi Adam nisi per secundum Adam et ecclesiam sponsam suam in spe vel in re reparatus, regeneratus² et sic ad dominium quod personam suam concerneret restitutus,

1 MS. - 'perdidi'.

2 're' is an interlineation in MS.

[f. 83b]

Obieccio

1^o

[v. 20]

[v. 21]

2^o

3^o

ingratissimi et indigni fuissent et forent imperatores, reges, principes, duces / et domini quocunque nomine dominii nuncupati, immo velut malediccionis filii degradandi si non dotassent et dotarent pro locis et temporibus oportunis Christum et ecclesiam sponsam suam de prediis, possessionibus, dominiis optimis ad sufficienciam honorificam, sicut precipitur filiis patrem et matrem decencius honorare. Obicitur contra illud eo quod dominus noster Iesus, si voluisset ecclesiam sponsam suam dotari possessionibus et dominiis huiusmodi mundanorum, ipsemet vt videtur ecclesiam sic dotasset multiplici ratione. Primo quia dominus illorum omnium mundanorum solus et insolidum constitutus per prius ecclesiam sponsam suam ad sufficienciam dotasset antequam filiis suis regeneratis sub eo dominaturis hec mundialia dominia tradidisset, iuxta illud Ecclesiastici 33^o, ne dederis alii possessionem tuam: ne forte peniteat te et depreceris, etc. Melius est enim ut filii tui te rogent quam te respicere in manus filiorum tuorum. 2^o quia ipse maxime cognouit que dominia secularia si qua forent et quanta et qualia fuissent maxime conueniencia et pro omni i llo tempore sufficiencia et pro futura ecclesie sponse sue. 3^o quia ipse potissime cognouisset quomodo hec

mundialia donanda ecclesie sponse sue forent in spiritualia commutanda et a seruiciis secularibus denudanda et priuilegiis, libertatibus et hesiamentis et huiusmodi exornanda vt quiecuis vacaret ecclesia sponso suo tam filios produciendo quam eciam nutriendo. 4^{to} quia sponsus, cum sit vnus cum sponsa, prouideret melius, habundancius et honorificencius sponse sue quam filii prouiderent qui, secundum Philosophum 8 Ethicorum capitulo 12^o, sunt ex parentibus velut alteri ipsi, set separati et ideo amor minor.¹ 5^{to} quia secundum iura donacio propter nupcias et dos sunt in ipsa matrimoniali copula faciente; nec filii dabunt dotem huiusmodi matri / sue, immo esse debet quasi proprium patrimonium mulieris. Ad hec et quecunque talia respondetur quod dominus noster Iesus Christus ab initio donauit et dotaui ecclesiam sponsam suam carismatibus et sacramentis spiritualibus, set corporaliter quodammodo excercendum in spe vel in re, scilicet ut est dictum. Eciam quantum ad sustentacionem corporalem suis omnibus a principio prouidebat iuxta personas, causas, loca ^{vel} ~~et~~ tempora oportuna, non tamen hic viuendo voluit prediis, dominiis, possessionibus et huiusmodi mundialibus ecclesiam dotare, quia ad tunc

5^{to}

[f. 84]

1. Aristotle's argument is that there is a deeper consciousness in parents of the ties of mutual affection binding parents and children, since for them this consciousness dates from the child's birth, whereas the child becomes conscious of the ties with his parents only when they arrive at years of intelligence. This explains the greater love of mothers.

Nota causas

Prima

temporis et pro tunc temporis non fuerat sic dotanda propter causas varias subscribendas. Primo eo quod hec mundialia quecunque localia sunt et donata vel apropiata ecclesie debent esse, ideo accessoria et aduenticia et inherencia ecclesie tanquam suo proprio substantiali et solido fundamento; requiritur igitur ut ecclesia huiusmodi mundialibus possessionibus dotanda per prius non tamen spiritualiter set etiam corporaliter et localiter¹ sit fundata ut sibi velut stabili fundato adherere poterunt et sustentari labilia hec mundana. Set pro tempore pro quo dominus noster Iesus sponsus vnicus ecclesie matris nostre vixerat hic in terra non fuerat ecclesia localiter sic fundata, set fundanda pocius inter gentes, vnde ipsemet primo dicens: Non sum missus nisi ad oues que perierent domus Israel; ideo, Non est bonum sumere panem filiorum et mittere canibus, Math. 15^o, Marc. 7^o. Deinde exprobans sinagoge propter inuincibilem perfidiam iudeorum et eos secundum processum apostoli Rom. XI^o,² propterea repellens quousque intraret gentium plenitudo, in ascensu suo in celo misit discipulos ad gentes, patet Math. vltimo, Marci vltimo, Luce vltimo, ut ecclesia sua in gentibus fundaretur: iuxta quod apostoli Paulus et

[Math. 15. v. 24]

[Math. 15. v. 26
Mark. 7. v. 27]

¹ MS. - 'localiter'.

² v. 25: 'quia caecitas ex parte contigit in Israel, donec plenitudo gentium intraret'.
For the word 'repellere', cf. vv. I, 2.

ibus domini fuerant sustentati, set nullum dominium seculare fuerat¹ eis interim assignatum, set ipso tabernaculo fixo localiter in Silo ne vlterius localiter moueretur, ut patet Ios. 18^o; statim ut patet Ios. 21^o , dederunt principes filiorum Israel ipsis sacerdotibus et leuitis secundum mandatum domini 48 precipuas ciuitates cum suburbanis earundem sic et ecclesie localiter et stabiliter fundate, set non prius erant hec dominia, localia et mundialia annectenda, non tamen tempore Christi fuerat hec predialis dotacio ecclesie sicut nec tempore Moisis tabernaculo facienda. 2^a causa quare ipsemet dominus non / dotauit ecclesiam sponsam suam set reliquit aliis post eius ascencionem dotandam poterit esse talis. Dominus noster Iesus veniens ut hominem perditum reparet et ad eterna premia cumulanda viis et modis possibilibus informaret, voluit multiplicari hominis merita hic pro via quatinus multipliciora merita obtineret. Et quia inter cetera meritoria opera pietatis honerare ac sustentare parentes, optinet principatum iuxta illud apostoli Eph. 6^{to}: Filii obedite parentibus vestris in domino: hoc enim iustum est. Honora patrum tuum et matrem tuam quod est mandatum primum in promissione, vt bene sit tibi et sis longeuus super terram. Voluit igitur dominus Iesus primo restituere

2^a causa
[f. 85]

[yr. 1-3]

1 'fuerat', 'omnibus', 'et oblaciones' 'tabernaculo fixo', are all repeated in their respective places, this occurring in the course of a few lines. [The scribe had a very bad few minutes here - perhaps he was subjected to interruption or becoming a little sleepy!]

hominibus ut est dictum mundiale dominium quod perdiderat per peccatum ut ipsi quicunque sic facti domini singuli modo suo Christum et ecclesiam sponsam suam, tanquam gratissimi filii prediis, possessionibus et quibuscunque melioribus liberioribus mundi dominiis ditarent et dotarent ad omnem sustentacionem honorificam ministrorum. Et talis donacio et dotacio gratuita ad tantum meritum reputabitur ipsis dominis conferentibus Christo et ecclesie dominia hec mundana, at si eadem conferrent de suo patrimonio propter ipsorum conferenciam gratam et gratuitam voluntatem: voluntas enim prompta ad perficiendum ex eo quod habet, secundum ^{illum} quod ~~illam~~ habet accepta est, 2^a Corin. 8, cum tamen illi conferentes nullum omnino dominium habeant mundanorum, nisi prius facti filii Christi et ecclesie sponse sue recipiant ipsum dominium, immo verius subdominium mundanorum a domino Iesu Christo qui solus secundum quod homo est radicaliter primus et principalis dominus mundanorum, quia alii vocati domini sibi rationem reddent villitacionis sue quocunque dignitatis nomine appellentur. Sic igitur propter merita fidelium filiorum et deuotorum Christi et ecclesie matri eorundem multiplicanda, reliquit dominus Iesus dotandam ecclesiam per eosdem. Precipit ^{esset} ~~esset~~ figura plana huius 2^e cause in

Nota figuram

[f. 85b]

veteri testamento; legitur in / Ios. 21 quod distributa terra promissionis in tribubus 12 et tribu leuitica non dotata¹ precepit dominus ut principes 12 tribuum de possessionibus suis darent ipsis leuitis 48 bonas et precipuas ciuitates et suburbana earundem, quod gratanter singuli principes impleuerunt. Poterat siquidem dominus has 48 ciuitates cum suburbanis suis dedisse sacerdotibus et leuitis ex proprio dono suo quomodo aliis 12 tribubus singulis dedit singulas partes suas nisi quia voluit ipsos principes tribuum multipliciter mereri ex tali dotacione gratuita leuitarum qualia non habuissent ipsi principes merita si dominusmet nec dedisset, sicut de ecclesie dotacione est predictum. Causa 3^a quare ipsemet dominus Iesus non dotauit ecclesiam set dotandam reliquit aliis dominis sit nunc interpretanda. Iuxta illud Ieremie 31 dictum de domino Iesu, In caritate perpetua dilexi te, ideo attraxi te miserans, ut omnes homines quia de vno Adam descendentes traheret adinuicem in vinculis caritatis; secundum illud Osee XI^o, In funiculis Adam trahens eos in vinculis caritatis, quia caritas nunquam excidit, 1^a Corin. 13^o, set hic in itinere generata, educata et roborata in celesti patria

3^a causa

[v.3]

[v.4]

¹ 'dotata' is a marginal correction.

perficitur consummata. Ideo dominus Iesus propter nimiam caritatem qua dilexit nos huc attractus, volens nos ad se in celum retrahere per eandem ordinavit caritatem inter 2^o officia precipua huius vite puta sacerdocium officium spiritualis et dominium officium corporale, tanquam inter spiritum et corpus qui vnum hominem constituunt inuiolabiliter observandam quatinus inter omnes istis officiis subditos et consequenter inter omnes homines hec caritas firmissime servaretur. Ordinavit enim dominus Iesus ut sacerdocium pasceret oves eius ex dilectione et caritate, iuxta illud Ioh. 21^o: Simon Iohannis diligis me? pascere oves / meas, producendo, nutriendo, instruendo, a lupis et latronibus spiritualiter protegendo, et sic ad hereditatem perpetuam deducendo. Sed dominus satis novit quod labor iste sacerdotalis quantumcunque caritativus cum propter hominis fragilitatem tepesceret et irigesceret nisi¹ sustentaretur et nutriretur per dominum de suo officio isti labori sacerdotii gratuito et gratuitis recompensans. Docet hoc Philosophus 5^{to} Ethicorum capitulo 8 quomodo ad hoc quod homines commaneant et conuiuant oportet ut observetur commutativa iusticia inter eos, quatinus sciens et excercens officium vnum altri qui

[f. 86] [vv. 15-17]

Nota exemplum

¹ MS. - 'et nisi'.

non excercet illud officium set aliud, de suo officio gratis communicet ac ille alter sic recipiens de officio alieno sibi de suo officio recompenset ^{vel} ~~et~~ cum gratiarum accione, ut sic inter conuiuentes iusticia obseruetur cum singuli singulos in suis officiis recompensant, adiuuant, sustinent et supportant. Retribucio enim fieri debet per gratiarum acciones et hoc dicitur sacrum quia inter homines fieri maior nequit. Re familiari enim oportet ei qui gratiam fecit et rursum incipere, oportet gratiam iacentem et tunc beneficiatum recompensare ac sic continue mutuo se uiuare ut per talem communicationem mutuam et gratuitam inter conuiuentes iusticia et consequenter caritas conseruetur. Docet idem apostolus 1^a Corin. 12 quomodo sicut in corpore multa sunt membra; omnia autem membra non eundem actum habent, ita multi vnum corpus sumus in Christo, singuli autem alter¹ alterius membra quatinus quodlibet membrum membris aliis suum officium gratuite subministret, nec sic scisma in corpore set singula membra pro se inuicem sint sollicita in idipsum et singula recipiant a singulis ministeria sui officii alternati et per hoc corpus totum debite gubernetur. Immo et dominus in nobis naturaliter ordinauit quatinus anima seruiliter ad

Exemplum aliud

Exemplum 3^m ad idem

¹ 'alter' is a marginal addition.

[f. 86b]

extra non poterit operari, nisi per ministerium organorum corporeorum. Et econtra nec corpus per ista organa corporea poterit operari nisi per virtutem ipsis organis / ab anima ministrata, vt sic inter animam et corpus sibi mutuo ministrando, vnitas necessaria et concordia seruaretur. Sic fit inter officia illa duo. Sicut itaque voluit dominus vt sacerdocium spiritualia dominis ministraret, sic dominum equo sacerdotibus corporalia recompensaret dominus vtrique gratis accepistis, gratis date, Math. 10^o. Sacerdotibus quidem, gratis accepistis a me virtutem spiritualis informationis, ideo eam dominis et laicis gratis date. Econtra dominis, gratis accepistis a me quecumque dominia vestra corporalia, de eis informatoribus vestris spiritualibus gratis date, ut sit inter vos mutua caritas et per hoc inter omnes vestros subditos obseruetur, qualis non fuisset inter hos officarios et eorum subditos, pregnans occasio mutue caritatis si ipsemet dominus Iesus cum huiusmodi possessionibus et dominiis dotasset ecclesiam sponsam suam. In confirmationem huius cause 3^e dicit apostolus I^a Thim. 5^{to}, Qui bene presunt presbiteri duplici honore digni habeantur: maxime qui laborant in verbo et doctrina; quod statim probat apostolus ex isto dicto domini Iesu, Luc. 10^o, Dignus est

Confirmacio

[v. 6]

[v. 7]

Honor

[f. 87]

operarius mercede sua. Ergo in mercede talis operarii sacerdotalis, quia labor suus est spiritualis et corporalis cum laborat verbo et doctrina de condignitate laboris, includitur duplex honor, scilicet spiritualis honor ut sicut pater a filiis tam¹ dominis quam aliis, quia eos generat, educat, corroborat et informat, debite honoretur; et honor corporalis², quatinus in istis mundialibus prediis, dominiis, possessionibus et huiusmodi quibuscunque quia ad corporis honorificam sustentacionem pertinentlibere, quiete, sufficientissime et honorificentissime predoteretur quoniam, sicut ille corporalis, labor sacerdocii inter ceteros labores corporales est dignissimus. Sic honor ei ex huius mundi corporalibus rependendus excellen- / tissimus debet esse in libertatibus, priuilegiis, exempcionibus et huiusmodi expoliationibus [scilicet dominium]³ omnium mundanorum que omnia libere, sponte [et] gratuite sacerdocio recompensat pro ipsius labore gratuito preaccepto ut obseruetur caritas mutua inter illa sacerdocio pro dominio assidue laborante ac dominio econtrouerso ipsum sacerdocium in suis dotacionibus protegente continue ac si oporteat adaugente. Per has tres causas et plures alias si quis voluerit assignandas ad obieccionem supra factam cum responsionibus suis quoniamque patet responsio satis plana quare ecclesia dotata non fuerat immed-

1 'tam' is a marginal correction.

2 'et honor corporalis' is a marginal addition.

3 a marginal addition without any indication of its place in the text.

2^o pro veritate
dubii arguitur

[v. 21]

Nota

iate per ipsummet dominum Iesum Christum, set reliquit eam
dotandam per suos filios gratuitos et fideles. Secundo
principaliter sic arguitur ad probandum veritatem illius
dubii principalis, secundum creaturarum ordinem naturalem
quo creature omnes secundum, sub et supra inuicem connect-
untur, iuxta illud Sap. XI^o, Omnia in mensura et numero et
pondere disposuisti. Creatura spiritualis generaliter pre-
est creature corporali propter quod homo, cum inter ~~inter~~
omnes creaturas corporales sit maxime tamen spiritualis
propter animam intellectiuam suam ad ymaginem dei creatam,
vltimo creatus est ad preeundum et dominandum aliis quibus-
cunque corporalibus creaturis, patet Gen. I^o. Et per idem
quanto spiritualior est creatura in officio vel persona
tanto dignius secundum ordinem naturalem preesset, dominar-
etur et gubernaret corporalia subdita spiritui ex natura: set
officium sacerdocii generaliter est spiritualius quam sit
officium dominii quocunque dignitatis nomine appellatur; ergo
ipsum sacerdocium est dignius et habilius ad preeundum, dom-
inandum et regulandum quecunque corporalia inferiora et eciam
ipsum dominium quam sit officium ipsum dominii, ut officium
illud spiritualius sacerdo~~ti~~^{ti} sit vtrisque eorum quia magis

[f. 87b.]

corporalibus. Superior regula directiua hoc habito quia tam maior quam minor euidentius de se patent. Arguitur ulterius ad probandum dubium principale: sacerdotium non est officium solummodo spirituale set etiam/corporale, quia tam deuotionibus spiritualibus quam etiam in obseruantiis corporalibus constitutum. Sicut sacerdos est de spiritu et corpore constitutus quatinus illa corporalia et mundialia quecunque subdita ad seruiendum homini ex natura et post hominis lapsum restituta per dominum Iesum Christum ad seruiendum homini reparato quatenus conuenit isti vie, sicut tangitur superius in argumento primo pro veritate huius dubii principalis, subsint et seruiant tam ecclesiastico quam fidei laicali populo singulis iuxta gradum suum in omnibus ad corporum suorum sustentacionem necessariam et gubernacionem honorificam requisitis. Nec pro statu innocencie, si durasset, fuissent dominia hominibus data per omnes homines equaliter regulata, quia etsi omnes homines pares tunc fuissent, sicut adhuc sunt similiter in natura, tamen in personis et officiis fuisset tunc, sicut nunc, adeo disparitas inter eos quod non foret possibile duos homines in personis equales similiter reperire, quia inter tales ordo deficeret

naturalis; ideo non omnes prottunc suffecissent equaliter ad regendum, set per superiores spiritualiores, et ideo ad hoc discrecioreis fuissent dominia regulata. A forciori iam non expediret propter multiplices miseriae huius vie quod singuli equaliter dominarentur ad regendum, gubernandum et dispensandum ista mundialia que hominibus, quia corporales omnes sunt, ad sustentacionem et solacia varia corporum ordinantur, set secundum exigenciam naturalem spiritualiores et discrecioreis esse debent aliis hominibus minus discretis receptores, gubernatores et dispensatores istorum mundialium dominio hominum subiectorum. Eciam pro statu innocencie, si durasset, haouissent in sacerdocio ministrantes ad ipsorum sustentacionem et solacia dominia quorumcunque mundialium homini subiectorum, nec fuissent ipsa dominia illis sacerdotibus applicata et adunata per alios / homines regulata et gubernata, cum ipsi sacerdotes ratione officii fuissent spiritualiores et sic habiliores et discrecioreis ad quecunque corporalia regenda, gubernanda et dispensanda quam quicunque homines alii, cum ipsi ecclesiastici generaliter pro omni via siue innocencie siue lapsus, propter officium suum maxime spirituale debeant esse tocius dominii ut dictum est regula

directiua. nec habuissent pro illa via innocencie omnia
dominia mundialia ad gubernandum et dispensandum propter
distraccionem nimiam circa illa et sacerdotalis officii
^{dimen}
impetum, set solummodo cum oporteret ad regulariter dirig-
endum quedam tamen dominia sacerdocio competencia et ad
solacia et sustentacionem corporum honorificam sufficiencia
singulariter habuissent apropiata ipsi sacerdocio et vnita,
et sic ad tunc fuisset ecclesia militans dominiis et poss-
essionibus corporalibus suffulta corporaliter et dotata. A
pari immo multo porciori propter indigenciam hominis corpor-
alem iam ecclesia militans dominiis et possessionibus huius-
modi dotaretur. Confirmatur eo quod sacerdocium et ipsum
officium regium seu dominium, cum vnum sit spirituale et aliud
corporale, sicut hominis spiritus et corpus adeo conchaten-
ata sunt glutino naturali, vt nullus omnino sit de brachio
seculari dominus aut subditus habens discrecionem et vsum
rationis, quin tam pro via innocencie quam pro via miserie
teneretur habere ac excercere assidue magnam partem sacer-
docii sibi singulariter apropiatam pro spiritu in domino
debite dirigendo, sicut pro via innocencie idem, spem et
caritatem in deum et deuociones alias singulares que com-
peterent illi vie, iam autem pro via huius miserie fidem,

Confirmacio

[f. 88b.]

spem et caritatem in deum et dominum Iesum Christum et ecclesie sacramenta, oracionem dominicam, symbolum, contricionem de peccatis et plurima huiusmodi necessaria cuicunque homini pro hac via. Sicut igitur habere debet quilibet de populo laicali partem plurimam sacerdocii tanquam sibi necessariam ut spiritus in deum debite regularetur, / per idem debet secundum naturalis exigenciam rationis ipsum sacerdocium tam pro via innocencie si durasset quam pro via huius miserie iam post lapsum habere partem dominii sibi apropiatam pacifice ac vnitam; que pars dominii singulis de sacerdocio secundum gradum suum sufficiat ad corporum ipsorum sustentacionem honorificam et solacia quecunque alia corporalia humanis corporibus requisita. Vnde ap plane concluditur quod ecclesiam sponsam Christi dotari prediis, possessionibus, etc., sit Christo et ecclesie honorificum et tam clero quam populo, etc.

3^o pro veritate
dubii principalis

3^o principaliter ad probandum veritatem principalis dubii, arguitur istomodo. Quamuis dominus noster Iesus informans suos sequentes ne corda sua figurent in labilibus huius mundi aut in eis thesaurizarent aut illis seruirent cum sint naturaliter domini eorundem, set velut aduene et

[Math. 6, vv. 19, 24, 25]
[Luke 12, v. 22]

[cf. Math. 6, v. 31]

[Math. 6, v. 26]

[Math. 6, v. 32-33]

[p. 89]

peregrini acciperent solum corporum necessaria de eisdem pro tempore huius vie in cibum thesaurum suum tanquam in loco tutissimo et perpetuo ordinarent, dixit eis, Math. 6, Luc. 12^o: Nolite thesaurizare vobis in terra vbi erugo, etc. Non enim potestis deo seruire et mammonæ. Ideo dico vobis ne solliciti sitis quid manducetis, aut quid bibetis vel quo induamini, etc.¹ Et addidit: Respicite volatilia celi quoniam non serunt neque metunt, etc. Ac tandem concludet: Scit enim pater vester quia hiis omnibus indigetis. Querite ergo primum regnum dei et iusticiam eius et hec omnia adicientur vobis, quatinus regnum dei² sit nobis causa finalis omnium quo vtuntur in hoc mundo: ^Causa autem finalis, secundum Philosophum libro 2^o Metaphisice questio 8³, in omni accione nostra esse debet primum in intencione et vltimum in execucione ut regnum dei sit ipsa substantia quam intendimus finaliter optinere. Hec autem mundialia quecunque quo pro hac via corpora nostra adiuuant et supportant similia accidentalialia et adicientia, ideo intendentibus et inquirentibus assidue regnum dei hec omnia mundialia adicientur vt nobis seruiant proficiscentibus ad hoc regnum. Quamuis igitur dominus sic suos

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- ¹ Luc. 12, v.22: 'Nolite solliciti esse animæ vestræ quid manducetis, neque corpori quid induamini'.
cf. Math. 6, v.31: this quotation is a faulty repetition of v.31.
- ² 'et iusticiam regnum dei' - a marginal addition in the same hand as the text.
- ³ Aristotle, 'Metaphysics', ii, 2, 'but the end and the final cause are an end of any action'.
(This appears to be a reference to Aquinas, but I have not succeeded in tracing it.)

informauerit ne corda inrigurent in terrenis, set thesaurum et cor in solis celestibus collocarent et de hiis mundialibus competentem corporum sustentacionem sibi acciperent hic pro via, noluit tamen suos hic defectum pati in hiis quibus indigent in hac via. Nouit enim dominus quoniam appetitus sustentacionis corporum cpmptentis sit homini inditus a natura et defectus in eisdem sit homini detestabilis in natura: ideo in cena vltima suis dixit: Quando vos misi sine sacculo et pera et calciamentis nuncquid defuit vobis. At illi dixerunt: Nichil, Luc. 22^o .

[vv. 35-36]

Inde est quod dominus instituens sacerdocium legale tribum istam leuiticam ad sacerdotale ministerium, ab aliis tribubus 12 specialiter per dominum separatam ipsam tribum sacerdotalem, non sicut ceteras duodecim tribus diuersis angulis terre promissionis prout sors eis ceciderat de possessionibus dotauit; set multo liberius, habundancius et quiecuis in medio filiorum Israel quia dominus in medio populi sui habitat, iuxta illud Exod. 25, filii Israel

[v. 8]

facient mini sanctuarium et habitabo in medio eorum: immo,

[v. 10]

Vbi sunt duo vel tres congregati in nomine meo, ibi sum ego

in medio eorum, dixit dominus Christus, Math. 18. Tribum

illam sacerdotalem multis et magnis ciuitatibus [et] possess-

[f. 89b.]

ionibus infeodauit et dotaui. Scribitur enim Ios. 21^o
quomodo terra promissionis in 12 diuisa et 12 tribubus
filiorum Israel singulis sicut sors ceciderat distributa de
singulis sortibus siue partibus illarum 12 tribuum. Dederunt
principes ex mandato domini tribui sacerdotali de possess-
ionibus suis ⁴⁸ciuitates / et earum suburbana ad pecora sua
alenda in possessionem sempiternam, ut patet Leuitic. 25^{to}.
Vnde Iosephus libro 4^o Antiquitatum capitulo 2^o dicit Moises
leuitarum tribum seruituram deo a preliis et milicia segreg-
auit ne propter inopiam aut quibuscunque necessariis ad
vitam praedictam essent corporalia sacrificia negligentes;
iussit, ut patet Numeri 35, ut dum hebrei chananeam optin-
erent, ipsis leuitis 48 ciuitates bonas et precipuas dis-
tribuerent, set et terram ante muros duum milium cubitorum
ad eos pertinere descripsit. Super hec constituit populum
decimas fructuum annorum ipsis leuitis sacerdotibus que
prebere, et addidit quod sacrificia, oblationes, hostias,
primicias, primogenita vota et quecunque huiusmodi ad dom-
inium pertinencia reciperet ista tribus. Patet idem
Num. 18, vbi additur: Dixit dominus ad Aaron: In terra
fratrum vestrorum nichil aliud possidebitis nec habebitis

[v. 20]

partem inter eos. Ego enim pars et hereditas tua in medio filiorum Israel. Vnde dicit Magister Historiarum super capitulum 8 Numeri; habuit hec leuitica tribus in vsus suos decimas, sacrificia, primicias, primogenita, vota et omnia que domini sunt, ideo que sortem non habuerunt in terra, quod etiam in melius eis cesserat; tunc enim solum duodecim partem bonorum terre haberent, modo habebant decimam. Hec igitur tribus leuitica propter ministerium suum sacerdotale habens tot ciuitates precipuas et agros eorundem et habitans in medio filiorum Israel vice dei et recipiens a populo decimas, oblationes et quecumque ad dominium pertinebant multo liberius, ^{u?} epilencius et quiccius est dotata quam aliqua alia illarum 12^{cim} tribuum per sortem recipientium partem suam. A multo igitur forciori sacerdocium spirituale domini Iesu Christi secundum ordinem Melchisedech tantum sint corporei sacerdotes et dignissimi, ideo inter ceteros sustentatione honorifica corporali possessionibus multiplicibus et vberrimis est dotandum pro ipsorum ministrancium non tamen sustentatione necessaria set etiam honorifica et quieta, presertim cum ipsum sacerdocium leuiticum sacrificia, oblationes, primogenita vota et plura huiusmodi in vsus suos habuit, qualia in tanta habundancia nostrum

[f. 90.]

¹ 'Historica Scholastica', Lib. Num. cap. X (Migne, 'Patrologia Lat.', vol. 198, p. 1222):

"Exinde habuerunt (sc. leuite) in usus suos ea quae Domini erant. De decimis enim vivebant, et his contenti erant sacerdotum vero etiam erant sacrificia, primitiae, primogenita, vota.....ideo sortem non habuerunt in terra, quod est melius eis cesserat. Tunc enim duodecimam partem tantum bonorum terrae haberent, modo habebant decimam".

Nota conclusionem

Pro responsione
ad dubium
principale

Responsione ad
maiores et argumenta
pro ipsa facta

Quantum ad
partem I^{am}

Ad primum

sacerdocium iam non habet. Ex hiis et huiusmodi motiuis probatur veritas ipsius dubii principalis, quatinus non sit dubium set a cunctis fidelibus pro conclusione verissima et certissima sit tenendum. Ecclesiam sic dotari prediis, possessionibus, dominiis, redditibus¹, libertatibus et huiusmodi quampluribus quibus ecclesia est dotata est Christo et ecclesie sponse sue honorificum tam clero quam populo salutiferum ac naturali ordini consonum et decorum. Vnde ad argumenta facta contra hanc conclusionem quia contra ipsum dubium principale restat per ordinem respondere; et cum primo assumitur quod nec sacerdocio naturali quod fuerat pro tempore legis nature nec in sacerdocio leuitico quod fuerat pro tempore legis date, legitur sacerdocium domini, etc. Negatur maior hec assumpta pro vtraque sui parte. Et cum primo arguitur Abel, qui primus quatenus legitur excercuit sacerdocium naturale, quod non habuerit predia, possessiones et huiusmodi annexa suo sacerdocio. Dicitur quod iste Abel de iusticia multipliciter commendatus et pastor ouium quod tam ad sacerdocium quam ad officium regium pertineat appellatus, sacerdocium excercuit et dominium in spe restitutum habuit per quod eius sacerdocium

¹ MS. - 'reddibus'

[f. 90b.]

Ad 2^m

Ad 3^m

secundum dotacionem illius temporis in possessionibus amplissimis est dotatum. Caym autem senior irater eius neutro officio propter maliciam est dignius set solum ad seruiendum illis duobus officiis, agros colendo dispositus / ciuitates et possessiones, sicut dicit Iosephus; plures optinuit tanquam raptor nullum habens dominium aut iuris titulum in eisdem; ideo quod in primo argumento assumitur non est verum. Ad 2^m de aliis sanctis pluribus multis qui altaria edificabant et excercebant officium sacerdotis, nec legitur de dotacione alia vnita sacerdocio vel annexa, etc. Negatur quia legitur omnes illos patres in possessionibus [et] dominiis iam in spe restitutiⁱ secundum illius temporis conuenienciam habuisse per que sicut constat dotatum fuerat sufficientissime sacerdocium eorundem. Ad 3^m assumens quod omnes primogeniti a Noe vsque Aaron fuissent sacerdotes qui in conuiujs, etc. Dicitur quod illud assumptum non improbat dotacionem sacerdocii naturalis set plane probat illud sacerdocium fuisse sufficientissime dotatum, eo quod dotacio huiusmodi concernit principaliter personam illud officium occupantem pro tempore quo iste occupat. Vnde officium siue sacerdotale siue regium est dotatum cum

persona illud occupans est dotata, set isti primogeniti omnes possessionibus [et] priuilegiis vitra fratres suos peculiariter et personaliter dotati iuerant ut est notum. Ergo in ipsis primogenitis sicut in ipso Melchisedek rege et sacerdote, in ipso Abraham ~~et diuile~~, in Iob possessionibus habundante et aliis patribus habentibus dominium in spe per Christum dominum restitutum et similiter occupantibus sacerdocium naturale dotatum ad sufficientiam fuerat sacerdotis officium quod gerebant, propter quod ipsum sacerdocium sicut naturaliter institutum sic naturaliter est dotatum, eo quod ipsi primogeniti pre aliis fratribus naturaliter dotati in isto sacerdocio vsque tempus Aaron continue successerunt et sic maior illa assumpta quo ad primam eius partem similiter est neganda. Quantum ad 2^{am} eius partem de sacerdocio leuitico similiter est neganda, et ad auctoritates varias allegatas quibus prohibuit dominus ut tribus illa leuitica sacerdotalis sortem, partem, hereditatem vel possessionem terrarum haberet inter fratres / suos , set ipse dominus foret pars, hereditas et possessio eorum in medio filiorum Israel et viuerent de decimis, oblacionibus sanctificatis, primogenitis votis et huiusmodi pertinentibus soli deo.

Ad 2^{am} partem
illius maioris

[f. 91.]

Responsio ad
omnia ista
similia

[v.4]

Respondetur ad omnia illa similia quia finaliter, quasi
coincidit in illud. Idem constat enim quod tam taber-
naculum quamuis de loco in locum mobile quam eciam templum
fixum in loco vno in medio riliorum Israel fuerat collocatum
et edificatum iuxta illud Leu. 26, Ponam tabernaculum meum
in medio vestri¹, etc. Ideo multum fuisset inconueniens
quod tribus illa leuitica sacerdotalis specialiter separata
ad duo ministrandum, primomin tabernaculo postea in templo,
habuisset sortem aliam in angulo terrempromissionis, set
debuerunt in medio inter fratres suos commorari, sicut tam
~~in~~ tabernaculum quam templum medio situm erat. Propterea
non habuerunt, immo nec conueniens fuisset quod habuissent
terram eis sorte diuisam sicut tribus alie habuerunt: set
terra diuisa et in tribubus 12 distributa habuerunt 48
precipuas ciuitates cum agris adiacentibus ceteris ciuit-
atibus desortibus singulis ipsarum 12 tribuum datis ipsis
sacerdotibus et leuitis, ut inter fratres suos medio habit-
arent et circa tabernaculum seu templum cui singulariter
ministrarent. Et erat dominus supra hoc eorum pars,
hereditas [et] possessio quia decimas, oblaciones et omnia
huiusmodi que proprie sunt domini eis dedit, ita quod tribus

1 MS. - 'vestrum'

illa leuitica dignius, habundancius et liberius quam aliqua alia illarum 12 tribuum est dotata, sicut superius declaratur in argumento 3^o pro veritate dubii principalis. Et sic omnia hac adducta contra dotacionem sacerdocii leuitici probant ipsum sacerdocium ciuitatibus, agris et possessionibus pluribus fuisse opulentissime peditum et dotatum quia sicut scribitur Leuitici 25, Edes leuitarum que in vrbibus sunt, semper possunt redimi: si redempte non fuerint in iubileo reuertentur ad dominos quia domus vrbium leuitarum sunt pro possessionibus inter filios Israel.

[v. 32-34]

[f. 91b.]

Nota pro materia
argumenti

Suburbana autem eorum non vendent quia possessio sempiterna est. Ad 2^m adductum ad eandem 2^{am} / partem maioris suadendam deducens specialiter quod sacerdotes et leuite non fuissent domini ipsarum vrbium et agrorum eis per principes tribuum donatorum et sic non conuenissent illi sacerdocio et per idem nec nostro dominia mundanorum. Dicitur primo pro materia argumenti quod dominus lesus, etsi sit dominus donacionum omnium, nec est aut esse poterit dominium ^{hominum} nisi radicaliter, predominaliter et finaliter sit suum ac ex ipsius dominio habentis¹ sicut ei placuerit deriuatum, variis tamen modis huiusmodi dominia mundana hominibus est

¹ MS. - 'habentes'

Dominium
1^m

2^m

largitus. Habent enim et ab inicio restitutionis domini habuerunt quidem ab eo dominia, personam ipsius habentis siue personas ipsorum habencium singulariter concernencia, quia accedunt, durant et transeunt cum persona nisi ipsa alienauerit dominium huiusmodi aliter a seipsa. Hec sunt dominia iure hereditario de persona in personam succedencia, vel alio modo licito et legitimo perquisita et transeuntia per personas habuerunt et eciam habent alia dominia ab ipso Christo domino principali et istis dominis personalibus collata, non solum persone set persone quia officium inter homines necessarium sub deo debite occupanti. Primi alienare poterunt sua dominia quia tamen personas concernencia, non secundi quia officium remanet post personam et per personam aliam occupandum, ut sit dominium quasi immortale quia non moritur cum persona occupante quamuis ab eo persona occupans mori^atur; ideo ista secunda sunt veriora et stabiliora dominia quam sunt prima, quia similliora dominio diuino quod alienari non poterit quousmodo, etc. Hiis premissis, ad primum huius secundi cum concluditur quod sacerdotes et leuite non habuerunt ciuitates istas 48 cum suburbanis ad dominandum tanquam fuissent domini eorundem,

Ad primum huius 2¹

[f. 92.]

set solum ad habitandum; velut non domini set solum habitatores, quia cum precepit dominus dare leuitis istas ciuitates, non irustra addidit ad habitandum, etc. dicitur quod principes illi tribuum dantes ex domini mandato sacerdotibus et leuitis 48 istas ciuitates cum suburbanis / suis dederunt vsibus dominia quatenus principes dominia habuerant eorundem. non tamen dederunt ciuitates et dominia ista personis leuitarum solum propter personas ipsas aut ratione ipsarum personarum, set quia persone ille occupabant officium sacerdotii deo gratum: et ita sicut persone ille occupantes illud officium sunt superiores et digniores quam forent ille sole sine ipsius officii occupatione, sic dominia illis collata propter officium redantur veriora et stabiliora quia non alienabilia per personas set quasi immortalia quam sint dominia solum personalia que transeunt cum personis. Licuit enim filiis Israel vendere pro perpetuo domos suas intra vrbes muratas situatas quod non licuit leuitis, quia semper in iubileo ad leuitas earum dominos dominium reuerteret: suburbana autem eorum non vendent quia possessio sempiterna est patet Leu. 25^{to}. Ita quod dominium illud sacerdotum et leuitarum fuerat firmitus,

Ad argumentum

[f. 92b.]

stabilius et durabilius ratione officii sui et sic verius
dominium quam erat dominium aliud personale I2 tribuum
aliarum. Et cum arguitur quod sacerdotes et leuite non
fuissent domini set habitatores¹ tamen illarum 48 ciuitatum
et suburbanorum, eo quod dominus precepit dare eis ciuitates
et suburbana non frustra addens 'ad habitandum', etc., con-
ceditur quod non frustra addidit 'ad habitandum' quia addidit
illud ad eorum dominium fortificandum quia cum sepiissime in
scriptura dicebatur quod dominus in medio filiorum Israel
habiteret. Ideo precepit dominus dare sacerdotibus et
leuitis ciuitates illas in medio filiorum Israel ut ipsi
sacerdotes et leuite in medio habitarent, tanquam d^eseret
quod ad dominium / specialiter pertinet in suorum medio
habitare: ¹ Ideo sicut, ego verissimus dominus et supremus
inuisibiliter habito in medio filiorum Israel, sic sacer-
dotes et leuite quos habentes vi^sibiliter meo nomine
vicarios et ministros in signum quod dominium^suum immed-
iatissime sub me habunt in medio habitabunt.² Ideo ad eorum
dominium declarandum precepit dominus dare eis ciuitates
illas in medio ad habitandum quia in huiusmodi habitare
includitur dominarⁱ. Et sic quod viterius concluditur non
procedit: vnde frater ille vocatus doctor de Lira dicens

¹ MS. - 'habitares'.

² Cf. Lev. 26, vv. 1-16.

quod dabuntur ciuitates ille ad habitandum non ad dominandum etc., in hoc dicto suo manifestius delirauit. Et cum pro se allegat quod Ebron que fuit vna ciuitas leuitarum data est Caleph filio Iephone in possessionem ut patet Ios. 14; ita quod Caleph fuit dominus Ebron non leuite, declarat textus Iosu. 21^o contrarium ipsius de Lira dicti esse verum. Dicit enim textus Ios. 21, Prima sors leuitis egressa est Cariatharbe que vocatur Ebron in monte Iuda et suburbana eius per circuitum; agros autem et villas eius dederat Caleph filio Iephone ad possidendum. Dedit ergo filiis Aaron Ebron coniugii ciuitatem et suburbana eius, etc. Ita quod Caleph erat dominus agrorum et villarum circa Ebron quia sibi datorum, set leuite erant domini ciuitatibus illius et suburbanorum quia eis datorum et non Caleph, et sic ille de Lira in hac sua expositione plurimum delirauit.

Ad aliud in eodem assumens quod fugitiui non dominabantur ciuitatibus, etc., ergo a pari nec leuite. Consequencia est neganda, eo quod non legitur quod ciuitates ille 6 dabuntur fugitiuis ad habitandum sicut legitur de ciuitatibus illis 48 datis leuitis; set solum legitur, sicut numeri 35, Iosue 20^o, quod de ciuitatibus datis leuitis separentur

[vr. 10, 11, 12, 13]

Ad aliud in eodem

[r. 93.]

Ad 2^m huius 2ⁱ

ciuitates 6 in auxilia fugitiuorum, etc.: ita quod dominium illarum ciuitatum 6 fuerat leuitarum sicut et aliarum 42 ci- / uitatum datarum, ut dictum est ipsis sacerdotibus et leuitis. Ad 2^m huius 2ⁱ cum assumitur quod sacerdotes et leuite vendere pro perpetuo non poterant domos suas aut suburbana, etc., et ideo non erant domini eorundem dicitur sicut iam supra quod ideo eorum dominia erant veriora et stabiliora quia per eos alienari non poterant, sicut ^{et} deus est verissimus dominus qui a se vendere vel alienare non poterit dominium alicuius. Ad 3^m huius 2ⁱ concludens de villis, agris, viculis et huiusmodi ad dominium ciuitatum pertinentibus non datis ipsis leuitis cum ciuitatibus suis sicut aliis tribubus erant data, et ideo plenum dominium ciuitatum datum non fuerat ipsis sacerdotibus et leuitis. Dicitur sicut prius quod quantum ad ciuitates et suburbana eis data habuerunt tamen vel maius dominium sicut principes alii tribuum in ciuitatibus sibi pro sorte distributis: quantum ad agros, villas, villulatas et huiusmodi ciuitatibus adiacentes habuerunt dominium melius, quiccius et dignius, quam ~~habuerunt~~ ^m habuissent, si agri, ville et huiusmodi fuissent cum ciuitatibus eis data, quia habuerunt decimam

Ad 3^m huius 2ⁱ

partem sine suo labore omnium agrorum, villarum ipsis
tanquam dominis ab eorum cultoribus tanquam ipsorum seruis
et ministris paratissimis deportatam ut ipsi intenderent
soli deo liberi, velud domini ab accione seculari, et alii
excolentes agros et villas velut serui sacerdotibus et
leuitis decimas, primicias et huiusmodi, immo quecumque
corpori necessaria ministrarent quod ipsis leuitis melius
multo fuit quam habuisse villas illas et agros suis ciuitat-
ibus adiacentes, sicut supra in 3^o argumento pro veritate
principalis dubii plenius est edoctum. ~~Ita~~ ^{Nota} quod nec ad
partem primam maioris huius nec ad hanc 2^{am} partem eius
procedunt vel concludunt facta superius argumentata.

Responsio ad minorem
et argumenta pro
ipsa facta

[f. 93b.]

Declarato igitur quod maior illa assumpta ad improbandum
principale dubium tanquam secundum / quo ad vtramque
partem suam facta sit similiter est neganda. Et edocto
quod motiua illa facta ad probandum maiorem illam penitus
non concludunt, restat iam ad minorem assumptam contra
illud dubium principale et persuasiones illius minoris,
sicut se habet veritas, respondere. In minore illa enim
assumitur quod sacerdocium domini Iesu Christi quod est iam
pro tempore legis gratie ^{magis} est spirituale ac minus ideo

intendens prediis, dominiis, possessionibus et huiusmodi quam fuerat sacerdocium legale, etc., eo quod dominus noster Iesus sponsus ecclesie et caput noluit in persona sua predia, possessiones, etc. Concedatur maior illa, set consequens quod infertur, scilicet ergo ipsa ecclesia sponsa Christi eius excercens sacerdocium non videtur rationabiliter prediis, et cetera, nec talis dotacio videretur Christo et ecclesie honorifica, etc., sicut et maior ibidem assumpta quo ad vtramque suam partem similiter est negandum; et ipsum dubium principale, scilicet ecclesiam sic dotari prediis, possessionibus, dominiis, redditibus, libertatibus, etc., sicut superius dicitur pro conclusione firmissima concedendum.

Ad argumenta

Verumtamen quia in materia huiusmodi minoris assumpte facta sunt contra dotacionem ecclesie Christi sponse plurima argumenta, necessarium est propter emulos¹ ecclesie matris

Ad primum

nostre ad eorum singula respondere. Et cum primo assumitur quod ecclesia iam pro tempore legis gratie non foret dotanda prediis, possessionibus et dominiis, etc., pro eo quod dominus noster Iesus caput ecclesie ac sponsus noluit in persona sua, etc., adeo ut dixerit, Vulpes foueas habunt et volucres celi nidos, etc.² Ita quod licet sacerdotes

¹ 'emulos' - a marginal addition.

² Math. 8, v.20.

legales, qui carnales erant, habuerant ciuitates vbi capita
sua reclinarent, concluditur tamen quod veri sacerdotes
ecclesie Iesu Christi quia spirituales, etc. Consequencia
sicut ipsum consequens similiter est negandum, pro eo quod
equiuocum est habere. Dicitur enim habere quod haberi vel
non habere verius diceretur, sicut auari, cupidi et venales
dicuntur aurum, argentum, diuicias [et] possessiones habere
que nolunt aliis instante necessitate communicare debite ut
deberent. Set velud ministri et famuli et custodes ea
seruant tanquam serui non domini eorundem, et ideo non
ipsas diuicias habere / set non habere vel ab ipsis haberi
pocius dicerentur de isto modo habendi tanquam prophano et
illicito cuiilibet ^h cristiano ~~et~~; immo creature rationali
cuicunque prohibens dicit apostolus 2^a Corin. 6, tanquam
nihil habentes et omnia possidentes. Dicitur eciam habere
set proprie qui quodcunque habuerit ad effectum vtendi et
communicandi debite illud habet de quo 2^o modo habendi¹
dicit saluator omnium habenti dabitur et habundabit, Math. 25^{to}
Luc. 19^o: immo, Qui enim habet, dabitur ei et habundabit,
Math. 13^o, Marc. 4, Luc. 8. De primo quidem modo habendi

I^m

[f. 94.]

2^m [v. 10]

[Math. 13, v. 12.]
[Mark, 4, v. 25]
[Luke 8, v. 18]

1 'Nota de isto 2ⁱ modo habendi processum clarum et diffusum
Omilia 36^a beati Gregorii. Similiter illo Luc. 14^o
habere quidem fecit magnam magnificenciam, etc., quomodo
ista temporalia haberi a nobis debeant non nos habere, et
cetera. ~~Possumus~~ Possumus omnia relinquere et nihilominus omnia
retinere': this is in the lower margin, in the same hand as
the text; as the reference to it is a cross beside the
marginal '2^m', it is possibly a gloss by the scribe him-
self and not a part of the text omitted.

[v. 12]

[Math. 25, v. 23]
[Luke 8, v. 18]

[Mark 4, v. 25]
[Luke 19, v. 26]

subditur Math. 13^o; Qui autem non habet illud videtur habere,
auferetur ab eo, idem Math. 25; similiter Luc. 8^o,¹ Qui-
cunque non habent eciam quod putat se habere, auferetur ab
eo; immo Marc. 4^{to}, Luc. 19^o, Qui non habet et quod habet
auferetur ab eo. Ita quod vtrumque habere quamuis primum
habere sit haberi vel non habere, potius in euangelio satis
claret, eciam de vtroque modo habendi est modus loquendi
communiter vsitatus; dicimus enim quod seruus habet dominium
equaliter sicut dicimus quod dominus habet seruum, similiter
quod possessio habet possessorem sicut possessor habet
possessionem. Hec igitur ad propositum reducendo dominus
noster Iesus qui corda nouit, illi scribe, qui se qui eum
pretenderat propter lucrum personale velut cupidus et auarus,
respondit de primo modo habendi quomodo ex sua sequela ad-
quirere et habere voluit singulariter et priuatim diuicias
huius mundi et proponit dominus Iesus extrinsecum de vulp-
ibus et auibus celi habentibus foueas et nidos illo primo
modo habendi, quia eos communicare nolunt nisi pro tempore
pullis suis quando, nec dominus Iesus nec aliquis verac-
iter enim sequens habet vbi caput suum reclinat, quia sic
habere quicquam est non solum omni christiano set eciam

¹ 'De primo Luc. 8^o' is a marginal addition, probably
omitted by the scribe and inserted later, as the end of the
note runs on with the rest of the text.

creature rationali cuilibet interdictum. 2^o tamen modo habendi habuit ipsemet dominus Iesus et habet quia verus dominus omnium mundanorum, non tamen voi caput suum reclinet set ad seruicium suum prout voluit seu vult omnia huiusmodi mundi et sic habere communicauit fidelibus / suis sequa~~f~~cibus quam ecclesiasticis quam secularibus singulis pro gradu suo sicut aliter superius in primo argumento pro veritate principalis dubii est predictum. Ita quod isto 2^o modo habere diuicias, dominia, predia, possessiones et huiusmodi non repugnat, immo maxime conuenit et expedit verissime sequele Christi, dummodo obseruetur illud

[v. 11]

Psalm. 61, Diuitie si affluent, noluite cor apponere, quia de apponentibus cor ad diuicias congregandas vel conser-

[v. 9-10]

1^a Thim. 6: Qui volunt diuites^{fieri} incidunt in temptationem et in laquum diaboli et in desideria multa et inutilia et nociua que mergunt homines in interitum et perdicionem.

[v. 17]

Radix omnium malorum est cupiditas. De habentibus autem diuicias aut possessiones quascunque 2^o modo quia cor non apponentibus subdit idem apostolus eodem capitulo, Diuitibus huius seculi precipe non sublima sapere, neque sperare in incerto diuiciarum, set in deo viuo qui prestat nobis¹

¹ 'nobis' is an interlinear correction.

[v. 17-19]

omnia habunde ad fruendum, bene agere diuites fieri in
operibus bonis, facile tribuere communicare, thesaurizare
sibi fundamentum bonum¹ in futurum, ut apprehendant veram

[v. 2]

vitam. Immo, Beatus diues qui post aurum non abiit, nec
sperauit, etc., Ecclesiastici 31^o. Legimus enim de quam-
pluribus diuitibus et possessionatis, tam prelatis ecclesie
quam dominis secularibus sicut principibus, ducibus, com-
itatibus et huiusmodi quam fuerant sequaces¹ verissimi
Iesu Christi; et merito quia soli fideles et sequaces¹ eius
habent sub eo iustum titulum ad diuicias et mundana dominia
possidenda. Vnde constat quod hoc 2^o modo habere diuicias
seu quecumque mundalia in nullo derogat set potissime con-

Ad confirmationem

sonat et adiuuat sequele verissime Iesu Christi. Ad con-
firmacionem, de vocatis, ut dominum Iesum vita et moribus
sequerentur, dicitur sicut ad proximum, quod vocati erant
ad sequendum et ~~ad~~ habendum omnia mundana 2^o modo habendi
quia ad habendum omnia mundana modo illo 2^o inⁿnullo /
derogat euangelice paupertati. Vnde dicti illi multas
possessiones habenti primo modo respondit Iesus, Vade et
vende omnia que habes, primo modo pro thesauro habendo in
celo et nihilominus habeas illa omnia 2^o modo quia Da paup-

[f. 95.]

[Mark. 9, v. 21.
Mark 10, v. 21
Luce 18, v. 22]

¹ 'bonum' is a marginal correction.

~~_____~~.

eribus quibus non daret nisi ille haberet illa ad dandum pauperibus. Voluit ergo dominus Iesus in isto diuites quoslibet informare ne primo modo habendi quicquam mundi haberent, set quecunque isto modo haberent venderent sibi, scilicet Christo pro thesauro in celo. Et hec eadem 2^o modo haberent ad effectum comunicandi debite ac vtendi et ad tunc venirent ad sequendum eum cui sequele ideo non repugnat habere 2^o scilicet modo diuicias, possessiones, predia,

[et] dominia largissima huius mundi, et ideo quod concluditur est negandum. Ad aliud in e^odem de auctoritatibus relinquendi

Ad 2^m in eodem

omnia et semetipsum pluribus allegatis, dicitur sicut prius quod quantum ad primum habendi modum nec parentes nec pro-
pinquos nec carnem^{nec} animam nec quicquam aliud licet ecclesiastico nec christiano nec creature rationali habere quin quo ad modum illum primum habendi nichil penitus habeat, set relinquat nec omnia sequens Christum quamuis quantum ad 2^m modum habendi et seipsum et parentes et carnem et animam et memora sua quecunque sicut et mundi diuicias [et] possessiones habeat licite ac meritorie sequens Christum. Ad hec igitur omnia et quecunque consimilia patet responsio clara

Ad 2^m pro minore per hanc distinccionem 2^{cem} de habere. Ad 2^m adductum pro

[f. 95b.]

Ad primum huius 2¹

Maiores conceditur

Minor negatur

probanda minore illa assumpta contra principale dubium, respondetur quod quamuis minor ipsa sit concedenda sicut predicatur tanquam vera tamen sicut in primo argumento, sic et in isto 2^o facta sunt motiua quedam contra dotacionem ecclesie que apparent iustis et inuidis ecclesie valida / argumenta.¹ Restat ideo ne contra ecclesiam matrem nostram preualeat inuidia, ignorancia vel malicia istorum motiuorum singula eneruare. Ad primum horum igitur cum assumitur quod apostoli qui sequaces erant verissime Iesu Christi, etc.² vitam instituerunt ecclesiasticam vt forent eis communia nec agros nec domos, possessiones aut huiusmodi retinerent, set omnia venderent et precia, etc.; et continuata iuerat hec vita in ecclesia per annos plurimos sine quacunque dotacione de prediis, dominiis, possessionibus aut huiusmodi mundialibus quibuscunque, etc., conceditur maior illa cum toto processu adducto ad ipsam maiorem declarand^aam. Set ulterius cum sumitur pro minore quod nulle dotaciones huiusmodi quia nec posteriores nec priores uiuerunt aut profecerunt, etc., quin immo magis impediuerunt et retraxerunt et adhuc impediunt et retrahunt ecclesiasticos a perfeccione, etc. Minor illa similiter est neganda sicut supra ad

¹ i.e., 'that both those who support and those who oppose the church find the same arguments valid'.

² 'set omnia venderent' follows, but is scored through.

proximum est responsum. Verumtamen quia ad minorem istam probandam tria motiua apparencia cum suis tribus confirmacionibus sunt adducta vt respondeatur ad singula eorundem.

Ad I^m motiuum

Ad primum illorum motiuorum incipiendo ex epistola Ieronimi quo Vnumquodque propositum habet suos duces, et principes³. quos, etc., conceditur maior illa. Et minor cum vltcrius ~~assumitur~~ sumitur quod dux princeps et patronus noster est vnicus dominus Iesus est similiter concedenda. Et cum pro minore ista improbanda sumitur, ~~verumtamen~~ ^{vt} ista ecclesie dotacio cum magnis possessionibus, amplis prediis, dominiis, etc., negatur assumptum illud, et ad auctoritatem beati Iohannis cum dicit: Omne quod est in mundo concupiscencia carnis est,¹ etc.; dicitur quod aliud esse in mundo similiter et de mundo aliud est esse in mundo solummod^o, set non² de mundo; patet vtrumque ex dicto saluatoris, Ioh. 15^o, vbi distinguens inter electos suos et alios homines mundiales dicit: Si de mundo fuissetis, mundus quod suum erat diligeret; quia autem de mundo non estis, set ego elegi vos de mundo, propterea odit vos mundus, etc.; tanquam electis suis diceret cum isti homines mundiales sint in mundo et de mundo, mundus eos

I^m

[v. 17]

[f. 96.]

1 I Epist, John, c.2, v.16.

2 interlinear correction - 'non'.

3. i.e. Epist. XLVIII (Migne, 'Patrologia Lat.', vol. 22, p.583).

2^m

[v.13]

[v.11]

[v.14]

[v.15]

diligit tanquam suos. Vos autem quamuis in mundo sitis, non tamen estis de mundo quia ego eligi vos de mundo, ideo odit vos mundus. Similiter dicebat Iesus iudeis, Vos de mundo hoc estis, ego non sum de hoc mundo, Ioh. 8^o. Constat tamen quod tam¹ dominus Iesus quam iudei quibus loquebatur ad tunc fuerant in hoc mundo. Eciam dominus Iesus in suo transitu de hoc mundo dixit, Ioh. 17^o: Iam non sum in hoc mundo et hii in mundo sunt. Et ego ad te venio, etc. Et infra: Mundus eos odio habuit quia non sunt de hoc mundo; de mundo non sunt sicut ego non sum de hoc mundo, etc. Per hanc igitur distinctionem de esse in mundo et de mundo vel esse in mundo et non de mundo ad illam auctoritatem epistole canonice Iohannis cum dicitur, Omne quod est in mundo concupiscencia,²etc.: respondetur quod omne est in mundo et de mundo concupiscencia carnis, etc., set non omne quod est in mundo, dummodo non sit de mundo, est concupiscencia carnis, etc, vnde subdit ibidem que non est ex patre set ex mundo est. Hoc idem docet Iohannes epistola eadem capitulo 4^o, vbi loquens de pseudo prophetis qui in mundo sunt, dicit: Ipsi de mundo sunt; ideo de mundo loquuntur et mundus eos audit, etc. Nec ecclesiastici ideo dotati cum istis mundialibus possess-

1 'tam' is an interlinear correction.

2 I Epist. John, c.2, v.16.

ionibus quamuis sint in mundo sunt ideo de mundo aut pertinent ad miliciam mundi vel carnis vel diaboli, set ad vexillum et miliciam pauperis Iesu Christi qui non habuit primo modo habendi vbi caput suum reclinet. Sic nec hab^ent illo primo modo viri ecclesiastici vbi caput suum reclinet, quamuis 2^o modo habendi habeant largissima predia, dominia, possessiones, agros, vineas et huiusmodi sicut ad primum iam / superius est responsum. In cuius signum omnia predia, possessiones et huiusmodi ecclesie apropiata sunt mortificata tanquam mortua quo ad mundum, quia sicut ipsi ecclesiastici sic et omnia predia, dominia, possessiones et huiusmodi quamuis sint in mundo, sunt penitus non de mundo. Talis ergo dotacio quantacunque non retrahit aut impedit vel deicit a perfeccione viuendi vel sequela verissima Iesu Christi, set ut predictum est adiuuat et promouet ad confirmationem ad easdem. Ad confirmationem allegatam de dictis variis Ieronimi et Gregorii, dicitur quod omnia illa dicta non tamen contra ecclesiasticos set eciam omnes christianos in facie para sonant, set per distinctionem superiorem de 2^{ci} habere facile solui potunt, quia habere quecunque huiusmodi mundana 2^o modo habendi non repugnat set potissime conuenit ad similiter habere dominum Iesum Christum et perfectissime sequi eum. Ad 2^m motium persuadens viros ecclesiasticos

[f. 96b.]

Ad confirmationem

Ad 2^m motium

[Math. 6, v. 24]
[Luke 16, v. 13]

iam diuisos quodammodo esse propter hanc dotacionem cum
temporalibus tanquam ^d deus solam vnā partem anime ac sollicitu-
tudinis eorum habeat et aliam partem mundus cum tamen nemo
potest duobus dominos seruire, et ~~etiam~~ ^{cetera}, Math. 6, Luc. 16^o.
Dicitur quod nec vir bonus ecclesiasticus, immo nec verus
aliis christianis quantascunque habens possessiones mundiales
ideo est diuisus; set sicut anima et corpus coniuncta vnica
est persona et sine diuisione penitus vnus homo, sic etiam
homo quiscunque habens dotes anime ac dotes corporis de
quibus tractat venerabilis Anselmus, de Similitudinibus
capitulo 49 et interius,¹ ac ipsis dotibus vtens diuisim
nunc scilicet anime nunc corporis dotibus ut deberet non
propter vsum earum diuisum, ideo est diuisus, set in vtroque
vsu semper permanet vnicus idem homo. Similiter habens 5
sensus et virtutes alias corporales etiam intellectuales et
morales et nunc ~~hiis~~ nunc illis in diuisis temporibus vtens
debite, non ideo est / diuisus set penitus idem homo.
Conformiter siue ecclesiasticus siue laicus dummodo christ-
ianus 2^o modo habendi ista mundialia quantacunque et inter-
dum ipsis vtens debite regulans et dispensans interdum
deuociones et alia carismata spiritualia in anime excercens
non in illis diuisis operibus est diuisus, immo nec ipsa

[p. 97]

1. Vide, Migne, 'Patrologia Lat.', vol. 159, ~~p. 626~~ p. 628 seq.

[v.3]

opera corporalia et spiritualia penitus sunt diuisa cum
vtraque opera ad eundem finem debitum referentur iuxta
illud I^a Corin. 10^o: Siue manducatis siue bibitis siue
aliud quid facietis, omnia in gloriam dei facite et ~~etc.~~ ^{cetera}.

[v.7]

Eciam Coloc. 3^o: Omne quodcunque facitissin verbo aut in
opere, omnia in nomine Iesu Christi facite, etc. Ergo a
forciori nec excercens huiusmodi opera mundialia, corporalia
et spiritualia diuisus, ideo diceretur quia excercet in
vtrisque semper opera hominis, scilicet anime ac corporis
indiuisi^{per}~~bilis~~, hec dicitur ad motium concedendo auctor-
itatem apostoli allegatam. Et cum vltcrius sumitur, con-
formiter videtur ecclesia que quamdiu virgo fuerat et in-
nupta istis mundialibus, etc., dicitur quod ecclesia mater
nostra sicut ab inicio sic adhuc remanet semper virgo nullo
nupta nisi Christo solummodo sponso suo, et ideo iam dotata
permanet indiuisa, sancta et immaculiora eternaliter sicut
fuerat non dotata, immo multo forcior ad resistendum inim-
icis, multo validior ad filios educandos, multo potencior
ad debiles confortandos, immo multo habilior ad opus bonum
quodlibet consummandum. Nec propter dotacionem huius est
impedita a sequela Iesu Christi set ad ipsum sequendum

Ad argumentum

[f. 97b.]

adiuta sicut predicatur et suffulta, nec venenata nec deliciis saginata nec mundialibus sic vesti- / ta. Quin vestis illa sit disrumpenda pro causis, locis et temporibus opportunis ideo quod vltterius assumitur, set ecclesia istis carnalibus deliciis saginata, hiis diuiciis vestita, etc., cum toto quod ^{sub}sequitur est negandum. Quamuis enim plures ecclesiastici sicut plurimi seculares istis mundialibus, prediis, possessionibus habi~~t~~is nimis afficiantur, nimis circa illa sollicitantur, immo ipsis vtantur et dispensent ac retineant sepius indebite ac indiscrete, non sequitur ideo quod expediret ut tales huiusmodi possessiones et dominia non haberent, set sequitur plurimum expedire ut tales hec dominia et possessiones non haberent¹ primo modo habendi set 2^o, sicut non sequitur plurimi tam clerici quam laici istis 5 sensibus corporeis et virtutibus aliis corporalibus similiter/^{virtutibus} intellectualibus vtuntur sepiissime indebite ad peccatum. Ergo expediret quod tales virtutes corporales et intellectuales huiusmodi non haberent set plane sequitur expedire ut non haberent virtutes huiusmodi primo modo habendi, et de mundi possessionibus et diuiciis sequitur illud idem. Et ad confirmacionem sumptam de diuersis epistolis Ieronimi de vestibus et diuiciis ab-

Nota exemplum

Ad confirmacionem

¹ 'set sequitur plurimum.....non haberent' is a corection in the margin at the foot of the folio. In the side margin, with the same sign, is : 'set sequitur multum expedire ut tales non habeant eiusmodi possessiones'.

Ad 3^m motium

[f. 98.]

iciendis tanquam retrahentibus a perfeccione viuendi, etc. Dicitur sicut prius quod non tamen ecclesiasticus verum vel quilibet christianus vestes, diuicias et huiusmodi abiceret, dato quod non sciret nec posset illa habere ac tenere cum perfeccione viuendi debita iuxta gradum suum ac sequela debita Iesu Christi: hec tamen habere et tenere 2^o modo habendi non derogat set promouet et consonat perfeccioni viuendi et sequele verissime Iesu Christi sicut superius de illo diuite cui dixit dominus, Si vis perfectus esse, vade et vende, etc., est responsum. Ad motium 3^m cum assumitur quod hec dotacio ecclesie cum tot et tantis dominiis, / possessionibus, etc., prouocat et inducat ecclesiasticos ad vicia, etc., negatur assumptum illud¹ quia sicut iam predictum est, neque sensus corporis, visus, auditus et alii, neque virtutes corporales sicut pulcritudo [et] fortitudo, neque virtutes intellectuales sicut ingenium et huiusmodi prouocant vel inducunt ad prec^andum aut occasionem aliam administrant ad vsum indebitum eorundem; set hec omnia hominibus a deo conditore optimo sunt collata ad deo debite seruiendum et vitam perpetuam promouendam, quamuis plurimi ecclesiastici et seculares vtantur, immo abutantur virtutibus istis tam corporalibus quam spiritualibus nequiter in peccatis, non propter aliquam prouocationem, induccionem

¹ 'illud' is an interlinear correction.

vel occasionem a virtutibus ipsis datam set solum propter ingratitude[m], maliciam et defectum ipsorum ecclesiasticorum et secularium abutencium istis preciosissimis domis dei. Et conformiter dicitur de bonis istis exterioribus, scilicet prediis et dominiis, possessionibus, diuiciis et talibus quibuscunque datis ecclesiasticis seu secularibus quod res ille nec sunt in causa nec in culpa nec in occasione aliqua abutendi, set ipso abutentes siue clerici siue laici totaliter sunt in culpa: et secundum beatum Gregorium Omilia IO^a super illo Math. 25^{to}, Homo quidam peregre proficiscens, etc., cum augentur dona, rationes vel inde crescunt donorum. Tanto ergo humilior atque ad seruiendum deo promptior quisque debet esse ex munere, quanto se obligatiorem esse conspicit in reddenda ratione, etc.¹ Ideo illud assumptum de dotacione ecclesie in isto motiuo 3^o penitus est abnegandum. Et ad illa 7 adi^{sc}menta tanquam ad ipsius assumpte protestacionem, dicitur quod procedunt contra vicia personalia ecclesiasticorum set contra dotacionem ecclesie non Ad confirmacionem concludunt. Ad confirmacionem de clamore in aere quod venenum ruisset, etc., dicitur quod non / est verisimile, quod

[r. 98b.]

¹ Homilia IX, Migne, Patrologia Latina, vol. 76, p.II06.

aliquis spiritus bonus sic clamauerat cum viri sanctissimi, religiosissimi et deo deuotissimi ecclesiam sic dotarent; quod si ipse sathanas transfigurans se in angelium lucis, secundum apostolum 2^a Corin. XI^o, fecerat hanc clamorem, non moueret aliquem christianum quia diabolus est mendax et pater eius, Ioh. 8^o. Ad 3^m adductum ad probandum minorem ipsam assumptam contra dubium principale, dicitur sicut iam in primo et 2^o argumentis est responsum, quia concessa est minor illa; set quia argumentum factum ad ipsam probandam videtur procedere contra ecclesie dotacionem, ideo ad illud cum assumitur sacerdocium domini Iesu Christi quod est iam pro tempore legis grate est magis spirituale, etc., concedatur maior illa cum processu apostoli et mundi naturaliter subsequentis; set maior adiciens quod dotacio ecclesie iam habundancior requirit, ideo distraccionem et sollicitudinem diligentiores circa mundialia, etc., vnde ecclesiastici sunt minus spirituales, et cetera, est neganda, pro eo quod ecclesiastici magis spirituales et ideo discretores cum minimi sollicitudine ac discrecione regerent ac debite dispensarent mundialia, quamuis multum habundanciora ecclesie iam apropiata quam suffecissent prioribus temporibus retroactis. Ita quod sicut ad prox-

Ad 3^m pro minore

imum est responsum, ipsa dotacio ecclesie quantumcunque
larga nec est in culpa al^{iqua} nec in causa quare isti
ecclesiastici fierent animales ut minus deuoti vel retro-
cedentes contra ordinem naturalem: vnde quod viterius con-
cluditur est negandum, quia hec abundans dotacio est ipsis
ecclesiasticis in occasione ac in causa magni meriti pro-
merendi nisi eorum abusio sit in culpa. Primo quia pro-
uiso per hanc dotacionem ad sufficientem et honorificam
sustentacionem corporibus eorum liberius, deuocius et quie-
cius poterunt contemplare deum et ~~oninum~~ integrum diuino
officio [maiori] pari. 2^o per hanc poterunt indigentes
pauperes et inopes releuare et sic 7 opera minime adimplere.
3^o poterunt aduersarios ecclesie / hereticos et quoscunque
huiusmodi validius edomare. 4^{to} per hanc poterunt fideles
ecclesie filios amplius confortare ac ipsam ecclesiam in
edificiis, ornamentis et huiusmodi multiplicius dilatare.
Quinto per hanc ipsi tam a popularibus quam a dominis in
maiori reuerencia paternali timore ac nonore filiali dig-
niores quam si car^uerint istis mundialibus habebuntur. Sunt
et plurima huiusmodi adducenda quare multum expediat
ecclesiam sic dotari. Ad confirmacionem de processu

Nota hec

Primum

2^m

[F. 99]

3^m

4^{to}

Ad confirmacionem

Ad confirmacionem de processu

Philosophi naturali de motu in linem naturalem continue
velocitandi, concedatur processus ille naturalis ut motus
noster debeat semper velocior et velocior versus celum, nec
impedit ipsa dotacio set ut dictum est plurimum adiuvat ad
vel velocitatem huius motus. Et cum vltterius sumitur, set
in mundi iuuentute prohibiti fuerant a domino ecclesiastici
ne possessionibus, etc., negatur, quia sicut doctum est
supra in 3^o argumento pro veritate dubii principalis. Sim-
iliter superius in respondendo ad 2^{am} partem maioris assumpte
contra dubium principale, hec tribus leuitica dotata fuerat
in possessionibus et aliis mundi commoditatibus multiplicius,
dignius et liberius quam aliqua 12 tribuum aliarum; nec
sequitur quod hec dotacio foret ecclesie damnifera vel
nociua tanquam rota quinta addita plaustro, immo est valde
commodiferalis, necessaria ad vehendum ipsos ecclesiasticos,
nisi in culpa fuerint, vsque celum, vnde et illa 3^a contra
dotacionem ecclesie adducta, quia falsissima, sunt neganda,
quia quamuis tangant vicia personalia ecclesiasticorum tamen
contra dotacionem ecclesie non procedunt. Solutis igitur
iam quibuscunque rationibus et auctoritatibus / allegatis
contra veritatem dubii principalis, remanet ipsum iam non
dubium set verissimum et firmissimum ab omnibus catholicis

affirmandum. Et sic altissimo benediccio quod intenderam
est completum.

Explicit tractatus de dotacione ecclesie sponse Christi.

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Histories.

Bede	'Historia Anglorum', i, c.4.	(74b)
		(75b)
	c.6.	(75b)
	v, c.24.	(75b)

Comnestor, Petrus.	'Historia' (super cap. 14 Gen)	(70)
	(super cap. 8 Num.)	(89b)

Eusebius	'Historia Ecclesiastica' v, 'principio'	(74b)
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Josephus	'Antiquitatum' iv, c.2.	(89b)
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John, of Tynemouth.	'Historia Aurea' Pt.ii, ii, c.82.	(74b)
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Martinus	'Chronicon Pontifices' Pt.ii, ii, c.82.	(74b)
		(76)

Monmouth, Geoffrey of.	'Historia Britonum'	(74b, seq.)
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Nennius	'Histori Britonum' c.17.	(76)
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Classical Literature.

Aristotle	'Ethics', vii, c.7	(78b)
	v, c.8.	(83b)
	viii, c.12,	(83b)
	'Celo et Mundo', i, c.16.	(80b)
	'Metaphysics', ii, c.8.	(88b)

Contra garrulos dotacionem ecclesie inpugnantes.

[f.99b.]

Contra garrulos dotacionem ecclesie inpugnantes nouicia¹
propter quosdam falsos fratres introductos qui, sicut pseudo
apostoli operarii subdoli transfigurantes se cum sathana
patre eorum in angelos lucis velud ministri iusticie sub
pallio simulate sanctitatis colorantes astuciam serpentem
calliditatis², excitant dominos temporales ad personas
ecclesiasticas castigandas et temporales possessiones
ecclesie auferendas, ut Christum pauperem sequantur in
consimili paupertate. Contra istos sathane satellites
sunt motiua aliqua adducenda, et inter motiua huiusmodi
sit hoc primum. Possessiones huiusmodi, redditus, predia,
libertates siue quocunque alio nomine censeantur appropriate
ecclesie vel oblate primo et principaliter deo et sanctis
eius ac ecclesie conferuntur et secundarie personis eccles-
iasticis tanquam ministris a deo et ipsa ecclesia deputatis;
set propter ministrorum culpam non sunt bona domini ab eo
rationabiliter auferenda nisi ipsemet dominus aliququaliter
sit in culpa, sicut est cuilibet satis notum. Ergo cum
nec deo nec ecclesie sponse Christi sanctificate nec habenti
maculam neque rugam aut aliquid huiusmodi Eph. 5^{to} possit
culpa alia imputari, sequitur quod / nec propter culpam

Nota motiua

Primum

[f.100.]

² cf. Introduction to Uthred's 'de dotacione ecclesie',
Durham MS. f.69; also the introduction to his 'Contra
querelas fratrum', MS. 6 D x., f. 283. The reference
is to 2 Corin. 11, vv.13,14.

¹ MS. - 'nouia'

quamcunque personarum ministrancium in ecclesia siue ipsis
temporalibus ecclesie abutendo siue officium eis ex gradu
ecclesie assumpto impositum omittendo aut quomodo aliter
delinquendo possit ipse deus aut ecclesie sponsa sua per
aliquam potestatem secularem iuste possessionibus suis

spoliari. maior assumpta, proponitur primo ex cartis
quibuscunque apropiaciones seu collaciones huiusmodi

continentibus in quibus primo inseritur collacio deo et
ecclesie ac sanctis talis loci vel talis, etc. 2^o

proponitur maior ex hoc, quod nulla persona ecclesiastica
ex tali collacione efficitur verus dominus ipsarum rerum
deo et ecclesie collatarum, quia nulla persona ecclesias-
tica occupans res illas donatas potest omnes actus domini,
scilicet dare, vendere, alienare ac huiusmodi prout libet,
sicut poterat conferens antequam eas contulerat, excercere.
Cum tamen ipse conferens dedit omnes actus huiusmodi domini
sicut et ipsum dominium a seipso, quia ipse conferens tale
dominium iam non habet in ipsis rebus deo et ecclesie¹
collatis, nec ipsum dominium in nichilum est redactum, constat
ideo quod conferens dedit illud dominium principale deo et
ecclesie et non persone tali qui ideo solum ut minister et

¹ 'et non persone tali' follows 'ecclesie' in the MS.,
but the words are scored through.

maior propon-
itur.

1^m

2^m

Maior proponitur.

1^m

2^m

quomodo aliter delinquendo possit ipse deus aut ecclesie sponsa sua per aliquam potestatem secularem iuste possessionibus suis spoliari. Maior assumpta, proponitur primo ex cartis quibuscunque apropiaciones seu collaciones huiusmodi continentibus in quibus primo inseritur collacio deo et ecclesie ac sanctis talis loci vel talis, etc. 2^o proponitur maior ex hoc, quod nulla persona ecclesiastica ex tali collacione efficitur verus dominus ipsarum rerum deo et ecclesie collatarum, quia nulla persona ecclesiastica occupans res illas donatas potest omnes actus dominii, scilicet dare, vendere, alienare ac huiusmodi prout libet, sicut poterat conferens antequam eas contulerat, exercere. Cum tamen ipse conferens dedit omnes actus huiusmodi dominii sicut et ipsum dominium a seipso quia ipse conferens tale dominium iam non habet in ipsis rebus deo et ecclesie¹ collatis nec ipsum dominium in nichilum est redactum, constat ideo quod conferens dedit illud dominium principale deo et ecclesie et non persone tali qui ideo solum ut minister et non dominus occupat possessiones et huiusmodi et dominia sic collata.

Confirmacio.

Confirmatur hoc motium 1^m, eo quod si minister peccat, dominus non ideo perderet aut forisfaceret² quod ad eum pertinet si non consentiret facto ministri, set similiter contradiceret ipsum ministrum castigando viis et modis

¹ 'et non persone tali' follows 'ecclesie' in the MS., but the words are scored through.

² MS. - 'forifaceret'.

Confirmacio.

[v.3-4]

[f.100b.]

2^m motium.

1-1) *reprehensum*

non dominus occupat possessiones et huiusmodi et dominia sic collata . Confirmatur hoc motium 1^m, eo quod si minister peccat, dominus non ideo perderet aut forisfaceret² quod ad eum pertinet si non consentiret facto ministri, set similiter contradiceret ipsum ministrum castigando viis et modis | quibuscunque debitis iuxta legem qualiter ^{debent} domini corrigere ministros suos ecclesiasticos delinquentes cum sit iustissimus nullus dubitat sane mentis, vnde apostolus Ro. xiiii^o: Is qui manducat non manducantem non spernat: et qui non manducat manducantem non iudicet: deus enim illum assumpsit. Tu quis / es qui iudicas alienum seruum? Suo domino¹ stat aut cadit: stabit autem: potens est enim deus statuere illum, etc. 2^o sic ad idem commutans cum suo pari vel superiore rem quamcunque pro re equali vel maiori non potest iuste repetere rem taliter commutatam nisi ^{illud} restituat pro quo res prius sua fuerat commutata. Set conferens deo et ecclesie caritatis intuitu rem temporalem seu mundialem quamcunque commutat corporale pro spirituali, temporale eciam pro eterno; et hoc cum suo superiori quia cum Christo et ecclesia sponsa eius, ergo non liceret de iure taliter commutanti nec alicui alteri post eum repetere illud corporale et temporale taliter commutatum, nisi

² MS. - 'forifaceret'.

¹ MS. - 'iudicas suo domino'.

Confirmacio

[f.101.]

3^m motium

reddere ac alienare a se voluerit spirituale illud et eternum quod recepit vel reciperet in futuro; set sic alienare a se spirituale et eternum, et si fieri posset, foret demencie manifeste, nec foret licitum christiano quia deo et ecclesie cederet in contemptum. Ergo nulli taliter conferenti liceret repetere ab ecclesia et a deo temporalia prius data, et per idem vel a forciori nec repetere iuste posset successor ab ecclesia quod deo et ecclesie sic commutando suus contulerat predecessor. Confirmatur eo quod si peccaret ipse conferens post collacionem seu commutationem huiusmodi temporalium vel heres aliquis ipsius temporalia commutantis seu conferentis, non ideo quatenus a parte dei et ecclesie foret, esset bonum spirituale pro temporali commutatum ab ipso conferente vel eius heredibus auferendum quamuis illi forsitan sic peccando illud bonum spirituale abicerent a seipsis. Ergo ~~nec~~ a pari nec a parte alia foret bonum huiusmodi temporale ab ecclesia auferendum propter culpam ministrorum ecclesie seu quamcunque maliciam / personalem. Motium 3^m est istud. Secundum apostolum 1^a Corin. 15^o alludentem processui naturali corpus animale et terrenum per mortem interpositam fiet corpus spirituale et celeste quia seminatur animale surget corpus

spirituale. Nec foret in natura conueniens set repugnans quod corpus factum spirituale iterum fieret animale, quia talis foret ordo retrogradus et ideo impossibilis in natura; vnde apostolus ibid^{em} non prius quod spirituale est set quod animale est, deinde quod spirituale est quia spiritus perfeccio est corporis et generaliter ab imperfectiori incipitur in natura et proceditur ad perfeccionem tanquam ad debitum finem motus. Ergo a consimili processu, cum bona quecunque deo et ecclesie collata secundum iura a mundo mortificantur et sic fiunt spiritualia, non poterunt ideo secundum ordinem naturalem ab huiusmodi spiritualitate ad animalitatem, scilicet ad manus laicorum iterum reuocari ut fiant condicionis deterioris et retrograde quam per prius iuxta quod derisorie dicitur cancerem retrograde incedere versus aquam. Confirmatur eo quod animalis homo siue mundialis fieri poterit spiritualis quia ecclesiasticus non econtra nisi adeo culpabilis sit persona quod merito debeat deici de gradu ecclesie quem indigne recepit, et hoc fieret auctoritate ecclesie non per iudicium seculare. Eciam loca, vasa, vestimenta et quecunque huiusmodi ornamenta deo et ecclesie

Confirmacio

[f. 101b.]

4^m motium

oblata, immo fructus terre ac animalia sicut iam et in lege antiqua et quecumque alia deo et ecclesie donata, oblata tanquam purificata transeunt in vsum ecclesie ac ministrorum eius; nec licet laicis quia nec dominis nec aliis vti donatis huiusmodi vel oblati nisi extrema necessitas perurgeret, quomodo docet historia primi Reg. 21^l de Dauid. Et recitatur Math. 12^o, Marc. 2^o, Luc. 6^o quomodo accepit Dauid sibi et suis panes sacerdotales comedendos, non tamen auctoritate propria set permissione ac dono sacerdotis. Ergo non posita necessitate huiusmodi extremali, nullis dominis sicut / nec aliis vti licet rebus ecclesie sic dicatis vel donatis ex propria auctoritate. Ergo a forciori non liceret aliquibus secularibus retrahere ad dominium seu ministerium seculare possessiones, redditus siue que/cunque alia deo et ecclesie donata, per huiusmodi donacionem facta spiritualia et a seculo mortificata, nisi necessitas perurgeret, et tunc ex permissione ac donacione ecclesie conferentis, cum instare viderit talem necessitatem et ideo esse donacionem huiusmodi oportunam nec aliter fieri debet. Item motium quartum sit illud: Nullus dominus secularis conferens alteri seculari pari vel superiori suo dominium, possessionem, redditumve quemcunque poterit ad libitum suum vel auctoritate propria

¹ vv. 1-6.

reaccipere dominium illud collatum. Eciam dato quod ille
recipiens huiusmodi dominium foret ingratus suo donatori
vel abuteretur huiusmodi sibi dato aut forte non impleret
condiciones limitatas inter donantem et ipsum recipientem,
set oporteret recurrere ad superioris iudicium et auctor-
itatem pro talibus corrigendis. Set nec rex nec imperator
nec alius quicunque dominus secularis est, vel esse poterit
superior deo et ecclesie immo nec par, set inferior est
eisdem quiscunque secularis quia nullum omnino iusticie
titulum ad aliud dominium temporale habet dominus aliquis
vel poterit habere, nisi sub Christo et ecclesia sponsa sua.
Ergo a forciori nulli domino seculari ex auctoritate alia
seculari licet huiusmodi temporalia Christo et ecclesie
collata reassumere vel auferre propter delicta eciam enormia
ministorum, cum Christo et ecclesie non poterit delictum
aliud imputari. Confirmatur eo quod res quecunque secul-
ari collata remanet in toto post talem collacionem in suis
condicionibus secularibus sicut prius, set res deo et
ecclesie donata et appropriata exuitur / eo ipso a multis
talibus condicionibus quia sancta est, incorruptibilis et
perpetua, quia non alienanda nec mutanda nec aliis variis

Confirmacio

[f. 102.]

obnoxia secularitatibus sicut prius. Ergo multo irrati-
onabilius foret rem huiusmodi deo et ecclesie datam sine
dei superioris auctoritate reaccipere propter delicta
quecunque abutencium ministrorum quam rem aliam quamcunque
paris forme semper in secularium manibus remanentem.

Prima causa

Tamen primo quia res ecclesie quia sacro annexam eo est
sacrata, quia non sacrum cum sacro non videtur ¹ cogitatione

2^a causa

dici vnum; tamen 2^o quia spirituali adunatum eo videtur
spirituale effectum et superius et dignius quam per [ante]

3^a

fuerat in natura; tamen quia res ecclesie malediccionibus
et excommunicationibus multiplicibus sunt vallate; tamen

4^a

quia [res ecclesie] vindictis variis sunt singulariter
circumsepte ne ad vsus seculares veniant et prophanos,
sicut patet Dan. 5^{to} de vasis templi sacratis, ablati tamen
a templo domini per Nabugodonosor regem Babilone, seruatis,
tamen usque ad tempus Baltazar; qui Baltazar in magno suo
conuiuio adduxit vasa illa templi ut conuiue in illis
potarent et sic in vsus seculares et prophanos verterentur;
vnde nocte eadem ciuitas capta est et ipse Baltazar occisus
et regnum Babilone ad medos et persas translatus. Sim-
iliter patet 2ⁱ Machab. 3^o de Eliodoro misso a rege ad

1

MS. - 'non videtur' is repeated, but scored through.

5^m motium

[v. 1-3]

[f. 102b.]

spoliandum templi errarium et idem per dei virtutem sicut agnouit ipse Eliodorus et publice fatebatur grauissime flagellato. Motium 5^m ad idem propositum est istud: Premisso Numeri 34 precepto domini de diuisione terre promissionis in 12 tribus, in qua diuisione tribus sacerdotalis et leuitica nil haberet ne ideo tribus ista leuitica ad seruicium domini preelecta specialiter possessionibus careret. Additur Numeri 35: Locutus est dominus ad Moises: Precipe filiis israel ut dent le- /uitis de possessionibus suis Vrbes ad habitandum et suburbana per circuitum, ut ipsi in opidis maneant, et suburbana sint eorum pecoribus et iumentis. Et addidit quot milia passuum extra ciuitates sibi datas haberent per circuitum huius diuisionis terre executio per iosu erant facta ut patet ios. 13^o et interius. Qua diuisione facta in 12 et singulis tribubus porcione sua secundum quod sors ceciderat assignata tunc ut patet iosu 21^o per iosu et Eleazar sacerdotem et principes familiarum, dederunt filii israel de possessionibus suis singule per familias distribute. Nec vnequam post dotacionem huiusmodi singagoge licuit principibus tribuum siue dominis illarum ciuitatum et suburbanorum postquam fecerant¹ huiusmodi

¹ 'fecerant' - marginal addition.

Confirmacio

collacionem, propter quamcunque illorum sacerdotum seu
leuitarum transgressionem reaccipere huiusmodi ciuitates
aut suburbana. Ergo a forciori nec modo licet auferre ab
ecclesiā que dignior et nobilior est quam vncquam fuerat
synagoga, et domini iam christiani et ecclesie filii sint
graciores, nobiliores et ad honorem matris feruenciores
quam fuerant illi filii synagoge. Confirmatur eo quod
synagoga vmbra fuerat et figura Christi ecclesie post
future, set sicut vmbratile et figuratium est de sui
natura transitorium de facili ac mutandum sic et
quodcunque sibi adiunctum vel annexum, non sic autem est
mutabilis res ipsa adueniens sicut vmbra et per idem nec
annexum aut adunatum ipsi rei sicut quod annexum fuerat
ipsi vmbre, set possessiones annexe sinagoge vmbratili et
figuratiue per dominos eorundem, per ipsos dominos auferri
non poterant ab eadem. Ergo a multo forciori ex quo vnitum
vmbre quia labili est eciam labile, sicut vmbra vnitum ipsi
vere rei quia stabili est eciam stabile ut res ipsa / iam
igitur collata per dominos ecclesie verissime sponse Christi
que non est figuratiua set res verissima semper durans,
auferri non poterint per ipsos quondam dominos eorundem set

[f. 103.]

6^m motium

[v. 22]

[v. 26]

stante ecclesia stabit cum ea possessiones sue, nisi per
tirranidem auferentur. Motium 6^m in eadem materia sit iam
illud scribitur Gen. 47, quod pre magnitudine famis in omni
terra egipti preualentis emit ioseph omnem terram egipti
vendentibus singulis possessiones suas,¹ preter terram
sacerdotum que a rege tradita fuerat eis, quibus et statuta
cibaria ex horreis publicis prebebantur, et idcirco^o non sunt
compulsi vendere possessione^s suas.² Et infra in eodem
capitulo: Ex eo tempore in presentem diem, in vniuersa terra
egipti, regibus quinta pars soluitur absque in terra
sacerdotali que libera ab hac condicione fuit.³ Ex quo
igitur isti infideles, pagani [et] idolorum cultores nol-
uerunt terram sacerdotum emere, nec ei imponere aliquam ser-
uitutem quam forsitam licuisset propter famem nimiam sub-
leuandam sicut imposuerunt possessionibus laicorum, set in-
super ipsos sacerdotes aluerunt et possessiones suas sibi
liberas seruauerunt. Qua fronte auderet aliis christianus
quamcunque dominus temporalis non tamen emere instante forte
maxima ecclesiasticorum necessitate ut vendere pro conser-
uanda vita sua possessiones ecclesie oporteret quin ipsos

¹ v. 20 - 'Emit igitur Joseph omnem terram Aegipti, vendentibus singulis possessiones suas prae magnitudine famis.'

² v. 22 -

³ v. 26 - 'Ex eo tempore usque in presentem diem
..... solvitur, et factum est quasi on legem,
absque terra,' etc.

[f. 103b]

Confirmacio

ecclesiasticos potius de suis prediis et possessionibus sustentaret et terram ecclesie sibi semper liberam conseruaret quomodo fecerant hii pagani, set etiam auferre possessiones et bona ecclesie dicata quod non, legitur, hos infideles nec quoscunque alios infideles de bonis seu possessionibus suis idolis collatis ausos fuisse in falsorum deorum / suorum iniuriam perpetrasse. Confirmatur ex processu Philosophi & Ethicorum capitulis 12, 14, vbi deducit quod ex vinculo gratitudinis naturalis filius propter beneficia recepta a patre et matre non potest eis retribuere ad condignum, set quicquid eis fecerit debitor tamen remanet illis, nec potest eos abnegare propter causam quamcunque emergentem, set econtra ipsi potunt filium propter suam manifestam maliciam abnegare. Set sicut soli christiani sunt ad regnum celeste preelecti tanquam veri filii et heredes, ergo et si idolatores vel infideles quecunque a diis et a templis suis et eorum ministris auferre possent bona eis collata quia non veri filii eorundem, christianus tamen quilibet adeo est debitor Christo ac ecclesie et ministris eorundem per quorum ministerium est in verum filium generatus, educatus et informatus. Quod quicquid eis fecerit aut

1. MS. — '9 Ethicorum'. Cf. Durham MS. f. 83. (footnote) for Aristotle's explanation of the greater love of parents. In chapter 14, he holds that the benefits conferred by parents have no real equivalent. This is why a father may disown his son, but a son may never disown his father, for he can never repay the debt which he owes to his father.

dederit, non poterit eis retribuere ad condignum, immo
semper et pro semper de lege naturalis gratitudinis
obligatur ad honorandum, famulandum et quatenus poterit
sustentandum tam patrem quam matrem et ministros
eorundem, nec eos quouismodo poterit abnegare. Agens
igitur ad bona Christo et ecclesie seu ministris
eorundem collata, retrahenda vel auferenda ostendit non
se esse christianum nisi solum nominaliter, realiter
autem esse se de genere vipereo venenos^o quia maternum
vterum dentibus corrodentem quod procul sit, non tamen a
dominis et principibus set eciam a quolibet homine
christiano quin, qui subtrahit aliquid a patre suo et
matre, et dicit quod homo non est peccatum,¹ particeps
homicide est, Prou. 28. Motium 7^m est illud: Non magis
dominium seu potestatem habet dominus aliis⁴ temporalis in
rebus seu possessionibus ab eo vel suis predecessoribus deo
et ecclesie collatis vel oblatis simpliciter in puram et
perpetuam elemosinam quam in rebus vel / possessionibus
quibuscunque eidem ecclesie ab aliis dominis temporalibus
appropriatis vel datis; set in rebus ab aliis dominis deo
et ecclesie collatis, dum tamen illi domini sibi superiores

[v. 24]

7^m motium

[f. 104]

¹v. 24 - 'et dicit hoc non esse peccatum', etc.

maior
proponitur

Primo

2°

Nota elemosina
pura perpetua

vel pares fuerint quod pro tunc supposito gratia argumenti nichil penitus iuris habet ille vel ille dominus ad auferendum ab ecclesia et propter delicta ministrorum ecclesie, ergo nec iam collatis ab ipso^{met} vel suis predecessoribus quibuscunque. Hec minor est cuilibet satis nota. Maior scilicet quod non maius dominium seu potestatem habet dominus aliquis temporalis in rebus seu possessionibus ab eo vel suis, etc. Arguitur sic; in rebus istis collatis quas in elemosinam puram et perpetuam deo et ecclesie dominus talis dedit, nichil omnino sibi retinuit quia in elemosinam eas dedit ut nuncquam ad manus laicales seu non elemosinam deuenirent. 2° quia in puram elemosinam eas dedit, pura quidem elemosina non habet aliquid mixtum, ita quod conferens pure nichil sibi retinet quia nec sermonem impensum vel inpendendum, nec redditum resoluendum, nec aliquod super dominium, nec aliquod huiusmodi, nec eciam quicquam iuris: si¹ enim conferens in sic deo et ecclesie collatis sibi aliquid reseruaret, illud sibi reseruatum non daret et sic non pur^e daret, nec res sic date forent pura elemosina set mixto ex isto dato et reseruato, quasi mixta ex spirituali et seculari. Immo omnes carte collacionum

¹ MS. - 'si si'.

huiusmodi forent false quia res illas non daret sic con-
ferens in puram elemosinam set solum partem vnam illarum
sibi partem aliam reseruando, quia de illo quod pure dedit
siue totum siue partem dedit nichil omnino sibi retinuit
sicut constat. 3^o quia in elemosinam perpetuam istas
dedit deo et ecclesie et ministris, perpetuum autem com-
muni intellectu principium habet set non finem. Ex hiis
igitur condicionibus quia res huiusmodi in elemosinam puram
et in elemosinam perpetuam conferuntur deo, ecclesie et min-
istris, sequitur quod talis con- / ferens magis a se et
successoribus suis alienat et a se expropriat et simplicius
donat res huiusmodi deo et ecclesie ac ministris quam dare
posset alias alius possessiones retinendo sibi quantumcunque
modicum redditum, seruicium super^o dominium vel eciam quicquam
iuris. Ex quibus maior assumpta iam superius satis patet,
scilicet quod non maius dominium seu potestatem habet dominus
aliquis temporalis in rebus ab eo vel suis, etc. Ad huius-
modi confirmationem est mandatum legis Leu. vltimo, vbi pre-
cipitur quod vouens vel offerens deo animal, dominium, agrum
vel quodcunque huiusmodi, si is qui obtulit seu vouit illud^d
redimere voluerit, dabit quintam partem estimacionis precii

3^o

Nota perpetuum

[f.104b]

Confirmacio

super illud pro quo alius emere posset et sic nec aliter illud habebit. Similiter si quis voluerit redimere decimas suas, addet similiter quintam partem earum. Ecliam animal domino immolatum sanctificatum est, nec mutari poterit melius pro malo nec peius pro bono. Quod si vouens mutauerit, et ipsum quod mutatum est et illud pro quo mutatum est consecratum est domino, et sic generaliter post oblacionem deo factam vel votum nichil iuris omnino remanet sic vouenti in re quam domino vouit vel obtulit, immo plus solueret ipsemet offerens vel vouens pro rebus huiusmodi ab eo oblatis si eas voluerit rehabere.¹

Similiter pro decimis suis quam quiscunque alius de filiis Israel ne estimaret aliquid iuris vel dominium sibi in oblatis vel collatis deo per eum siue in suis decimis remanere, immo plane sciret quiscunque talis offerens vel vouens omnia huiusmodi deo collata quantum ad ius rehabendi vel repetendi sibi ad hoc magis quod aliquis fore similiter interdicta quia pro eis plus quam alius solueret si eas licite rehaberet.² Contra illud^d dictum in motiuo 7^o obicitur de temporalibus deo et ecclesie collatis, mortuo tamen prelato pro tempore vacacionis redeuntibus ad manus patronorum

Obieccio 1^a
principalis

¹ Cf. Leu. 27, vv. 10-34.

² The following addition, in a fifteenth century hand somewhat later than that of the text, is in the top margin, f.104b:- 'Huic sentencie subscribit dominus Ambrosius in oracione contra Auxentium, dicens non posse per ullum principem vasa et terras deo et ecclesie donatas auferri, quod si uel ipse taceret aut imperator aliquis faceret neutri, inquit, foret vtile.'

quousque prelatus alius elegatur. 2° obicitur quod patrono reservatur in huiusmodi prelaciis dignitas talis quod illi quibus a patrono conceditur potestas futurum prelatus

3°

eligendi, non procedent ad electionem huiusmodi nisi ab ipso patrono prius petita elegendi licencia et optenta. 3°

obicitur ^{quod} electus talis presentabitur patrono vt consenciat electioni et electo, et recipiat electus temporalia ecclesie a patrono qui consensit et collacio tunc temporalium, videntur

4^{to}

consistere in ipsius patroni libera voluntate. 4^{to} obicitur quod licet regibus accipere temporalia ecclesie et in suis manibus assesiare cum prelati ecclesie tales delinquerint contra illos et illa temporalia retinere ad sue beneplacitum voluntatis. Ad primam harum obiectionum respondetur hoc esse ipsis patronis in collacione prima reservatum pro ecclesie vtilitate vt ipsi patroni sollicitentur et adiuuent ad habilis persone electionem et interim ipsam ecclesiam protegant et defendant ab iniuriis aliorum, non ut ipsi patroni quicquid pro illo vacationis tempore ab ecclesia alienent vel ipsa temporalia quamdiu voluerint in suis manibus teneant vel pro ipsis reddendum pecuniam vel quodcunque peccatum extorqueant vel aliquid interim faciant in ecclesie aut suorum iurium

lesionem. Quomodo ^{vel} ~~tamen~~ habent domini wardas, maritagia heredum aliorum temporalium dominiorum et terras ipsorum heredum ad custodendum solum modo pro tempore quo heredes ipsi infra etatem fuerint, que custodia, ~~pro~~ protectione et tuicione talium iuuenum erat primitus ordinata, quamuis iam vt videtur in vsum alium sit conuersa. Et conformiter est de temporalibus ecclesiasticis ad manus patronorum pro vacationis tempore deuolutis. Ad obieccionem 2^{am}, dicitur ut ad primam quod talis reservacio facta fuit ad ecclesie profectum ut patronus per suam potenciam adiuuaret quatinus ecclesie viduate / de persona futura ydonea prouideretur. Ad 3^{am} obieccionem dicitur, sicut prius exposi^{to} quod in fine dicitur quod patroni conser^{uatio} ~~uatio~~ et temporalium concessio consistit in ipsius patroni libera voluntate; quod similiter est negandum quia patronus non posset ad libitum, nisi contra personam electam aliud ^{obstaret}, legitimam conseruacionem non prebere pro locis et temporibus congruis et oportunis aut temporalia ecclesie sibi non¹ conferre, nisi tanquam filius non ecclesie set sathane deo et ecclesie faceret iniuriam manifestam. Ad 4^{am} dicitur sicut iam ad 3^m, quod non poterit patronus temporalis

[f. 105b.]

Ad 4^m

¹ 'non' is an interlinear addition.

ecclesie temporalia in manus suas assesiare vel ea retinere
nisi deo et ecclesie iniuriaretur aut legitimum delictum
induceret talem assesiacionem seu retencionem temporalium
ecclesie faciendam. Secundo principaliter contra dictum
aliud in ipso 7^o motivo, scilicet de perpetuitate donacionum,
collacionum, vendicionum vel alienacionum huiusmodi quarum-
cunque, obicitur et primo, nemo potest ius vberius alteri
dare in istis temporalibus quam ipsemet habeat in eisdem.
Set nemo habet ius in persona sua ad dominandum istis tem-
poralibus vltra suam¹ periodum; ergo nec vltra tempus
poterit transfundere ius istis temporalibus dominandi et sic
omnes huiusmodi carte perpetue donacionum, vendicionum seu
quarumcunque collacionum vel alienacionum inter homines
vsite forent impossibiles et sic nullius roboris quo ad
leges. Nec sufficit dicere quod aliquis dat alteri huius-
modi dominium quod¹ est causa quare illud habet, quia sic
posset dare spiritum sanctum et omnia carismata; nec quod
dat per heredes et successores suos quia ipsi non mediant
in huiusmodi dacione, immo ea si possent libencius imped-
irent. Item sic vbicunque est dacio oportet quod datarius
recipiat a datore quia non sufficit voluntas datoris, quia

Exclusio
responsionis

2^o ad idem

This sign refers to the following note at the foot of f.105b,
written in the same hand as wrote the text:-
'Periodus, secundum Philosophum 2^o libro [de] Generacione,
capitulo 19^o, est cuiuslibet rei generabilis et corrupt-
ibilis mensura duracionis temporis seu vite naturalis, non
tamen eadem periodus omnibus set hiis quid minor, hiis autem
maior, etc.'

¹ MS. - 'quia'.

[f. 106]

Confirmatur

3^o ad idem

tunc² voluntas eius foret infrustibilis sicut dei nec carta
nec scriptura datoris, quia sic si vellet dare poterit totum
mundum, immo posset malus dare sic alteri iniuste maledic-
cionem / vel mala que alius iuste nollet recipere. Immo
deus non potest dare gratiam alicui nisi ipse eam recipiat,
ideo secundum venerabilem Anselmum de ~~Casu~~ **Casu** Diaboli capitulo
3^o,³ deus non dedit gratiam obstinato⁴ sicut nec primo angelo
quia ipse non recipit, non enim apparuit ~~[animi]~~ ^[animi] capacitatem
ad lumen gratie recipiendum. Set datarius non recipiat donum
a datore nisi similes fuerint datarius et donator, quia sicut
qui non est dare pro nunc non potest, sic et qui non est pro
nunc recipere donum non potest. Ergo iam existens non potest
donum vel dominium aliquod transferre in aliquem non dum
conceptum sed ad centum annos post eius obitum nasciturum. Con-
firmatur eo quod heres vel successor quicumque¹ istius
recipientis dominium huiusmodi siue donum nasciturus post
portem istius datoris ~~post~~ ^{potest} libere donum siue dominium huius-
modi refutare et tunc nunquam fuerat datum illi. Item nullus
habere poterit dominium super aliqua bona dei nisi existens in
gratia dei qui eum gratificat deo suo, set non est in hominis
potestate facere quod aliquis cum suis heredibus et successoribus

² 'tunc' - is an interlinear addition.

⁴ Perhaps 'obstinatis'.

¹ MS. - 'quiscunque'.

³ Vide, Migne, 'Patrologia Lat.', vol. 158, pp. 328-32; based on the text, 'Quod ideo Deus non dedit, quod ille non accepit'.

4^{to} ad idem

Responsio ad
primam

Nota pedem
responsionis

[f. 106b.]

vniversis inperpetuum sicut in gratia dei iustificante, immo
est similiter impossibile maxime propter peccatum originale
quod in omnes est, transfusum. Ergo dare huiusmodi dominium
alicui et heredibus suis inperpetuum est impossibile ex
peccato. Item sic huiusmodi dominia mundana continua non
poterunt inperpetuum set ad vltimo vsque in diem² iudicii
quia aliter inperpetuum langueret ecclesia militans sponsa
Christi et spes christianorum penitus nulla foret; ergo false
et impossibiles sunt omnes carte perpetuitatem domini siue
donacionem huiusmodi continentes. Nota quod consimiles
obiecciones fieri possunt contra talliaciones terrarum que
fiunt communiter in hiis diebus sicut fiunt hii contra
perpetuitatem donacionum seu vendicacionum terrarum aut
quorumcunque temporalium aliorum. Ad primam, quod nullus
nisi pro tempore vite sue ex quo in dominiis vel rebus dandis
nullam habet omnino vltius potestatem. Dicitur pro pede
responsionis quod sicut patri succedit in propagatione naturali
vt sic in indiuiduis sibi succedentibus humana species
preseruatur quousque compleatur numerus electorum, ut quomodo
pater pro sua periodo illa et filius pro suo defuncto patre
speciem continuet et sic de aliis successoribus communiter, et

² 'in diem' is a marginal addition.

filius existens in gratia gratificate patri mortuo succedit
iure naturali in dominium patris sui, dum tamen idoneus
fuerit in virtutibus moralibus, intellectualibus et cor-
poralibus ad huiusmodi successionem hereditariam regulandam
nisi pater illud alienauerit. Adhuc viuens nec pater dat
huiusmodi dominium siue hereditatem filio succedenti quia
viuens retinet sibi ipsi et mortuus non potest quicquam dare,
set iure naturali aliis paribus aliunde est ipsum
dominium siue hereditas in filium deriuatum cum pater mortuus
fuerit set non ante. Ex hac responsione videtur sequi grauissimum peccatum esse aliquid alienare a filio legitimo et herede quia peccatum contra legem nature et sic non solum vendiciones dominiorum vel donaciones, set etiam ipsarum ecclesiarum dotaciones cum hec omnia excludunt heredem a multis dominiis et sic a iure suo naturali videntur illicita et prophana quia contra ius naturale quod semper obligat et pro semper.

Obieccio

Responsio

2^o

Respondetur quod valde licitum, immo meritorium esse patri in casibus certis et certis de causis facere huiusmodi alienaciones a filio suo naturali sicut in causa quo de suis dominiis sibi heredem constitueret meliorem ipsa dominia deo et ecclesie conferendo; vel in causa quo videret filium suum malum futurum

3^o

et ipsa dominia contra deum et conscienciam dissipaturum, tunc mereretur dando vel vendendo alteri meliori; vel in 3^o, in causa quo pater corporali sustentacione plurimum indigeret nec haberet tam congruum releuamen¹ quia filius et quicumque²

4^{to}

successor debet naturaliter compati patri et dampnum sufferre si oporteret ut debite pater subleuetur. Quarto per forisfaccionem patris, sicut tangitur hic interius, alienatur hereditas a filiis et hoc iuste, quia filius legitimus patris forisfaciens contra regem non potest hereditatem iuste a rege vindicare, sicut nec nos hereditatem terrestrem aut celestem, / postquam primus pater noster forisfecerat, poterimus de iusticia vindicare set solum misericordia iesu Christi qui debellando per iusticiam nos redemit, iam ^{vnamque} hereditatem iustissime vendicamus. In hiis et casibus huiusmodi pro delicto debite puniendo, pro maiori commodo sequendo vel maiori incommodo precauendo poterit pater licite, immo teneretur pro commutatione in melius facienda, possessiones suas quascunque libere alienare pro semper de suo naturali filio et herede et per idem, de quocunque autem qui sibi defuncto succederet in easdem, immo multo amplius mereretur talis pater et proficeret tam sibi quam progenitoribus et successoribus suis deum et ecclesiam heredem sibi in suis possessionibus statuendo,

[f.107]

¹ MS. - 'leuamen', with interlineation 're'.

² MS. - 'quiscunque'.

et incomparabiliter securius faceret quam illas possessiones suas carnali filio vel heredi alteri relinquendo de quo nescit an discretus vel faciens sit futurus, cum de ecclesia constet quod nuncquam errabit bonis huiusmodi et dominiis abutendo, quamuis forte persone ecclesie habentes ad tempus custodiam talium temporalium errent dominia huiusmodi dissipando quia non illis personis set deo et ecclesie sponse sue sunt omnia illa data, et ideo conferentes et dotantes ecclesiam nichil meriti sui per^dent propter culpam aut insolenciam ministrorum. Hiis igitur et huiusmodi causis necessariis est hereditas licite iuste ac meritorie alienanda alio quin iure naturali aliis paribus aliunde est ipsum dominium et hereditas in filium deriuatum et illa communiter in alios successores naturales et similiter in alios assignatos quibus ex causis legitimis fuerit huiusmodi dominium vel hereditas venditum vel donatum ab ipso patre, siue primo radicaliter siue post successorie huiusmodi dominium obtinente. Constat enim quod filius quicumque¹ siue heres succedens patri quia est portio patris sui secundum Philosophum 8^o Ethicorum capitulo 12^o, vbi dicit quod parentes diligunt filios quasi seipsos quia sunt ab ipsis velud alteri ipsi set quodammodo separati ita quod filius remanet quasi idem

¹ MS. - 'quicumque'.

[f. 107b]

semper homo cum patre ad humanam speciem obseruandam.

[v. 3-6]

Immo Ecclesiastici 30:² / Qui docet filium suum in zelum
mittit inimicum et in medio amicorum gloriabitur in illo.
Mortuus est pater illius³ et quasi non est mortuus, similem
enim sibi reliquit post se. in vita sua vidit et letatus
est in eo,⁴ in obitu suo non est contristatus nec confusus
est coram inimicis. Reliquit enim defensorem domus contra
inimicos et amicis reddentem gratiam, etc.; iuxta quod de

[v. 3]

primo homine scribitur Gen. 5^{to}: vixit Adam 130 annis, et
genuit filium ad imaginem et similitudinem suam, vocauitque
nomen eius Seth, etc. Ita quod et si pater moritur, in
persona tamen in ymagine et similitudine et sic in natura

[v. 35]

quodammodo semper manet sic filius manet in domo in eternum,
1oh. 8^o. Non in persona set in successione filiorum
productorum ad ymaginem et similitudinem suam quomodo in
filiis sic succedentibus semper remanet primus pater, non in
indiuiduo personali set in spe et in natura; vnde est quod
pater, non tamen pro tempore quo personaliter vixerit in hoc
mundo set etiam perpetuo huius mundi in quo se viuit, in filiis
tanquam partibus seu porcionibus quamuis ab eo separatis habet
disponere de temporalibus et dominio eorundem. in cuius signum

² 30 - repeated on f. 107b.

³ v. 4 - 'ejus'.

⁴ v. 5 - 'illo'.

[v. 26]

cum dixisset deus ut Gen. 1^o: Faciamus hominem¹ ad ymaginem
et similitudinem nostram, et presit piscibus maris et
volatilibus celi et bestiis terre vniverseque creature
omnique reptili quod mouetur in terra, etc.² Et quia homo
corporaliter corrumpendus non poterat dominium illud in

[v. 28]

persona propria imperpetuum gubernare, addidit: Crescite et
multiplicamini et replete terram et subicite eam et dominamini
piscibus maris et volatilibus celi et vniversis animantibus que
mouentur super terram, etc. Tanquam dicere voluisset deus quia
illud dominium naturale hominis secundum speciem et naturam non
poterit continuari in vnico indiuiduo cui radicaliter datum erat,
ideo addidit pluraliter, Crescite et multiplicamini et dominamini,
etc. Quatinus ille si non forisfecerit aut alienauerit dominium
in verbis / quia partibus et successoribus suis imperpetuum
dominentur et vos ex ipso dominemini, et sic continetur eius
dominium, immo sicut secundum apostolum Rom. 5, in peccato primi
parentis omnes peccauerunt et forisfecerunt, non tamen terrenum
dominium et hereditatem set celeste, eo quod omnes in lumbis eius
fuerant quando ipse sic peccauit et per inobedienciam forisfecit.
Ita quod forisfaccio seu perdicio domini vel hereditatis non
tamen pertinet ad ipsum parentem perdentem vel forisfacientem

[f. 108]

¹ 'hominem' is an interlinear addition.

² v. 26 - '... et bestiis terre vniverseque omnique reptili...'

Confirmacio

pro sua periodo siue vita indiuiduali et personali set pro omnibus sibi succedentibus et de eo exituris, ne quid iuris in ipso sic perduto vncquam vindicare potuerunt quia ipso perdentem omnes posteri sui perdunt vel saltem carent vel puri^{fic}antur omni titulo illud perditum vindicandi. Et sicut forisfacere vel perdere posset parens non tamen pro se set etiam pro suis successoribus et posteris quibuscunque sic per idem posset dominium huiusmodi vel hereditatem conferre, vendere vel quomodocunque aliter alienare rationaliter ab eisdem. Confirmat istud processus ille apostoli Heb. 7^o dictum de Abraham patriarcha qui decimas dedit Melchisedech sacerdoti et per hoc probat apostolus quod tribus Leui qui a fratribus suis decimas accepit ^fuerat sacerdocio Melchisedech decimata, quia adhuc Leui in lumbis patris sui Abrahe fuerat quando ipsi Melchisedech Abraham decimas dedit, quia in hoc omnes illi leuitici quia ad tunc erant in lumbis Abraham patris sui decimas dedunt. Ex quo igitur omnes posteri Adam¹ in peccato ipsius Adam peccauerunt quamuis quando peccauit Adam non personaliter fuerant set solum radicaliter seu seminaliter in lumbis ipsius Adam. Similiter quando Abraham decimas obtulit Melchisedech sacerdoti omnes posteri ipsius

¹ In MS., 'Abraham' follows 'Adam', but is scored through.

[f. 108b.]

Abraham de tribu⁹ Leui decimas obtulerunt, quamuis nullus eorum tunc personaliter set solum causaliter siue seminaliter in lumbis fuerat Abraham patris sui. Ergo a simili omnes posterii ipsius patris vendentis ecclesie, conferentis seu quomodocunque licite alienantis temporalia sua ipsi posterii etiam pro se, quamuis pro tunc personaliter non fuerit set solummodo radicaliter, / causaliter seu seminaliter in lumbis talis/patris vendunt ecclesie, conferunt [seu] alienant temporalia huiusmodi, sicut pater saltem alienantur ab omnibus posteris equaliter et eque iuste, sicut a patre primo alienante quia filio et heredi nuncquam accresceret ius hereditarium de iure naturali nisi patre suo ius illud retinente vsque ad completum terminum vite sue. Et per hoc cum ista 2^a obiectione principali assumitur pro maiore quod nemo potest ius vltterius alteri dare vel concedere in istis temporalibus, etc. Conceditur maior illa, et cum additur in minore, set nemo potest ius in persona sua ad dominandum, etc., negatur, quia ut dictum est parens siue primus siue posterior in quem a priore parente ius dominandi huiusmodi est transfusum, habet in persona sua ius ad dominandum istis temporalibus etiam vltra suam periodum, non tamen in persona sua indiuiduali set in successoribus suis

Responsio ad 2^{am}
obieccionem
principalem.

Ad 2am
obieccionem in
eodem

[f. 109]

Ad
confirmacionem.

tanquam partibus suis et alteris ipso in quelibet viuit; et si dominium suum non alienauerit eciam dominatur, sicut est iam superius declaratum, et ideo tam communa quam communus et quicquid vltorius adducitur est negandum, scilicet quod periodum suam non poterit transfundere, etc., et quod omnes carte perpetuitatis donacionum, vendicionum, etc., impossibiles sint et false. Ad 2am obieccionem cum assumitur quod in donacione seu dacione oportet quod datarius seu donatarius dominium seu datum huiusmodi a donatore recipiat vel datore quia non sufficit voluntas datoris vel donatoris, et cetera, concedetur. Et cum vltorius assumitur quod datarius donum non recipit a datore nisi similes fuerint donatarius siue datarius et donator, concedetur eciam, quia generaliter iuxta predicta similes sunt donatarius huiusmodi et donator vel in personis propriis indiuidualibus vel in suis successoribus quasi eorum vicariis ^{seu} / procuratoribus sufficientibus ad donacionem huiusmodi¹ conseruandam. Et cum vltorius concluditur, ergo iam existens non potest dominium seu donum aliud transferre, etc., constat ex iam dictis quod communa est neganda, immo oppositum sequitur satis plane. Et per hec dicitur ad confirmacionem quod huiusmodi

¹ 'huiusmodi' is an interlinear addition.

Ad 3^{am} in eodem

donacio semper sit cum condicione quod donatarius huiusmodi recipiat huiusmodi donacionem cum tempus sibi recipiendi aduenerit alias reddit ipsum donatum ad primum donatorem vel ad suos in huiusmodi successores. Ad terciam cum assumitur quod nullus potest habere dominium super aliqua bona dei nisi existens in gratia que eum, etc., conceditur quod nullus habere poterit dominium nisi sub dominio et erga domini principalis, qualis dominus non est aliquis nisi deus qui gratiose per dominum nostrum Iesum restituit primo in spe et deinde in re humano generi dominium naturaliter sibi datum set statim perditum per peccatum, sicut est alibi declaratum; et in dies restituit seu confert de nouo cuilibet heredi suis parentibus succedenti, quia nec dare nec vendere nec alienare nec commutare nec quocunque modo alio licite se interponere poterit homo aliis de dominio istorum temporalium nisi ipse prius habuerit Christus gratiam baptismalem. Similiter ex parte alia non poterit quis emere, querere vel quomodocunque succedere in dominium istorum temporalium nisi prius receperit eandem gratiam baptismalem. Et sicut inter homines de iure, priuilegio, consuetudine vel parentum beneplacito est prouisum quod mortuo patre et herede filio non dum nato vel infra etatem

[r. 109b.]

legittimam existente, dominus superior vel alius ad quod spectat habebit custodiam domini quod fuerat illius patris et heredis vsque peruenerit heres talis ad etatem legittimam quo dominium huiusmodi poterit debite gubernare; nec talis custos pro tempore custodie est dominus illorum temporalium set solum custos ad prouidendum ne illa temporalia vastentur, indebite alienentur vel quomodocunque deteriorentur pro tempore quo filius seu heres talis ob defectum etatis vel sciencie non fuerit plenarie sui iuris. Sic pater noster Christus et ecclesia mater nostra cum in solos / baptizantes est dominium temporalium restitutum prouidit ut patre baptizato mortuo dominium, quod fuerat talis patris, deuoluatur ad heredem per¹ christianum baptizatum², talis tam hereditatis seu domini reuolucio ad heredem est fundamentaliter, causaliter et primarie donacio siue restitucio huiusmodi domini seu hereditatis facta per dominum Iesum Christum. Et dato quod filius qui foret heres proximus patre suo mortuo non dum natus sit carnaliter vel non per baptismum pspiritualiter regeneratus, quia heres domini temporalium esse non poterit quousque fuerit baptizatus, set vsque ad eius baptismum illud dominium vt est dictum deuoluitur ad proximum baptizatum, et ideo filio baptizato sibi a Christo

¹ MS. - 'pro'.

² MS. - 'batizatum'.

Ad argumentum

et ecclesia restituitur seu confertur ipsum dominium quod fuerat patris sui, nec in hoc fit alteri iniuria qui occupauerat illud prius quia solum vsque ad baptismum fieri non dum baptizati fuerat sibi illud dominium deuolutum. Vnde ad obieccionem illam 3^{am} conceditur quod nullus habere poterit dominium super aliqua bona dei nisi existens in gratia dei que eum gratificet deo suo. Et cum vltterius assumitur quod non sit in hominis potestate facere quod aliis cum heredibus suis, etc., dicitur quod hec est condicio necessario inclusa in omni vendicione, alienacione, empcione seu qualicunque commutatione licita istorum temporalium ut est dictum, vt Vtraque pars huiusmodi commutationis sit in gratia et beneplacito principalis domini puta dei, et sub tali condicione fiunt carte vendicionum seu collacionum talium imperpetuum et non aliter, ita quod carte propter condicionem huiusmodi necessario inclusam satis perpetue sunt et vere ac collaciones seu vendiciones vel alienaciones tales satis firme, non obstante peccato huiusmodi originali / quia de pleno remedio talis originalis prouisum est per dominum Iesum Christum, ita quod donaciones seu collaciones huiusmodi imperpetuum facte non minus valent propter peccatum huiusmodi originale interueniens, ut est dictum. Ad quartam obieccionem

[f. 110.]

Ad 4^{am} in eodem

de collacionibus seu alienacionibus non vltra diem iudicii
et sic non imperpetuum duraturis, dicitur quod perpetuitas
secundum modum communem loquendi de perpetuitate cartarum
talium cartarum/ad diem iudicii ad vltimum terminum suum
ponit, nec est intencio conferentis nec eciam recipientis
vltra illum terminum collacionem vel donacionem huiusmodi
prorogare: ideo hec quarta obieccio contra perpetuitates
huiusmodi huius vite sicut ceremonialia seu legalia
quecunque in lege antiqua precepta pro perpetuo obseruari,
nec in se nec in signatis per ea, sicut constat liquido
sunt obseruanda nisi solum pro perpetuo huius vite. Hiis
igitur obieccionibus non obstantibus, stat illud motium
septimum sicut cetera motiua precedencia firmiter roborata,
quatinus illi vulpeculi maledicti intentes materna viscera
lacerare in propria malicia luculencius confundantur, et
domina mater nostra ecclesia sponsa Christi in suis
possessionibus et honoribus preseruetur. Amen.

Explicit contra garulos dotacionem ecclesie inpugnantes.

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